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Elizabeth A. Brown  
Clerk of Supreme Court

NTC  
TODD M. LEVENTHAL, ESQ.  
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California Bar No.: 223577  
626 S. Third St.  
Las Vegas, Nevada 89101  
leventhalandassociates@gmail.com  
(702) 472-8686  
Attorney for Defendant,

**DISTRICT COURT  
CLARK COUNTY NEVADA**

THE STATE OF NEVADA

Case No.: 06C228460-2

Plaintiff,

vs.

Dept No.: 12

JEMAR D. MATTHEWS

**NOTICE OF APPEAL**

Defendant.

TO: THE STATE OF NEVADA  
STEVEN B. WOLFSON, DISTRICT ATTORNEY, CLARK COUNTY NEVADA AND  
DEPARTMENT NO. XII OF THE EIGHTH JUDICIAL DISTRICT COURT OF THE  
STATE OF NEVADA, IN AND FOR THE COUNTY OF CLARK.

NOTICE is hereby given that Defendant, JEMAR D. MATTHEWS, presently  
incarcerated at Clark County Detention Center, appeals to the Supreme Court of the State of  
Nevada from the judgment of conviction entered against said Defendant on the 24 day of  
February, 2022, whereby he was convicted and SENTENCED to the Nevada Department of  
Corrections (NDC). The Judgment of Conviction is attached hereto as exhibit 1:

DATED this 1 day of March, 2022.

Respectfully Submitted,

TODD M. LEVENTHAL, ESQ.  
Nevada Bar No.: 8543  
626 South Third Street  
Las Vegas, NV 89101  
leventhalandassociates@gmail.com  
(702) 472-8686  
Attorney for Defendant

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2  
3 **CERTIFICATE OF SERVICE**

4 I hereby certify that on 1st day of March 2022 a true and correct copy of the, **Notice of**  
5 **Appeal** was addressed to the parties below, to be served as follows:

6 ☒ By placing a true and correct copy of the same to be deposited for mailing in the U.S.  
7 Mail, enclosed in a sealed envelope upon which regular first class mail was fully prepaid.  
8

9 ☐ via facsimile; email and/or

10 ☐ by hand delivery to the parties listed below; and/or

11 ☒ by electronic service to all parties listed via ODYSSEY eFileNV.  
12

13 State of Nevada: estee.delpadre@clarkcountyda.com  
14 Marc.digiacomio@clarkcountyda.com  
15 Eileen.davis@clarkcountyda.com

16 Jemar Matthew: Clark County Detention Center  
17 Inmate # 01956579  
18 330 South Casino Center Blvd.  
19 Las Vegas, NV 89101

20 /s/ Maribel Godinez  
21 Employee of Leventhal and Associates, PLLC.  
22  
23  
24  
25  
26  
27  
28

# Exhibit 1

*Hebert L. Smith*  
CLERK OF THE COURT

1 AJOC  
2  
3  
4

5 DISTRICT COURT  
6 CLARK COUNTY, NEVADA

7 THE STATE OF NEVADA,

8 Plaintiff,

9 -vs-

CASE NO. 06C228460-2

DEPT. NO. XII

10 JEMAR MATTHEWS  
11 aka Jemar Demon Matthews  
12 #1956579

13 Defendant  
14

15 SECOND AMENDED JUDGMENT OF CONVICTION  
16 (JURY TRIAL)

17 The Defendant previously entered a plea of not guilty to the crimes of COUNT 1 –  
18 CONSPIRACY TO COMMIT MURDER (Category B Felony) in violation of NRS 199.480,  
19 200.010, 200.030; COUNT 2 – MURDER WITH USE OF A DEADLY WEAPON (Category A  
20 Felony) in violation of NRS 200.010, 200.030, 193.165; COUNTS 3, 4, 5 - ATTEMPT  
21 MURDER WITH USE OF A DEADLY WEAPON (Category B Felony) in violation of NRS  
22 193.330, 200.020, 200.030, 193.165; COUNT 6 – POSSESSION OF A SHORT BARRELED  
23 RIFLE (Category D Felony) in violation of NRS202.275; COUNT 7 – CONSPIRACY TO  
24 COMMIT ROBBERY (Category B Felony) in violation of NRS 199.480, 200.380; COUNT 8 &  
25 9 – ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony) in violation of NRS  
26 200.380, 193.165; COUNT 10 & 11 – ASSAULT WITH A DEADLY WEAPON (Category B  
27 Felony) in violation of NRS 200.471; and the matter having been tried before a jury and the  
28 Defendant having been found guilty of the crimes of COUNT 1 – CONSPIRACY TO COMMIT

1 MURDER (Category B Felony) in violation of NRS 199.480, 200.010, 200.030; COUNT 2 –  
2 FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON (Category A Felony), in  
3 violation of NRS 200.010, 200.030, 193.165; COUNT 3 – ATTEMPT MURDER WITH USE OF  
4 A DEADLY WEAPON (Category B Felony), in violation NRS 193.330, 200.020, 200.030,  
5 193.165; COUNT 4 – ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (Category B  
6 Felony), in violation of NRS 193.330, 200.020, 200.030, 193.165; COUNT 5 – ATTEMPT  
7 MURDER WITH USE OF A DEADLY WEAPON (Category B Felony), in violation of NRS  
8 193.330, 200.020, 200.030, 193.165; COUNT 6 – POSSESSION OF SHORT BARRELED  
9 RIFLE (Category D Felony), in violation of NRS 202.275; COUNT 7 – CONSPIRACY TO  
10 COMMIT ROBBERY (Category B Felony), in violation of NRS 199.480, 200.380; COUNT 8 –  
11 ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony), in violation of NRS  
12 200.380, 193.165, COUNT 9 – ROBBERY WITH USE OF A DEADLY WEAPON (Category B  
13 Felony), in violation of NRS 200.380, 193.165; COUNT 10 – ASSAULT WITH A DEADLY  
14 WEAPON (Category B Felony), in violation of NRS 200.471; COUNT 11 – ASSAULT WITH A  
15 DEADLY WEAPON (Category B Felony), in violation of NRS 200.471, thereafter, on the 9th  
16 day of July, 2007, the Defendant was present in court for sentencing with his counsel,  
17 DAYVID J. FIGLER, ESQ. and DANIEL BUNIN, ESQ., and good case appearing,

18  
19  
20 THE DEFENDANT WAS HEREBY ADJUDGED guilty of said offense(s) and, in  
21 addition to the \$25.00 Administrative Assessment Fee and \$150.00 DNA Analysis Fee  
22 including testing to determine genetic markers, the Defendant SENTENCED to the Nevada  
23 Department of Corrections (NDC) as follows: AS TO COUNT 1 – TO A MAXIMUM of ONE  
24 HUNDRED TWENTY (120) MONTHS with a MINIMUM parole Eligibility of TWENTY-SIX (26)  
25 MONTHS; AS TO COUNT 2 – TO LIFE with a MINIMUM of Parole Eligibility of TWENTY (20)  
26 YEARS, plus an EQUAL and CONSECUTIVE term of LIFE with a MINIMUM Parole Eligibility  
27 of TWENTY (20) YEARS for the Use of a Deadly Weapon; AS TO COUNT 3 – TO A  
28

1 MAXIMUM of TWO HUNDRED FORTY (240) MONTHS with a MINIMUM Parole Eligibility of  
2 FORTY-EIGHT (48) MONTHS, plus an EQUAL and CONSECUTIVE term of TWO HUNDRED  
3 FORTY (240) MONTHS MAXIMUM and FORTY-EIGHT (48) MONTHS MINIMUM for the Use  
4 of a Deadly Weapon; AS TO COUNT 4 – TO A MAXIMUM of TWO HUNDRED FORTY (240)  
5 MONTHS with a MINIMUM Parole Eligibility of FORTY-EIGHT (48) MONTHS, plus an EQUAL  
6 and CONSECUTIVE term of TWO HUNDRED FORTY (240) MONTHS MAXIMUM and  
7 FORTY-EIGHT (48) MONTHS MINIMUM for the Use of a Deadly Weapon; AS TO COUNT  
8 5 – TO A MAXIMUM of TWO HUNDRED FORTY (240) MONTHS with a MINIMUM Parole  
9 Eligibility of FORTY-EIGHT (48) MONTHS, plus an EQUAL and CONSECUTIVE term of TWO  
10 HUNDRED FORTY (240) MONTHS MAXIMUM and FORTY-EIGHT (48) MONTHS MINIMUM  
11 for the Use of Deadly Weapon; AS TO COUNT 6 – TO A MAXIMUM of FORTY-EIGHT (48)  
12 MONTHS with a MINIMUM Parole Eligibility of TWELVE (12) MONTHS; AS TO COUNT 7 –  
13 TO A MAXIMUM of SEVENTY-TWO (72) MONTHS with a MINIMUM Parole Eligibility of  
14 TWELVE (12) MONTHS; AS TO COUNT 8 – TO A MAXIMUM of ONE HUNDRED EIGHTY  
15 (180) MONTHS with a MINIMUM Parole Eligibility of FORTY (40) MONTHS, plus an EQUAL  
16 and CONSECUTIVE term of ONE HUNDRED EIGHTY (180) MONTHS MAXIMUM and  
17 FORTY (40) MONTHS MINIMUM for the Use of a Deadly Weapon; AS TO COUNT 9 – TO A  
18 MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS with a MINIMUM Parole Eligibility of  
19 FORTY (40) MONTHS, plus an EQUAL and CONSECUTIVE term of ONE HUNDRED  
20 EIGHTY (180) MONTHS MAXIMUM and FORTY (40) MONTHS MINIMUM for the Use of a  
21 Deadly Weapon; AS TO COUNT 10 – TO A MAXIMUM of SEVENTY-TWO (72) MONTHS  
22 with a MINIMUM Parole Eligibility of SIXTEEN (16) MONTHS; AS TO COUNT 11 – TO A  
23 MAXIMUM OF SEVENTY-TWO (72) MONTHS with a MINIMUM Parole Eligibility of SIXTEEN  
24 (16) MONTHS; ALL COUNTS TO RUN CONCURRENT; with THREE HUNDRED (300) DAYS  
25 credit for time served.  
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1       The Defendant previously entered a plea of not guilty to the crimes of COUNT 1 –  
2 CONSPIRACY TO COMMIT MURDER (Category B Felony) in violation of NRS 200.010,  
3 200.030, 199.480; COUNT 2 – MURDER WITH USE OF A DEADLY WEAPON (Category A  
4 Felony) in violation of NRS 200.010, 200.030, 193.165; COUNT 3 – ATTEMPT MURDER  
5 WITH USE OF A DEADLY WEAPON (Category B Felony) in violation of NRS 200.010,  
6 200.030, 193.330, 193.165; COUNT 4 – ATTEMPT MURDER WITH USE OF A DEADLY  
7 WEAPON (Category B Felony) in violation of NRS 200.010, 200.030, 193.330, 193.165;  
8 COUNT 5 – ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (Category B Felony)  
9 in violation of NRS 200.010, 200.030, 193.330, 193.165; COUNT 6 – POSSESSION OF A  
10 SHORT BARRELED RIFLE (Category D Felony) in violation of NRS 202.275; COUNT 7 –  
11 CONSPIRACY TO COMMIT ROBBERY (Category B Felony) in violation of NRS 200.380,  
12 199.480; COUNT 8 – ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony) in  
13 violation of NRS 200.380, 193.165; COUNT 9 – ROBBERY WITH USE OF A DEADLY  
14 WEAPON (Category B Felony) in violation of NRS 200.380, 193.165; COUNT 10 – ASSAULT  
15 WITH A DEADLY WEAPON (Category B Felony) in violation of NRS 200.471; and COUNT  
16 11 – ASSAULT WITH A DEADLY WEAPON (Category B Felony) in violation of NRS  
17 200.471, and the matter having been **tried before a jury**, and the Defendant having been  
18 found guilty of the crimes of COUNT 1 – CONSPIRACY TO COMMIT MURDER (Category B  
19 Felony) in violation of NRS 200.010, 200.030, 199.480; COUNT 2 – FIRST DEGREE  
20 MURDER WITH USE OF A DEADLY WEAPON (Category A Felony) in violation of NRS  
21 200.010, 200.030, 193.165; COUNT 3 – ATTEMPT MURDER WITH USE OF A DEADLY  
22 WEAPON (Category B Felony) in violation of NRS 200.010, 200.030, 193.330, 193.165;  
23 COUNT 4 – ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (Category B Felony)  
24 in violation of NRS 200.010, 200.030, 193.330, 193.165; COUNT 5 – ATTEMPT MURDER  
25 WITH USE OF A DEADLY WEAPON (Category B Felony) in violation of NRS 200.010,  
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1 200.030, 193.330, 193.165; COUNT 6 – POSSESSION OF A SHORT BARRELED RIFLE  
2 (Category D Felony) in violation of NRS 202.275; COUNT 7 – CONSPIRACY TO COMMIT  
3 ROBBERY (Category B Felony) in violation of NRS 200.380, 199.480; COUNT 8 – ROBBERY  
4 WITH USE OF A DEADLY WEAPON (Category B Felony) in violation of NRS 200.380,  
5 193.165; COUNT 9 – ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony) in  
6 violation of NRS 200.380, 193.165; COUNT 10 – ASSAULT WITH A DEADLY WEAPON  
7 (Category B Felony) in violation of NRS 200.471; and COUNT 11 – ASSAULT WITH A  
8 DEADLY WEAPON (Category B Felony) in violation of NRS 200.471; thereafter, on the 5<sup>th</sup>  
9 day of December, 2018, the Defendant was present in court for **sentencing** with counsel  
10 TODD LEVENTHAL, ESQ. and RICHARD TANASI, ESQ., and good cause appearing,  
11

12 THE DEFENDANT WAS ADJUDGED guilty of said offense(s) and, in addition to the  
13 \$25.00 Administrative Assessment Fee, \$150.00 DNA Analysis Fee including testing to  
14 determine genetic markers plus \$3.00 DNA Collection Fee, the Defendant sentenced to the  
15 Nevada Department of Corrections (NDC) as follows: **COUNT 1** – a MAXIMUM of ONE  
16 HUNDRED TWENTY (120) MONTHS with a MINIMUM parole eligibility of TWENTY-SIX (26)  
17 MONTHS; **COUNT 2** – LIFE with the eligibility of parole after serving a MINIMUM of TWENTY  
18 (20) YEARS, plus a CONSECUTIVE term of LIFE with the eligibility of parole after serving a  
19 MINIMUM of TWENTY (20) YEARS for the Use of a Deadly Weapon, CONCURRENT with  
20 COUNT 1; **COUNT 3** – a MAXIMUM of TWO HUNDRED FORTY (240) MONTHS with a  
21 MINIMUM parole eligibility of FORTY-EIGHT (48) MONTHS, plus a CONSECUTIVE term of  
22 TWO HUNDRED FORTY (240) MONTHS with a MINIMUM parole eligibility of FORTY-EIGHT  
23 (48) MONTHS for the Use of a Deadly Weapon; CONCURRENT with COUNT 2; **COUNT 4** -  
24 a MAXIMUM of TWO HUNDRED FORTY (240) MONTHS with a MINIMUM parole eligibility of  
25 FORTY-EIGHT (48) MONTHS, plus a CONSECUTIVE term of TWO HUNDRED FORTY  
26 (240) MONTHS with a MINIMUM parole eligibility of FORTY-EIGHT (48) MONTHS for the  
27  
28

1 Use of a Deadly Weapon, CONCURRENT with COUNT 3; **COUNT 5** – a MAXIMUM of TWO  
2 HUNDRED FORTY (240) MONTHS with a MINIMUM parole eligibility of FORTY-EIGHT (48)  
3 MONTHS, plus a CONSECUTIVE term of TWO HUNDRED FORTY (240) MONTHS with a  
4 MINIMUM parole eligibility of FORTY-EIGHT (48) MONTHS for the Use of a Deadly Weapon,  
5 CONCURRENT with COUNT 4; **COUNT 6** - a MAXIMUM of FORTY-EIGHT (48) MONTHS  
6 with a MINIMUM parole eligibility of TWELVE (12) MONTHS, CONCURRENT with COUNT 5;  
7 **COUNT 7** – a MAXIMUM of SEVENTY-TWO (72) MONTHS with a MINIMUM parole eligibility  
8 of TWELVE (12) MONTHS, CONCURRENT with COUNT 6; **COUNT 8** - a MAXIMUM of ONE  
9 HUNDRED EIGHTY (180) MONTHS with a MINIMUM parole eligibility of FORTY (40)  
10 MONTHS, plus a CONSECUTIVE term of ONE HUNDRED EIGHTY (180) MONTHS with a  
11 MINIMUM parole eligibility of FORTY (40) MONTHS for the Use of a Deadly Weapon,  
12 CONCURRENT with COUNT 7; **COUNT 9** – a MAXIMUM of ONE HUNDRED EIGHTY (180)  
13 MONTHS with a MINIMUM parole eligibility of FORTY (40) MONTHS, plus a CONSECUTIVE  
14 term of ONE HUNDRED EIGHTY (180) MONTHS with a MINIMUM parole eligibility of FORTY  
15 (40) MONTHS for the Use of a Deadly Weapon, CONCURRENT with COUNT 8; **COUNT 10** -  
16 a MAXIMUM of SEVENTY-TWO (72) MONTHS with a MINIMUM parole eligibility of SIXTEEN  
17 (16) MONTHS, CONCURRENT with COUNT 9; and **COUNT 11** - a MAXIMUM of SEVENTY-  
18 TWO (72) MONTHS with a MINIMUM parole eligibility of SIXTEEN (16) MONTHS,  
19 CONCURRENT with COUNT 10; ALL COUNTS to run CONCURRENT with COUNT 2; with  
20 FOUR THOUSAND, FOUR HUNDRED FIFTY (4,450) DAYS credit for time served.  
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23 THEREAFTER, on the 17<sup>th</sup> day of September, 2019, pursuant to an inquiry of the  
24 Nevada Department of Corrections, COURT ORDERED; the Amended Judgment of  
25 Conviction reflects the following: The AGGREGATE TOTAL sentence of LIFE with the  
26 eligibility of parole after serving a MINIMUM of FORTY (40) YEARS is REMOVED from this  
27 sentence.  
28

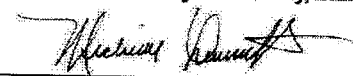
1       THEREAFTER, on the 4<sup>th</sup> day of February, 2022, pursuant to Supreme Court Order  
2 filed on July 9, 2020, Reversed and Remanded back to District Court; COURT ORDERED,  
3 the following: The Defendant previously entered a plea of not guilty to the crimes of COUNT 1  
4 – CONSPIRACY TO COMMIT MURDER (Category B Felony) in violation of NRS 200.010,  
5 200.030, 199.480; COUNT 2 – MURDER WITH USE OF A DEADLY WEAPON (Category A  
6 Felony) in violation of NRS 200.010, 200.030, 193.165; COUNT 3 – ATTEMPT MURDER  
7 WITH USE OF A DEADLY WEAPON (Category B Felony) in violation of NRS 200.010,  
8 200.030, 193.330, 193.165; COUNT 4 – ATTEMPT MURDER WITH USE OF A DEADLY  
9 WEAPON (Category B Felony) in violation of NRS 200.010, 200.030, 193.330, 193.165;  
10 COUNT 5 – ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (Category B Felony)  
11 in violation of NRS 200.010, 200.030, 193.330, 193.165; COUNT 6 – POSSESSION OF A  
12 SHORT BARRELED RIFLE (Category D Felony) in violation of NRS 202.275; COUNT 7 –  
13 CONSPIRACY TO COMMIT ROBBERY (Category B Felony) in violation of NRS 200.380,  
14 199.480; COUNT 8 – ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony) in  
15 violation of NRS 200.380, 193.165; COUNT 9 – ROBBERY WITH USE OF A DEADLY  
16 WEAPON (Category B Felony) in violation of NRS 200.380, 193.165; COUNT 10 – ASSAULT  
17 WITH A DEADLY WEAPON (Category B Felony) in violation of NRS 200.471; and COUNT  
18 11 – ASSAULT WITH A DEADLY WEAPON (Category B Felony) in violation of NRS  
19 200.471, and the matter having been **tried before a jury**, and the Defendant having been  
20 found guilty of the crimes of COUNT 1 – CONSPIRACY TO COMMIT MURDER (Category B  
21 Felony) in violation of NRS 200.010, 200.030, 199.480; COUNT 2 – FIRST DEGREE  
22 MURDER WITH USE OF A DEADLY WEAPON (Category A Felony) in violation of NRS  
23 200.010, 200.030, 193.165; COUNT 3 – ATTEMPT MURDER WITH USE OF A DEADLY  
24 WEAPON (Category B Felony) in violation of NRS 200.010, 200.030, 193.330, 193.165;  
25 COUNT 4 – ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (Category B Felony)

1 in violation of NRS 200.010, 200.030, 193.330, 193.165; COUNT 5 – ATTEMPT MURDER  
2 WITH USE OF A DEADLY WEAPON (Category B Felony) in violation of NRS 200.010,  
3 200.030, 193.330, 193.165; COUNT 6 – POSSESSION OF A SHORT BARRELED RIFLE  
4 (Category D Felony) in violation of NRS 202.275; COUNT 7 – CONSPIRACY TO COMMIT  
5 ROBBERY (Category B Felony) in violation of NRS 200.380, 199.480; COUNT 8 – ROBBERY  
6 WITH USE OF A DEADLY WEAPON (Category B Felony) in violation of NRS 200.380,  
7 193.165; COUNT 9 – ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony) in  
8 violation of NRS 200.380, 193.165; COUNT 10 – ASSAULT WITH A DEADLY WEAPON  
9 (Category B Felony) in violation of NRS 200.471; and COUNT 11 – ASSAULT WITH A  
10 DEADLY WEAPON (Category B Felony) in violation of NRS 200.471; thereafter, on the 4<sup>th</sup>  
11 day of February, 2022, the Defendant was present in court for **sentencing** with counsel  
12 TODD LEVENTHAL, ESQ. and RICHARD TANASI, ESQ., and good cause appearing,  
13

14 THE DEFENDANT IS ADJUDGED guilty of said offense(s) and, in addition to the  
15 \$25.00 Administrative Assessment Fee, \$150.00 DNA Analysis Fee including testing to  
16 determine genetic markers plus \$3.00 DNA Collection Fee, the Defendant sentenced to the  
17 Nevada Department of Corrections (NDC) as follows: **COUNT 1** – a MAXIMUM of ONE  
18 HUNDRED TWENTY (120) MONTHS with a MINIMUM parole eligibility of TWENTY-SIX (26)  
19 MONTHS; **COUNT 2** – LIFE with the eligibility of parole after serving a MINIMUM of TWENTY  
20 (20) YEARS, plus a CONSECUTIVE term of LIFE with the eligibility of parole after serving a  
21 MINIMUM of TWENTY (20) YEARS for the Use of a Deadly Weapon; **COUNT 3** – a  
22 MAXIMUM of TWO HUNDRED FORTY (240) MONTHS with a MINIMUM parole eligibility of  
23 FORTY-EIGHT (48) MONTHS, plus a CONSECUTIVE term of TWO HUNDRED FORTY  
24 (240) MONTHS with a MINIMUM parole eligibility of FORTY-EIGHT (48) MONTHS for the  
25 Use of a Deadly Weapon; **COUNT 4** - a MAXIMUM of TWO HUNDRED FORTY (240)  
26 MONTHS with a MINIMUM parole eligibility of FORTY-EIGHT (48) MONTHS, plus a  
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1 CONSECUTIVE term of TWO HUNDRED FORTY (240) MONTHS with a MINIMUM parole  
2 eligibility of FORTY-EIGHT (48) MONTHS for the Use of a Deadly Weapon; **COUNT 5** – a  
3 MAXIMUM of TWO HUNDRED FORTY (240) MONTHS with a MINIMUM parole eligibility of  
4 FORTY-EIGHT (48) MONTHS, plus a CONSECUTIVE term of TWO HUNDRED FORTY  
5 (240) MONTHS with a MINIMUM parole eligibility of FORTY-EIGHT (48) MONTHS for the  
6 Use of a Deadly Weapon; **COUNT 6** - a MAXIMUM of FORTY-EIGHT (48) MONTHS with a  
7 MINIMUM parole eligibility of TWELVE (12) MONTHS; **COUNT 7** – a MAXIMUM of  
8 SEVENTY-TWO (72) MONTHS with a MINIMUM parole eligibility of TWELVE (12) MONTHS;  
9 **COUNT 8** - a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS with a MINIMUM  
10 parole eligibility of FORTY (40) MONTHS, plus a CONSECUTIVE term of ONE HUNDRED  
11 EIGHTY (180) MONTHS with a MINIMUM parole eligibility of FORTY (40) MONTHS for the  
12 Use of a Deadly Weapon; **COUNT 9** – a MAXIMUM of ONE HUNDRED EIGHTY (180)  
13 MONTHS with a MINIMUM parole eligibility of FORTY (40) MONTHS, plus a CONSECUTIVE  
14 term of ONE HUNDRED EIGHTY (180) MONTHS with a MINIMUM parole eligibility of FORTY  
15 (40) MONTHS for the Use of a Deadly Weapon; **COUNT 10** - a MAXIMUM of SEVENTY-TWO  
16 (72) MONTHS with a MINIMUM parole eligibility of SIXTEEN (16) MONTHS; and **COUNT 11** -  
17 a MAXIMUM of SEVENTY-TWO (72) MONTHS with a MINIMUM parole eligibility of SIXTEEN  
18 (16) MONTHS; ALL COUNTS to run CONCURRENT with COUNT 2; with FIVE THOUSAND  
19 SIX HUNDRED SEVEN (5,607) DAYS credit for time served.  
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21  
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Dated this 24th day of February, 2022



6E8 E3C 64D6 C000  
Michelle Leavitt  
District Court Judge

1 CSERV

2  
3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA

5  
6 The State of Nevada vs Jemar D  
7 Matthews

CASE NO: 06C228460-2

8 DEPT. NO. Department 12

9  
10 **AUTOMATED CERTIFICATE OF SERVICE**

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

15 Service Date: 2/24/2022

16 TODD LEVENTHAL

leventhalandassociates@gmail.com

17 TODD LEVENTHAL

todlev@yahoo.com

18 Estee Del Padre

estee.delpadre@clarkcountyda.com

19 Marc Digiacomo

marc.digiacomo@clarkcountyda.com

20 Eileen Davis

eileen.davis@clarkcountyda.com

21  
22  
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24  
25  
26  
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**CASE No. 06C228460-2**

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Location: **Department 12**  
Judicial Officer: **Leavitt, Michelle**  
Filed on: **12/04/2006**  
Case Number History:  
Cross-Reference Case **C228460**  
Number:  
Defendant's Scope ID #: **1956579**  
ITAG Booking Number: **7**  
ITAG Case ID: **2244472**  
Lower Court Case # Root: **06F19196**  
Lower Court Case Number: **06F19196B**  
Supreme Court No.: **62241**  
**66844**  
**77751**

| Offense                                            | Statute    | Deg | Date       | Case Type:   | Felony/Gross Misdemeanor   |
|----------------------------------------------------|------------|-----|------------|--------------|----------------------------|
| 1. CONSPIRACY TO COMMIT MURDER                     | 200.010    | F   | 01/01/1900 | Case Status: | <b>02/24/2022   Closed</b> |
| 2. FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON | 200.030.1  | F   | 01/01/1900 |              |                            |
| 3. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON      | 200.010    | F   | 01/01/1900 |              |                            |
| 4. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON      | 200.010    | F   | 01/01/1900 |              |                            |
| 5. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON      | 200.010    | F   | 01/01/1900 |              |                            |
| 6. POSSESSION OF SHORT BARRELED RIFLE              | 202.275    | F   | 01/01/1900 |              |                            |
| 7. CONSPIRACY TO COMMIT ROBBERY                    | 200.380    | F   | 01/01/1900 |              |                            |
| 8. ROBBERY WITH USE OF A DEADLY WEAPON             | 200.380    | F   | 01/01/1900 |              |                            |
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| DATE | CASE ASSIGNMENT                    |
|------|------------------------------------|
|      | <b>Current Case Assignment</b>     |
|      | Case Number 06C228460-2            |
|      | Court Department 12                |
|      | Date Assigned 07/02/2018           |
|      | Judicial Officer Leavitt, Michelle |

**CASE SUMMARY****CASE NO. 06C228460-2****Defendant**      **Matthews, Jemar****Leventhal, Todd M.**  
*Court Appointed*  
702-472-8686(W)**Plaintiff**      **State of Nevada****Wolfson, Steven B**  
702-671-2700(W)















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



|            |                                                                                                                                                                                                                                                                 |            |
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## **DISPOSITIONS**

|            |                                                                                                                                    |
|------------|------------------------------------------------------------------------------------------------------------------------------------|
| 01/01/1900 | <b>Plea</b> (Judicial Officer: User, Conversion)<br>1. CONSPIRACY TO COMMIT MURDER<br>Guilty<br>PCN: Sequence:                     |
| 01/01/1900 | <b>Plea</b> (Judicial Officer: User, Conversion)<br>2. FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON<br>Guilty<br>PCN: Sequence: |
| 01/01/1900 | <b>Plea</b> (Judicial Officer: User, Conversion)<br>3. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON<br>Guilty<br>PCN: Sequence:      |

# CASE SUMMARY

CASE NO. 06C228460-2

|            |                                                                                                                                           |
|------------|-------------------------------------------------------------------------------------------------------------------------------------------|
| 01/01/1900 | <b>Plea</b> (Judicial Officer: User, Conversion)<br>4. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON<br>Guilty<br>PCN: Sequence:             |
| 01/01/1900 | <b>Plea</b> (Judicial Officer: User, Conversion)<br>5. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON<br>Guilty<br>PCN: Sequence:             |
| 01/01/1900 | <b>Plea</b> (Judicial Officer: User, Conversion)<br>6. POSSESSION OF SHORT BARRELED RIFLE<br>Guilty<br>PCN: Sequence:                     |
| 01/01/1900 | <b>Plea</b> (Judicial Officer: User, Conversion)<br>7. CONSPIRACY TO COMMIT ROBBERY<br>Guilty<br>PCN: Sequence:                           |
| 01/01/1900 | <b>Plea</b> (Judicial Officer: User, Conversion)<br>8. ROBBERY WITH USE OF A DEADLY WEAPON<br>Guilty<br>PCN: Sequence:                    |
| 01/01/1900 | <b>Plea</b> (Judicial Officer: User, Conversion)<br>9. ROBBERY<br>Guilty<br>PCN: Sequence:                                                |
| 01/01/1900 | <b>Plea</b> (Judicial Officer: User, Conversion)<br>10. ASSAULT WITH A DEADLY WEAPON<br>Guilty<br>PCN: Sequence:                          |
| 01/01/1900 | <b>Plea</b> (Judicial Officer: User, Conversion)<br>11. ASSAULT WITH A DEADLY WEAPON<br>Guilty<br>PCN: Sequence:                          |
| 07/09/2007 | <b>Disposition</b> (Judicial Officer: User, Conversion)<br>1. CONSPIRACY TO COMMIT MURDER<br>Guilty<br>PCN: Sequence:                     |
| 07/09/2007 | <b>Disposition</b> (Judicial Officer: User, Conversion)                                                                                   |
| 07/09/2007 | <b>Disposition</b> (Judicial Officer: User, Conversion)<br>2. FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON<br>Guilty<br>PCN: Sequence: |

# CASE SUMMARY

CASE NO. 06C228460-2

|            |                                                                                                                                      |
|------------|--------------------------------------------------------------------------------------------------------------------------------------|
| 07/09/2007 | <b>Disposition</b> (Judicial Officer: User, Conversion)                                                                              |
| 07/09/2007 | <b>Disposition</b> (Judicial Officer: User, Conversion)<br>3. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON<br>Guilty<br>PCN: Sequence: |
| 07/09/2007 | <b>Disposition</b> (Judicial Officer: User, Conversion)                                                                              |
| 07/09/2007 | <b>Disposition</b> (Judicial Officer: User, Conversion)<br>4. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON<br>Guilty<br>PCN: Sequence: |
| 07/09/2007 | <b>Disposition</b> (Judicial Officer: User, Conversion)                                                                              |
| 07/09/2007 | <b>Disposition</b> (Judicial Officer: User, Conversion)<br>5. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON<br>Guilty<br>PCN: Sequence: |
| 07/09/2007 | <b>Disposition</b> (Judicial Officer: User, Conversion)                                                                              |
| 07/09/2007 | <b>Disposition</b> (Judicial Officer: User, Conversion)<br>6. POSSESSION OF SHORT BARRELED RIFLE<br>Guilty<br>PCN: Sequence:         |
| 07/09/2007 | <b>Disposition</b> (Judicial Officer: User, Conversion)                                                                              |
| 07/09/2007 | <b>Disposition</b> (Judicial Officer: User, Conversion)<br>7. CONSPIRACY TO COMMIT ROBBERY<br>Guilty<br>PCN: Sequence:               |
| 07/09/2007 | <b>Disposition</b> (Judicial Officer: User, Conversion)                                                                              |
| 07/09/2007 | <b>Disposition</b> (Judicial Officer: User, Conversion)<br>8. ROBBERY WITH USE OF A DEADLY WEAPON<br>Guilty<br>PCN: Sequence:        |
| 07/09/2007 | <b>Disposition</b> (Judicial Officer: User, Conversion)                                                                              |
| 07/09/2007 | <b>Disposition</b> (Judicial Officer: User, Conversion)<br>9. ROBBERY WITH USE OF A DEADLY WEAPON<br>Guilty<br>PCN: Sequence:        |
| 07/09/2007 | <b>Disposition</b> (Judicial Officer: User, Conversion)                                                                              |
| 07/09/2007 | <b>Disposition</b> (Judicial Officer: User, Conversion)<br>10. ASSAULT WITH A DEADLY WEAPON                                          |

# CASE SUMMARY

CASE NO. 06C228460-2

Guilty  
PCN: Sequence:

07/09/2007 **Disposition** (Judicial Officer: User, Conversion)

07/09/2007 **Disposition** (Judicial Officer: User, Conversion)  
11. ASSAULT WITH A DEADLY WEAPON  
Guilty  
PCN: Sequence:

07/09/2007 **Disposition** (Judicial Officer: User, Conversion)

07/09/2007 **Adult Adjudication** (Judicial Officer: User, Conversion)  
1. CONSPIRACY TO COMMIT MURDER  
01/01/1900 (F) 200.010 (DC50038)  
PCN: Sequence:

---

Converted Disposition:  
Sentence# 0001:  
Minimum 26 Months to Maximum 120 Months  
Placement: NSP  
Converted Disposition:  
Sentence# 0002: CREDIT FOR TIME SERVED  
Minimum 300 Days to Maximum 300 Days  
Converted Disposition:  
Sentence# 0003: DNA FEE/GENETIC MARKERS ANALYSIS  
Amount: \$150.00  
Converted Disposition:  
Sentence# 0004: ADMINISTRATION FEE  
Amount: \$25.00

07/09/2007 **Adult Adjudication** (Judicial Officer: User, Conversion)  
2. FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON  
01/01/1900 (F) 200.030.1 (DC50006)  
PCN: Sequence:

---

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

07/09/2007 **Adult Adjudication** (Judicial Officer: User, Conversion)  
3. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON  
01/01/1900 (F) 200.010 (DC50031)  
PCN: Sequence:

---

Converted Disposition:  
Sentence# 0001:  
Minimum 48 Months to Maximum 240 Months  
Placement: NSP  
Cons/Conc: Concurrent  
w/Charge Item: 0005  
and Sentence#: 0001  
Converted Disposition:

# CASE SUMMARY

CASE NO. 06C228460-2

07/09/2007

Sentence# 0002:  
Minimum 48 Months to Maximum 240 Months  
Placement: NSP  
Cons/Conc: Consecutive  
w/Charge Item: 0007  
and Sentence#: 0001

**Adult Adjudication** (Judicial Officer: User, Conversion)

4. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON  
01/01/1900 (F) 200.010 (DC50031)  
PCN: Sequence:

Converted Disposition:  
Sentence# 0001:  
Minimum 48 Months to Maximum 240 Months  
Placement: NSP  
Cons/Conc: Concurrent  
w/Charge Item: 0007  
and Sentence#: 0001

Converted Disposition:  
Sentence# 0002:  
Minimum 48 Months to Maximum 240 Months  
Placement: NSP  
Cons/Conc: Consecutive  
w/Charge Item: 0011  
and Sentence#: 0001

07/09/2007

**Adult Adjudication** (Judicial Officer: User, Conversion)

5. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON  
01/01/1900 (F) 200.010 (DC50031)  
PCN: Sequence:

Converted Disposition:  
Sentence# 0001:  
Minimum 48 Months to Maximum 240 Months  
Placement: NSP  
Cons/Conc: Concurrent  
w/Charge Item: 0011  
and Sentence#: 0001

Converted Disposition:  
Sentence# 0002:  
Minimum 48 Months to Maximum 240 Months  
Placement: NSP  
Cons/Conc: Consecutive  
w/Charge Item: 0015  
and Sentence#: 0001

07/09/2007

**Adult Adjudication** (Judicial Officer: User, Conversion)

6. POSSESSION OF SHORT BARRELED RIFLE  
01/01/1900 (F) 202.275 (DC51435)  
PCN: Sequence:

Converted Disposition:  
Sentence# 0001:  
Minimum 12 Months to Maximum 48 Months  
Placement: NSP  
Cons/Conc: Concurrent  
w/Charge Item: 0015  
and Sentence#: 0001

07/09/2007

**Adult Adjudication** (Judicial Officer: User, Conversion)

7. CONSPIRACY TO COMMIT ROBBERY  
01/01/1900 (F) 200.380 (DC50147)  
PCN: Sequence:

# CASE SUMMARY

CASE NO. 06C228460-2

07/09/2007

Converted Disposition:

Sentence# 0001:  
Minimum 12 Months to Maximum 72 Months  
Placement: NSP  
Cons/Conc: Concurrent  
w/Charge Item: 0019  
and Sentence#: 0001

Converted Disposition:

Sentence# 0002:  
Minimum 12 Months to Maximum 72 Months  
Placement: NSP  
Cons/Conc: Consecutive  
w/Charge Item: 0020  
and Sentence#: 0001

**Adult Adjudication** (Judicial Officer: User, Conversion)

8. ROBBERY WITH USE OF A DEADLY WEAPON  
01/01/1900 (F) 200.380 (DC50138)  
PCN: Sequence:

Converted Disposition:

Sentence# 0001:  
Minimum 40 Months to Maximum 180 Months  
Placement: NSP  
Cons/Conc: Concurrent  
w/Charge Item: 0020  
and Sentence#: 0001

Converted Disposition:

Sentence# 0002:  
Minimum 40 Months to Maximum 180 Months  
Placement: NSP  
Cons/Conc: Consecutive  
w/Charge Item: 0022  
and Sentence#: 0001

07/09/2007

**Adult Adjudication** (Judicial Officer: User, Conversion)

9. ROBBERY WITH USE OF A DEADLY WEAPON  
01/01/1900 (F) 200.380 (DC50138)  
PCN: Sequence:

Converted Disposition:

Sentence# 0001:  
Minimum 40 Months to Maximum 180 Months  
Placement: NSP  
Cons/Conc: Concurrent  
w/Charge Item: 0022  
and Sentence#: 0001

Converted Disposition:

Sentence# 0002:  
Minimum 40 Months to Maximum 180 Months  
Placement: NSP  
Cons/Conc: Consecutive  
w/Charge Item: 0024  
and Sentence#: 0001

07/09/2007

**Adult Adjudication** (Judicial Officer: User, Conversion)

10. ASSAULT WITH A DEADLY WEAPON  
01/01/1900 (F) 200.471.2b (DC50201)  
PCN: Sequence:

Converted Disposition:

Sentence# 0001:  
Minimum 16 Months to Maximum 72 Months

# CASE SUMMARY

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|            |                                                                                                                                                                                                                                                                                                                                                                                |
|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            | <p>Placement: NSP<br/> Cons/Conc: Concurrent<br/> w/Charge Item: 0024<br/> and Sentence#: 0001</p>                                                                                                                                                                                                                                                                             |
| 07/09/2007 | <p><b>Adult Adjudication</b> (Judicial Officer: User, Conversion)<br/> 11. ASSAULT WITH A DEADLY WEAPON<br/> 01/01/1900 (F) 200.471.2b (DC50201)<br/> PCN: Sequence:</p> <hr/> <p>Converted Disposition:<br/> Sentence# 0001:<br/> Minimum 16 Months to Maximum 72 Months<br/> Placement: NSP<br/> Cons/Conc: Concurrent<br/> w/Charge Item: 0026<br/> and Sentence#: 0001</p> |
| 03/31/2017 | <p><b>Amended Disposition</b> (Judicial Officer: User, Conversion) Reason: Appeal<br/> Reversed/Remanded<br/> 1. CONSPIRACY TO COMMIT MURDER<br/> Appeal Reversed/Remanded<br/> PCN: Sequence:</p>                                                                                                                                                                             |
| 03/31/2017 | <p><b>Amended Disposition</b> (Judicial Officer: User, Conversion) Reason: Appeal<br/> Reversed/Remanded<br/> 2. FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON<br/> Appeal Reversed/Remanded<br/> PCN: Sequence:</p>                                                                                                                                                         |
| 03/31/2017 | <p><b>Amended Disposition</b> (Judicial Officer: User, Conversion) Reason: Appeal<br/> Reversed/Remanded<br/> 3. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON<br/> Appeal Reversed/Remanded<br/> PCN: Sequence:</p>                                                                                                                                                              |
| 03/31/2017 | <p><b>Amended Disposition</b> (Judicial Officer: User, Conversion) Reason: Appeal<br/> Reversed/Remanded<br/> 4. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON<br/> Appeal Reversed/Remanded<br/> PCN: Sequence:</p>                                                                                                                                                              |
| 03/31/2017 | <p><b>Amended Disposition</b> (Judicial Officer: User, Conversion) Reason: Appeal<br/> Reversed/Remanded<br/> 5. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON<br/> Appeal Reversed/Remanded<br/> PCN: Sequence:</p>                                                                                                                                                              |
| 03/31/2017 | <p><b>Amended Disposition</b> (Judicial Officer: User, Conversion) Reason: Appeal<br/> Reversed/Remanded<br/> 6. POSSESSION OF SHORT BARRELED RIFLE<br/> Appeal Reversed/Remanded<br/> PCN: Sequence:</p>                                                                                                                                                                      |
| 03/31/2017 | <p><b>Amended Disposition</b> (Judicial Officer: User, Conversion) Reason: Appeal<br/> Reversed/Remanded<br/> 7. CONSPIRACY TO COMMIT ROBBERY</p>                                                                                                                                                                                                                              |

# CASE SUMMARY

CASE NO. 06C228460-2

|            |                                                                                                                                                                                                                                  |
|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            | Appeal Reversed/Remanded<br>PCN: Sequence:                                                                                                                                                                                       |
| 03/31/2017 | <b>Amended Disposition</b> (Judicial Officer: User, Conversion) Reason: Appeal Reversed/Remanded<br>8. ROBBERY WITH USE OF A DEADLY WEAPON<br>Appeal Reversed/Remanded<br>PCN: Sequence:                                         |
| 03/31/2017 | <b>Amended Disposition</b> (Judicial Officer: User, Conversion) Reason: Appeal Reversed/Remanded<br>9. ROBBERY WITH USE OF A DEADLY WEAPON<br>Appeal Reversed/Remanded<br>PCN: Sequence:                                         |
| 03/31/2017 | <b>Amended Disposition</b> (Judicial Officer: User, Conversion) Reason: Appeal Reversed/Remanded<br>10. ASSAULT WITH A DEADLY WEAPON<br>Appeal Reversed/Remanded<br>PCN: Sequence:                                               |
| 03/31/2017 | <b>Amended Disposition</b> (Judicial Officer: User, Conversion) Reason: Appeal Reversed/Remanded<br>11. ASSAULT WITH A DEADLY WEAPON<br>Appeal Reversed/Remanded<br>PCN: Sequence:                                               |
| 03/31/2017 | <b>Amended Supreme Court Reversal/Remand</b> (Judicial Officer: User, Conversion) Reason: Appeal Reversed/Remanded<br>1. CONSPIRACY TO COMMIT MURDER<br>01/01/1900 (F) 200.010 (DC50038)<br>PCN: Sequence:                       |
| 03/31/2017 | <b>Amended Supreme Court Reversal/Remand</b> (Judicial Officer: User, Conversion) Reason: Appeal Reversed/Remanded<br>2. FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON<br>01/01/1900 (F) 200.030.1 (DC50006)<br>PCN: Sequence: |
| 03/31/2017 | <b>Amended Supreme Court Reversal/Remand</b> (Judicial Officer: User, Conversion) Reason: Appeal Reversed/Remanded<br>3. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON<br>01/01/1900 (F) 200.010 (DC50031)<br>PCN: Sequence:        |
| 03/31/2017 | <b>Amended Supreme Court Reversal/Remand</b> (Judicial Officer: User, Conversion) Reason: Appeal Reversed/Remanded<br>9. ROBBERY WITH USE OF A DEADLY WEAPON<br>01/01/1900 (F) 200.380 (DC50138)<br>PCN: Sequence:               |
| 03/31/2017 | <b>Amended Supreme Court Reversal/Remand</b> (Judicial Officer: User, Conversion) Reason:                                                                                                                                        |

# CASE SUMMARY

CASE NO. 06C228460-2

|            |                                                                                                                                                                                                                                    |
|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            | <p>Appeal Reversed/Remanded</p> <p>10. ASSAULT WITH A DEADLY WEAPON</p> <p>01/01/1900 (F) 200.471.2b (DC50201)</p> <p>PCN: Sequence:</p>                                                                                           |
| 03/31/2017 | <p><b>Amended Supreme Court Reversal/Remand</b> (Judicial Officer: User, Conversion) Reason: Appeal Reversed/Remanded</p> <p>11. ASSAULT WITH A DEADLY WEAPON</p> <p>01/01/1900 (F) 200.471.2b (DC50201)</p> <p>PCN: Sequence:</p> |
| 09/15/2017 | <p><b>Amended Disposition</b> (Judicial Officer: User, Conversion) Reason: Charge(s) Reinstated</p> <p>1. CONSPIRACY TO COMMIT MURDER</p> <p>Charge Reinstated</p> <p>PCN: Sequence:</p>                                           |
| 09/15/2017 | <p><b>Amended Disposition</b> (Judicial Officer: User, Conversion) Reason: Charge(s) Reinstated</p> <p>2. MURDER WITH USE OF A DEADLY WEAPON</p> <p>Charge Reinstated</p> <p>PCN: Sequence:</p>                                    |
| 09/15/2017 | <p><b>Amended Disposition</b> (Judicial Officer: User, Conversion) Reason: Charge(s) Reinstated</p> <p>3. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON</p> <p>Charge Reinstated</p> <p>PCN: Sequence:</p>                            |
| 09/15/2017 | <p><b>Amended Disposition</b> (Judicial Officer: User, Conversion) Reason: Charge(s) Reinstated</p> <p>4. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON</p> <p>Charge Reinstated</p> <p>PCN: Sequence:</p>                            |
| 09/15/2017 | <p><b>Amended Disposition</b> (Judicial Officer: User, Conversion) Reason: Charge(s) Reinstated</p> <p>5. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON</p> <p>Charge Reinstated</p> <p>PCN: Sequence:</p>                            |
| 09/15/2017 | <p><b>Amended Disposition</b> (Judicial Officer: User, Conversion) Reason: Charge(s) Reinstated</p> <p>6. POSSESSION OF SHORT BARRELED RIFLE</p> <p>Charge Reinstated</p> <p>PCN: Sequence:</p>                                    |
| 09/15/2017 | <p><b>Amended Disposition</b> (Judicial Officer: User, Conversion) Reason: Charge(s) Reinstated</p> <p>7. CONSPIRACY TO COMMIT ROBBERY</p> <p>Charge Reinstated</p> <p>PCN: Sequence:</p>                                          |
| 09/15/2017 | <p><b>Amended Disposition</b> (Judicial Officer: User, Conversion) Reason: Charge(s) Reinstated</p> <p>8. ROBBERY WITH USE OF A DEADLY WEAPON</p> <p>Charge Reinstated</p> <p>PCN: Sequence:</p>                                   |

EIGHTH JUDICIAL DISTRICT COURT

**CASE SUMMARY**

**CASE NO. 06C228460-2**

|            |                                                                                                                                                                                                                              |
|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 09/15/2017 | <b>Amended Disposition</b> (Judicial Officer: User, Conversion) Reason: Charge(s) Reinstated<br>9. ROBBERY WITH USE OF A DEADLY WEAPON<br>Charge Reinstated<br>PCN: Sequence:                                                |
| 09/15/2017 | <b>Amended Disposition</b> (Judicial Officer: User, Conversion) Reason: Charge(s) Reinstated<br>10. ASSAULT WITH A DEADLY WEAPON<br>Charge Reinstated<br>PCN: Sequence:                                                      |
| 09/15/2017 | <b>Amended Disposition</b> (Judicial Officer: User, Conversion) Reason: Charge(s) Reinstated<br>11. ASSAULT WITH A DEADLY WEAPON<br>Charge Reinstated<br>PCN: Sequence:                                                      |
| 10/03/2018 | <b>Amended Disposition</b> (Judicial Officer: User, Conversion) Reason: Amended<br>1. CONSPIRACY TO COMMIT MURDER<br>Guilty<br>PCN: Sequence:                                                                                |
| 10/03/2018 | <b>Amended Disposition</b> (Judicial Officer: User, Conversion) Reason: Amended<br>2. MURDER WITH USE OF A DEADLY WEAPON<br>Guilty<br>PCN: Sequence:                                                                         |
| 10/03/2018 | <b>Amended Disposition</b> (Judicial Officer: User, Conversion) Reason: Amended<br>3. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON<br>Guilty<br>PCN: Sequence:                                                                 |
| 10/03/2018 | <b>Amended Disposition</b> (Judicial Officer: User, Conversion) Reason: Amended<br>4. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON<br>Guilty<br>PCN: Sequence:                                                                 |
| 10/03/2018 | <b>Amended Disposition</b> (Judicial Officer: User, Conversion) Reason: Amended<br>10. ASSAULT WITH A DEADLY WEAPON<br>Guilty<br>PCN: Sequence:                                                                              |
| 10/03/2018 | <b>Amended Disposition</b> (Judicial Officer: User, Conversion) Reason: Amended<br>11. ASSAULT WITH A DEADLY WEAPON<br>Guilty<br>PCN: Sequence:                                                                              |
| 08/04/2020 | <b>Amended Supreme Court Reversal/Remand</b> (Judicial Officer: User, Conversion) Reason:<br>Appeal Reversed/Remanded<br>4. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON<br>01/01/1900 (F) 200.010 (DC50031)<br>PCN: Sequence: |

**CASE SUMMARY****CASE NO. 06C228460-2**

|            |                                                                                                                                                                                                                                     |
|------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 08/04/2020 | <b>Amended Supreme Court Reversal/Remand</b> (Judicial Officer: User, Conversion) Reason:<br>Appeal Reversed/Remanded<br>5. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON<br>01/01/1900 (F) 200.010 (DC50031)<br>PCN: Sequence:        |
| 08/04/2020 | <b>Amended Supreme Court Reversal/Remand</b> (Judicial Officer: User, Conversion) Reason:<br>Appeal Reversed/Remanded<br>6. POSSESSION OF SHORT BARRELED RIFLE<br>01/01/1900 (F) 202.275 (DC51435)<br>PCN: Sequence:                |
| 08/04/2020 | <b>Amended Supreme Court Reversal/Remand</b> (Judicial Officer: User, Conversion) Reason:<br>Appeal Reversed/Remanded<br>7. CONSPIRACY TO COMMIT ROBBERY<br>01/01/1900 (F) 200.380 (DC50147)<br>PCN: Sequence:                      |
| 08/04/2020 | <b>Amended Supreme Court Reversal/Remand</b> (Judicial Officer: User, Conversion) Reason:<br>Appeal Reversed/Remanded<br>8. ROBBERY WITH USE OF A DEADLY WEAPON<br>01/01/1900 (F) 200.380 (DC50138)<br>PCN: Sequence:               |
| 08/04/2020 | <b>Amended Disposition</b> (Judicial Officer: User, Conversion) Reason: Appeal<br>Reversed/Remanded<br>1. CONSPIRACY TO COMMIT MURDER<br>Appeal Reversed/Remanded<br>PCN: Sequence:                                                 |
| 08/04/2020 | <b>Amended Supreme Court Reversal/Remand</b> (Judicial Officer: User, Conversion) Reason:<br>Appeal Reversed/Remanded<br>1. CONSPIRACY TO COMMIT MURDER<br>01/01/1900 (F) 200.010 (DC50038)<br>PCN: Sequence:                       |
| 08/04/2020 | <b>Amended Supreme Court Reversal/Remand</b> (Judicial Officer: User, Conversion) Reason:<br>Appeal Reversed/Remanded<br>2. FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON<br>01/01/1900 (F) 200.030.1 (DC50006)<br>PCN: Sequence: |
| 08/04/2020 | <b>Amended Supreme Court Reversal/Remand</b> (Judicial Officer: User, Conversion) Reason:<br>Appeal Reversed/Remanded<br>3. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON<br>01/01/1900 (F) 200.010 (DC50031)<br>PCN: Sequence:        |
| 08/04/2020 | <b>Amended Supreme Court Reversal/Remand</b> (Judicial Officer: User, Conversion) Reason:<br>Appeal Reversed/Remanded<br>9. ROBBERY WITH USE OF A DEADLY WEAPON<br>01/01/1900 (F) 200.380 (DC50138)<br>PCN: Sequence:               |

**CASE SUMMARY****CASE NO. 06C228460-2**

|            |                                                                                                                                                                                                                 |
|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 08/04/2020 | <b>Amended Supreme Court Reversal/Remand</b> (Judicial Officer: User, Conversion) Reason: Appeal Reversed/Remanded<br>10. ASSAULT WITH A DEADLY WEAPON<br>01/01/1900 (F) 200.471.2b (DC50201)<br>PCN: Sequence: |
| 08/04/2020 | <b>Amended Supreme Court Reversal/Remand</b> (Judicial Officer: User, Conversion) Reason: Appeal Reversed/Remanded<br>11. ASSAULT WITH A DEADLY WEAPON<br>01/01/1900 (F) 200.471.2b (DC50201)<br>PCN: Sequence: |
| 11/15/2021 | <b>Amended Disposition</b> (Judicial Officer: User, Conversion) Reason: Amended<br>5. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON<br>Guilty<br>PCN: Sequence:                                                    |
| 11/15/2021 | <b>Amended Disposition</b> (Judicial Officer: User, Conversion) Reason: Amended<br>6. POSSESSION OF SHORT BARRELED RIFLE<br>Guilty<br>PCN: Sequence:                                                            |
| 11/15/2021 | <b>Amended Disposition</b> (Judicial Officer: User, Conversion) Reason: Amended<br>7. CONSPIRACY TO COMMIT ROBBERY<br>Guilty<br>PCN: Sequence:                                                                  |
| 11/15/2021 | <b>Amended Disposition</b> (Judicial Officer: User, Conversion) Reason: Amended<br>8. ROBBERY WITH USE OF A DEADLY WEAPON<br>Guilty<br>PCN: Sequence:                                                           |
| 11/15/2021 | <b>Amended Disposition</b> (Judicial Officer: User, Conversion) Reason: Amended<br>9. ROBBERY WITH USE OF A DEADLY WEAPON<br>Guilty<br>PCN: Sequence:                                                           |
| 11/15/2021 | <b>Amended Disposition</b> (Judicial Officer: User, Conversion) Reason: Amended<br>1. CONSPIRACY TO COMMIT MURDER<br>Guilty<br>PCN: Sequence:                                                                   |
| 11/15/2021 | <b>Amended Disposition</b> (Judicial Officer: User, Conversion) Reason: Amended<br>2. FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON<br>Guilty<br>PCN: Sequence:                                               |
| 11/15/2021 | <b>Amended Disposition</b> (Judicial Officer: User, Conversion) Reason: Amended<br>3. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON<br>Guilty                                                                      |

**CASE SUMMARY****CASE NO. 06C228460-2**

PCN: Sequence:

|            |                                                                                                                                                                                                                    |
|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 11/15/2021 | <b>Amended Disposition</b> (Judicial Officer: User, Conversion) Reason: Amended<br>4. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON<br>Guilty<br>PCN: Sequence:                                                       |
| 11/15/2021 | <b>Amended Disposition</b> (Judicial Officer: User, Conversion) Reason: Amended<br>10. ASSAULT WITH A DEADLY WEAPON<br>Guilty<br>PCN: Sequence:                                                                    |
| 11/15/2021 | <b>Amended Disposition</b> (Judicial Officer: User, Conversion) Reason: Amended<br>11. ASSAULT WITH A DEADLY WEAPON<br>Guilty<br>PCN: Sequence:                                                                    |
| 02/04/2022 | <b>Amended Adult Adjudication</b> (Judicial Officer: User, Conversion) Reason: Defendant Resentenced<br>1. CONSPIRACY TO COMMIT MURDER<br>01/01/1900 (F) 200.010 (DC50038)<br>PCN: Sequence:                       |
|            | Sentenced to Nevada Dept. of Corrections<br>Term: Minimum:26 Months, Maximum:120 Months                                                                                                                            |
| 02/04/2022 | <b>Amended Adult Adjudication</b> (Judicial Officer: User, Conversion) Reason: Defendant Resentenced<br>2. FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON<br>01/01/1900 (F) 200.030.1 (DC50006)<br>PCN: Sequence: |
|            | Sentenced to Nevada Dept. of Corrections<br>Term: Life with the possibility of parole after:20 Years<br>Consecutive Enhancement:for use of a deadly weapon, Life with the possibility of parole after:20 Years     |
| 02/04/2022 | <b>Amended Adult Adjudication</b> (Judicial Officer: User, Conversion) Reason: Defendant Resentenced<br>3. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON<br>01/01/1900 (F) 200.010 (DC50031)<br>PCN: Sequence:        |
|            | Sentenced to Nevada Dept. of Corrections<br>Term: Minimum:48 Months, Maximum:240 Months<br>Consecutive Enhancement:for use of a deadly weapon, Minimum:48 Months, Maximum:240 Months                               |
| 02/04/2022 | <b>Amended Adult Adjudication</b> (Judicial Officer: User, Conversion) Reason: Defendant Resentenced<br>4. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON<br>01/01/1900 (F) 200.010 (DC50031)<br>PCN: Sequence:        |
|            | Sentenced to Nevada Dept. of Corrections<br>Term: Minimum:48 Months, Maximum:240 Months<br>Consecutive Enhancement:for use of a deadly weapon, Minimum:48 Months, Maximum:240 Months                               |

**CASE SUMMARY****CASE NO. 06C228460-2**

|            |                                                                                                                                                                                                                                                                                                                                                                                                                              |
|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 02/04/2022 | <p><b>Amended Adult Adjudication</b> (Judicial Officer: User, Conversion) Reason: Defendant Resentenced</p> <p>5. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON<br/>01/01/1900 (F) 200.010 (DC50031)<br/>PCN: Sequence:</p> <hr/> <p>Sentenced to Nevada Dept. of Corrections<br/>Term: Minimum:48 Months, Maximum:240 Months<br/>Consecutive Enhancement:for use of a deadly weapon, Minimum:48 Months, Maximum:240 Months</p> |
| 02/04/2022 | <p><b>Amended Adult Adjudication</b> (Judicial Officer: User, Conversion) Reason: Defendant Resentenced</p> <p>6. POSSESSION OF SHORT BARRELED RIFLE<br/>01/01/1900 (F) 202.275 (DC51435)<br/>PCN: Sequence:</p> <hr/> <p>Sentenced to Nevada Dept. of Corrections<br/>Term: Minimum:12 Months, Maximum:48 Months</p>                                                                                                        |
| 02/04/2022 | <p><b>Amended Adult Adjudication</b> (Judicial Officer: User, Conversion) Reason: Defendant Resentenced</p> <p>7. CONSPIRACY TO COMMIT ROBBERY<br/>01/01/1900 (F) 200.380 (DC50147)<br/>PCN: Sequence:</p> <hr/> <p>Sentenced to Nevada Dept. of Corrections<br/>Term: Minimum:12 Months, Maximum:72 Months</p>                                                                                                              |
| 02/04/2022 | <p><b>Amended Adult Adjudication</b> (Judicial Officer: User, Conversion) Reason: Defendant Resentenced</p> <p>8. ROBBERY WITH USE OF A DEADLY WEAPON<br/>01/01/1900 (F) 200.380 (DC50138)<br/>PCN: Sequence:</p> <hr/> <p>Sentenced to Nevada Dept. of Corrections<br/>Term: Minimum:40 Months, Maximum:180 Months<br/>Consecutive Enhancement:for use of a deadly weapon, Minimum:40 Months, Maximum:180 Months</p>        |
| 02/04/2022 | <p><b>Amended Adult Adjudication</b> (Judicial Officer: User, Conversion) Reason: Defendant Resentenced</p> <p>9. ROBBERY WITH USE OF A DEADLY WEAPON<br/>01/01/1900 (F) 200.380 (DC50138)<br/>PCN: Sequence:</p> <hr/> <p>Sentenced to Nevada Dept. of Corrections<br/>Term: Minimum:40 Months, Maximum:180 Months<br/>Consecutive Enhancement:for use of a deadly weapon, Minimum:40 Months, Maximum:180 Months</p>        |
| 02/04/2022 | <p><b>Amended Adult Adjudication</b> (Judicial Officer: User, Conversion) Reason: Defendant Resentenced</p> <p>10. ASSAULT WITH A DEADLY WEAPON<br/>01/01/1900 (F) 200.471.2b (DC50201)<br/>PCN: Sequence:</p> <hr/> <p>Sentenced to Nevada Dept. of Corrections<br/>Term: Minimum:16 Months, Maximum:72 Months</p>                                                                                                          |
| 02/04/2022 | <p><b>Amended Adult Adjudication</b> (Judicial Officer: User, Conversion) Reason: Defendant</p>                                                                                                                                                                                                                                                                                                                              |

# CASE SUMMARY

CASE NO. 06C228460-2

Resentenced

11. ASSAULT WITH A DEADLY WEAPON

01/01/1900 (F) 200.471.2b (DC50201)

PCN: Sequence:

Sentenced to Nevada Dept. of Corrections

Term: Minimum:16 Months, Maximum:72 Months

Credit for Time Served: 5607 Days

Comments: ALL COUNTS CONCURRENT WITH COUNT 2

Comment (\$25 ADM; \$150 DNAF; \$3.00 DNA Collection fee)

## HEARINGS

12/11/2006

**Initial Arraignment** (10:30 AM)

Events: 12/04/2006 Hearing

INITIAL ARRAIGNMENT Court Clerk: Sandra Anderson Relief Clerk: Phyllis Irby/pi

Reporter/Recorder: Kiara Schmidt Heard By: Kevin Williams

### MINUTES

Hearing

[2] INITIAL ARRAIGNMENT

Matter Heard; INITIAL ARRAIGNMENT Court Clerk: Sandra Anderson Relief Clerk: Phyllis

Irby/pi Reporter/Recorder: Kiara Schmidt Heard By: Kevin Williams

Journal Entry Details:

AS TO DEFT. JOSH LIN: DEFT. JOSH LIN ARRAIGNED, PLED NOT GUILTY and

INVOKED THE 60-DAY RULE. COURT ORDERED, matter set for trial. AS TO DEFT.

MATTHEWS: DEFT. MATTHEWS ARRAIGNED, PLED NOT GUILTY and INVOKED THE

60-DAY RULE. COURT ORDERED, matter set for trial. CUSTODY (BOTH) 2-07-07 9:00 AM

CALENDAR CALL (DEPT. XVIII)(BOTH) 2-12-07 1:30 PM JURY TRIAL (DEPT. XVIII)

(BOTH) ;

Index #2

02/07/2007

**Calendar Call** (9:00 AM)

CALENDAR CALL Court Clerk: Katherine Streuber Reporter/Recorder: Richard Kangas

Heard By: Elizabeth Halverson

### MINUTES

Matter Heard; CALENDAR CALL Court Clerk: Katherine Streuber Reporter/Recorder:

Richard Kangas Heard By: Elizabeth Halverson

Journal Entry Details:

Ms. Lewis advised they had not received Preliminary Hearing transcript and requested a

continuance of trial. COURT ORDERED, trial date VACATED and RESET. CUSTODY

(BOTH) 05-02-07 8:30 AM CALENDAR CALL (BOTH) 05-07-07 10:30 AM TRIAL BY JURY

(BOTH) ;

02/12/2007

**CANCELED Jury Trial** (1:30 PM)

Vacated

04/11/2007

**Calendar Call** (8:30 AM)

CALENDAR CALL Heard By: Elizabeth Halverson

04/11/2007

**Motion to Compel** (8:30 AM)

STATE'S MTN TO COMPEL BUCCAL SWABS /6 Heard By: Elizabeth Halverson

04/16/2007

**Motion to Compel** (8:30 AM)

STATE'S MTN TO COMPEL BUCCAL SWABS /6 Court Clerk: Pamela Humphrey

Reporter/Recorder: Richard Kangas Heard By: Halverson, Elizabeth

Matter Continued; STATE'S MTN TO COMPEL BUCCAL SWABS /6 Court Clerk: Pamela

Humphrey Reporter/Recorder: Richard Kangas Heard By: Halverson, Elizabeth

Journal Entry Details:

Mr. Figler advised Mr. Singer is supposed to be Mr. Joshlin's counsel of record, however,

counsel advised Mr. Singer informed him he withdrew from this matter. Court noted and stated

no order has been submitted. Mr. Figler further made representation as to there being a PD

conflict if appointed. Deft. Matthews made representation and Mr. Figler stated he still needs a

copy of the preliminary transcript. There being no appearance by Mr. Singer, COURT

# CASE SUMMARY

CASE No. 06C228460-2

ORDERED, matter CONTINUED for Mr. Singer to appear; Motion and Trial STAND. CUSTODY (BOTH) ;

04/18/2007

## Motion to Compel (8:30 AM)

STATE'S MTN TO COMPEL BUCCAL SWABS /6 Court Clerk: Pamela Humphrey Reporter/Recorder: Denice Lopez Heard By: Halverson, Elizabeth

Matter Continued; STATE'S MTN TO COMPEL BUCCAL SWABS /6 Court Clerk: Pamela Humphrey Reporter/Recorder: Denice Lopez Heard By: Halverson, Elizabeth

Journal Entry Details:

Mr. Singer advised he has been in contact with the Public Defender's office and the deft's family and was advised deft. and his family want the matter to be reassigned to PD's office as there is no conflict. Further, counsel stated Mr. Reed was on the matter and have discovery. Mr. Imlay stated he was advised there was a conflict with the PD's office because of a witness and stated he will request Mr. Reed appear next date to advise Court of conflict. Mr. Figler stated there are some genetic materials recovered that can be connected to Mr. Joshlin and there is a red knit glove found in the pathway of the person who fled. There was no genetic material found on this glove. State opposed and stated the glove has been tested and DNA was found. State lodged with Court a report as to the DNA genetic material found on the glove. Following arguments, COURT ORDERED, matter CONTINUED and Mr. Reed to APPEAR next date. COURT FURTHER ORDERED, Motion STAYED and Trial STANDS. FURTHER, COURT ADMONISHED, Mr. Figler to get expedited transcript as to preliminary hearing to Court IMMEDIATELY. CUSTODY (BOTH) ;

04/20/2007

## Motion to Compel (8:30 AM)

STATE'S MTN TO COMPEL BUCCAL SWABS /6 Court Clerk: Pamela Humphrey Reporter/Recorder: Pamela Humphrey Heard By: Elizabeth Halverson

Matter Continued; STATE'S MTN TO COMPEL BUCCAL SWABS /6 Court Clerk: Pamela Humphrey Reporter/Recorder: Pamela Humphrey Heard By: Elizabeth Halverson

Journal Entry Details:

APPEARANCES CONTINUED: Norman Reed, Clark County Homicide Team, also present. Mr. Reed advised the Court his office checked and learned there is a conflict and, therefore, can't take this case. COURT SO NOTED, and ORDERED, Mr. Singer APPOINTED. Mr. Figler argued as to the buccal swabs stating any testing done on the red glove should be limited. Mr. Figler further stated the results of the testing will be entered into a data base which will be used to search for other crime matches. Mr. Figler stated if State finds other crimes, counsel doesn't want other crimes brought into this case and that the search should be limited to determining the DNA profile as to the red glove. Ms. Lewis argued the type of testing that will be done is standard and the results of the testing has to be entered into the database accordingly. Further, Ms. Lewis noted the red glove have DNA profile and State is trying to see if it matches the deft. Mr. Figler stated deft. wants the transcripts and want 21 days to file writ and to invoke speedy trial. Following arguments, COURT ORDERED, Motion GRANTED and if results are entered into database, NO EVIDENCE from other crimes can be brought into this case, and TRIAL STANDS. ;

05/02/2007

## Calendar Call (8:30 AM)

CALENDAR CALL Heard By: David Barker

05/02/2007

## Calendar Call (8:30 AM)

CALENDAR CALL Heard By: David Barker

05/02/2007

## Calendar Call (8:30 AM)

CALENDAR CALL CONTINUED Court Clerk: Sharon Chun Reporter/Recorder: Richard Kangas Heard By: Barker, David

Matter Continued; CALENDAR CALL CONTINUED Court Clerk: Sharon Chun Reporter/Recorder: Richard Kangas Heard By: Barker, David

Journal Entry Details:

CALENDAR CALL: JOSLIN & MATTHEWS Both Mr. Singer and Mr. Figler stated they were prepared to start trial on 5/7/07 and want to go forward. Ms. Lewis stated that on 4/20/07 Judge Halverson Granted the State's Motion To Compel Buccal Swabs. She had submitted the Order to Judge Halverson, but, has not yet received the signed Order. She inquired if this Court will sign a new Order for preparation of the buccal swab, because this evidence is of an urgent matter and the results could take up to a couple of weeks. COURT SIGNED the State's Order, it was conformed and FILED IN OPEN COURT. COURT NOTED this case is eighteen months old, both Defts are in custody, and both have Invoked, so this case has a priority trial status. Mr. Figler stated he thinks that both defense counsel may be able to "work out some

# CASE SUMMARY

CASE NO. 06C228460-2

type of stipulation" with Ms. Lewis. COURT ORDERED, CALENDAR CALL CONTINUED to Friday. All counsel acknowledged they will be present at that time. CUSTODY (BOTH) CONTINUED TO 5/4/07 8:30 A.M. ;

05/04/2007

## Calendar Call (8:30 AM)

CALENDAR CALL CONTINUED Court Clerk: Sharon Chun Reporter/Recorder: Richard Kangas Heard By: David Barker

Matter Heard; CALENDAR CALL CONTINUED Court Clerk: Sharon Chun Reporter/Recorder: Richard Kangas Heard By: David Barker

Journal Entry Details:

COURT ADVISED that jury selection will begin at 1:00 PM on Monday, May 7, 2007. Both parties confirmed they expected the trial to complete in five days, and, there may not be a penalty phase, that is still being discussed. Ms. Lewis noted the State has twenty witnesses with one from Texas. Mr. Figler moved to strike any expert witnesses disclosed within twenty-one days of this trial. Arguments ensued by Ms. Lewis and Mr. Figler; Ms. Lewis reiterated that she could not disclose the experts until she did because of continuances delays by Defense for the buccal swabs. She also noted she had filed the State's Notice of Witnesses on 4/25/07 and the Supplemental Notice of Witnesses filed on 5/2/07. Ms. Lewis reiterated that she needed the buccal swabs before the DNA testing could be performed and the DNA expert is coming in on Saturday to share the results. COURT STATED that issue of late disclosure of witnesses will be determined on a case-by-case basis at trial. Mr. Figler renewed his argument that the DNA evidence is too late. COURT STATED it agrees with the State that the evidence can come in, but, ORDERED, it may not come in during the State's Case-In-Chief, it was not properly noticed. Ms. Lewis stated she may need a couple of extra days before trial start so the Report can be prepared. She also requested any Motions in Limine to be submitted in writing, so as not to discuss the issues during trial. COURT STATED it will not limit Defendants. COURT ORDERED, trial to go forward as scheduled on Monday with a 1:00 P.M. start. Mr. Figler noted that this case was transferred from Dept XXIII to this Department, but, Defense never received a formal findings or reasons why the case was transferred from one to the other. He also noted that this Judge was employed by the District Attorney's Office and he respectfully requests this Judge if he knows of any conflicts to disclose. COURT ADVISED that it reviewed every criminal file and has been recusing if there is a possible conflict. COURT STATED there is no potential conflict and this Court has no memory of this case, it was never on his "track". COURT ADVISED that Judge Bell is willing to try this case if counsel have any doubt as to potential conflicts. Mr. Figler stated he just wanted to make a record. COURT INQUIRED if either counsel had any information that this Judge was conferenced in this case. Ms. Lewis interjected that she has been directly assigned this case and that the only one to help her was Mr. Bateman, and when this case was reassigned, and this Judge was never involved in this case. COURT DIRECTED counsel to advise the Court if they wanted to send this trial to Overflow, Judge Bell. Mr. Figler stated he will do so. COURT REITERATED, TRIAL BEGINS Monday, 5/7/07 at 1:00 P.M. CUSTODY (BOTH) ;

05/07/2007

## Jury Trial (1:00 PM)

TRIAL BY JURY Court Clerk: Sharon Chun Reporter/Recorder: Richard Kangas Heard By: Barker, David

Matter Continued; TRIAL BY JURY Court Clerk: Sharon Chun Reporter/Recorder: Richard Kangas Heard By: Barker, David

Journal Entry Details:

TRIAL CONVENED before Jury Panel was seated. Ms. Lewis stated that the Information should include Deft Jemar Matthews' name on page 1, Line 21, but, due to a clerical error it was not included. COURT ORDERED the INFORMATION INTERLINEATED to insert Jemar Matthews and the AMENDED INFORMATION was FILED IN OPEN COURT. COURT NOTED there appeared to be issues re witnesses. Ms. Lewis explained that three or four names have been added to the State's Witnesses and Mr. Figler was given the names. Mr. Figler objected to any DNA evidence based on Notice requirements; no reports were submitted to Defense. Mr. Bateman noted the buccal swabs were tested and the State wants to include that information. COURT EXPRESSED concern re the Brady issue. Mr. Figler argued that any exculpatory evidence must be turned over by the State and inquired if there was a formalized document regarding the Offer of Proof if it were to be admissible. No ruling yet made by the Court. COURT INQUIRED of Mr. Figler about his concern that this Judge was with the District Attorney's Office prior to being appointed to the Bench and any possibility of conflict. Mr. Figler noted that Defense only received notice of the case transfer from Dept XXIII to this Department on the Friday prior to Calendar Call, and, there was no explanation given as to why Judge Halverson was not still on this case. He also stated that since he had an initial concern that this Judge was with the District Attorney's he made an Oral Motion for this Court to reveal any conflicts and a record made that this Court was not involved with this case. Mr.

# CASE SUMMARY

CASE No. 06C228460-2

Figler stated that this Court has satisfied the requirements by Defense and there is no conflict; Defense is ready to proceed to trial. COURT REITERATED that it has no memory or knowledge of this case. Mr. Bateman interjected that all of Judge Halverson's criminal cases were transferred to this Court, not just this case. COURT STATED that neither the location for the trial, nor the schedule is yet firm, but, counsel will be apprised on a day-to-day basis. Discussion held regarding jury selection and alternates. COURT ADVISED that the SECRET ALTERNATES will be seated in Seat 13 & 14. COURT ALSO ORDERED, re the Peremptory Challenges for Alternates, the State will be allowed one challenge and the Defense will be allowed two between them. Discussion held regarding potential penalty phase. Ms. Lewis stated that the State will waive the penalty phase and the Court may sentence Deft. Mr. Figler and Mr. Singer both stated they will also waive the penalty phase of the trial. Mr. Figler requested that the State does not disclose statements as to gunshot discharging too soon. COURT ORDERED, that issue must wait for proper foundation. JURY PANEL SEATED AT 2:00 P.M., the first fourteen members being seated in the jury box. COURT PRESENTED opening remarks and made introductions of the court staff and all counsel. Introductions made by Mr. Bateman, Mr. Figler, and Mr. Singer. ROLL CALL conducted by the Clerk. Following additional remarks by the Court, Jury Panel was administered the voir dire oath. General voir dire conducted by the Court with the COURT THANKING and EXCUSING Jury Panel members for cause. Individual panel members were further voir dired by counsel. Peremptory Challenges were conducted. COURT THANKED and EXCUSED additional Panel members for cause during the Challenges. OUTSIDE PRESENCE OF JURORS: Stipulation and Order regarding the Penalty Hearing, FILED IN OPEN COURT. PANEL SEATED, all present per stipulation of counsel. Peremptory challenges concluded. COURT THANKED and EXCUSED those Panel Members not selected as final Jurors. FOURTEEN JURORS WERE PLACED UNDER OATH and SEATED. COURT ADMONISHED JURORS and ORDERED them RECESSED until 10:00 A.M. tomorrow. There being nothing to come before the Court at this time, COURT ORDERED, EVENING RECESS; TRIAL CONTINUED TO 10:00 A.M. on 5/8/07. CUSTODY ;

05/08/2007

## Jury Trial (10:00 AM)

TRIAL BY JURY Court Clerk: Sharon Chun Reporter/Recorder: Richard Kangas Heard By: Barker, David

Matter Continued; TRIAL BY JURY Court Clerk: Sharon Chun Reporter/Recorder: Richard Kangas Heard By: Barker, David

Journal Entry Details:

JURY TRIAL - DAY 2 OUTSIDE PRESENCE OF JURY: Both Mr. Singer and Mr. Figler mentioned that members of the jury had spoken to them outside the courtroom, and, although counsel told them they weren't allowed to speak to them, they suggested the Court give jurors the admonishment re conversations with officers of the Court. COURT STATED it will do so again this morning. All parties agreed that there was no other resolutions needed. FILED IN OPEN COURT: Deft Jamar Matthews, BENCH BRIEF. Court REVIEWED and inquired if Mr. Figler were raising Motions in Limine at this late time? He responded that he is reiterating past issues of concern. Mr. Bateman confirmed the State will "do our best to avoid any references to gangs." Mr. Figler again raised the question of foundation for the gunshot residue test and argued that no discovery has been presented by the State per date and cited "notice violation." Ms. Lewis argued that the State is not required to provide discovery re an impound report and noted she had given Defense the names of every single person who will testify. However, when questioned who will testify as to the gunshot residue, she stated she was not sure, but, thought his name was Mr. McPhail. COURT DIRECTED Ms. Lewis to give a copy of any reports to Defense and ORDERED that Mr. McPhail is to be made available to Defense before he takes the stand to testify. Mr. Figler reiterated that he evidence was tested without a report and without impounding it, and, Mr. McPhail does not show up on the Pltf's Witness List. He also reiterated that the Notice was faxed to his office yesterday at 11:24 A.M. COURT STATED IT WILL RESERVE RULING on foundation, it goes to weight of admissibility and is okay for Pltf to use in their Opening. Ms. Lewis confirmed that Mr. McPhail was not referred to in other reports. Mr. Figler renewed his objection, citing a Discovery Rule Violation, further testing needs to be done before admission, there is no time frame, there is a transference issue re the gunshot residue, there is an absence of reports, and it is prejudicial to Defense. Plaintiff should not be allowed to reference the gunshot residue test in their opening. Ms. Lewis argued that the Pltf is now required to provide a report. COURT ORDERED, Plaintiff allowed to proceed with foundation, and is to provide to Deft any exhibits for examination. Mr. Figler cited "notice violation". COURT STATED there is sufficient information and notice for Deft to proceed. Mr. Singer stated he joins in Mr. Figler's objection. Mr. Figler inquired of Ms. Lewis if that was all the added witnesses; Ms. Lewis responded, yes. JURORS SEATED AT 10:27 A.M. and all counsel stipulated to presence of all. COURT PRESENTED comments and admonishment to Jurors and the Information was read by the

# CASE SUMMARY

CASE No. 06C228460-2

Clerk. COURT ADVISED JURORS re evidence and directed them as to any Juror questions. During the Opening Statements made by Ms. Lewis, objections were raised by either Mr. Figler or Mr. Singer. COURT ORDERED, OBJECTIONS OVER-RULED. Mr. Figler presented his opening statement, followed by Mr. Singer. State's first witness called forth, was sworn, and testified; exhibits presented. (Please see Witness List and Exhibit Lists.) OUTSIDE PRESENCE OF JURORS a record was made of Defense's objections to photo(s) shown during the State's opening remarks. Mr. Figler stated the photos were prejudicial; Mr. Singer noted his client was shown in "shackles" and that Ms. Lewis misrepresented the charges. COURT STATED that Defense can raise those questions during closing arguments. Ms. Lewis stated there was no purposeful design, she only showed the photo because that's the only one available. Following a brief recess, Mr. Figler noted that he has the Report and Declaration now. COURT SO NOTED. JURORS SEATED, all present per stipulation of all counsel. Bench Conference held, wherein the Bailiff advised the Court that Juror #13's Juror Notebook could not be found after lunch. Another was provided temporarily. Later it was returned to Juror, the COURT EXPLAINED that during the lunch recess there was a meeting in the courtroom and one of the attendees had inadvertently picked it up and carried it off with him/her. Jurors confirmed everything in the notebook was as it was before. State continued with additional witnesses and exhibits. Witnesses identified Deft(s) at various times during testimonies. Mr. Figler and Mr. Singer noted for the record that the witnesses identified the Defendants who were sitting next to their counsel during the trial. COURT ORDERED, JURORS RECESSED at 5:14 P.M. and TRIAL NOTED TO CONTINUE TOMORROW at 10:30 A.M. in Courtroom 15-B. OUTSIDE JURORS: COURT DIRECTED counsel to confer about Jury Instructions so they can be addressed. Counsel so confirmed. Mr. Figler noted that one of the jurors, #2, was nodding off during trial. Mr. Figler made an Oral Motion for Mistrial because Mr. Bateman's reference to Deft's "SCOPE" and that it was waived before the face of a witness as though an official document, and a witness could have seen it. He also stated that no cautionary instruction can remedy that. Mr. Bateman argued that "we can all have a SCOPE" and that it was not prejudicial. COURT ORDERED, UNDER ADVISEMENT, a ruling will be made tomorrow on this issue. COURT ORDERED, EVENING RECESS. ;

05/09/2007

## Jury Trial (9:30 AM)

TRIAL BY JURY Relief Clerk: Chanel West (1:05PM -2:05PM) Reporter/Recorder: Richard Kangas/Francesca Haak Heard By: Barker, David  
Matter Continued; TRIAL BY JURY Relief Clerk: Chanel West (1:05PM -2:05PM)  
Reporter/Recorder: Richard Kangas/Francesca Haak Heard By: Barker, David  
Journal Entry Details:

DAY 3 OF TRIAL TRIAL RECONVENED, OUTSIDE PRESENCE OF JURORS. COURT ADDRESSED the Defts' Motions for Mistrial. COURT STATED it had researched the matter and DETERMINES that "SCOPE" is a neutral term and that is had minimum impact to jurors. COURT NOTED that the Deft does not want to have a curative instruction presented to jurors. COURT ORDERED, Motion For Mistrial, DENIED. Mr. Figler renewed his argument that Defense had not received notice that a gunshot residue test had been performed until the day of trial and had not received the Evidence Impound Report until last night. He argued that the results of the gunshot residue test failed to reveal the mix of three elements, and because only two were found and that admissibility is disallowed across the country. He requested he be allowed to voir dire Mr. McPhail and that the State is penalized by not allowing testing notice, "the Defense was sandbagged". Ms. Lewis argued that they noticed witnesses. COURT INQUIRED if the third person is an exculpatory witness? Ms. Lewis responded, no. COURT STATED IT DOES NOT FIND A BRADY VIOLATION. COURT FURTHER noted that this can be taken up further outside the jury during examination of Mr. McPhail. JURORS SEATED, all present per stipulation of all counsel. Plaintiff called forth additional witnesses with testimonies under oath; exhibit presented. (Please see Witness and Exhibit Lists.) During identification of Deft by witness, Mr. Figler noted that both Defts are seated by their respective counsel. JURY PRESENT: (CHANEL WEST-RELIEF CLERK at 1:05 P.M.) Testimony and exhibits presented (See worksheet.) Court excused the Jury for an afternoon recess. OUTSIDE THE PRESENCE: Upon Court's inquiry, State advised the Court of the number of remaining witnesses and indicated they intend to rest tomorrow. Court requested Jury Instructions from counsel and Mr. Figler advised counsel is currently working on them. Court made reference to evidence previously not admitted in front of the Jury and STATED FINDINGS pursuant to statute that could possibly allow it's admission. Mr. Figler submitted objection. Ms. Lewis made request to re-move for it's submission in front of the Jury and COURT SO ORDERED. Further, COURT ADVISED, it is limiting this ruling. Colloquy regarding evidence. COURT STATED FURTHER FINDINGS and ADVISED it would reserve the ruling as to this evidence. Court noted the issue of the gun-shot residue and noted it's receipt of Points and Authorities and the State's opposition as to Motions in Limine. Mr. Phillips moved for Joinder to Motions in Limine. Testimony and exhibits continued (See worksheet.) Mr. Figler, Mr. Bunin, and Mr.

**CASE SUMMARY****CASE NO. 06C228460-2**

Singer submitted an objection that they have never received a curriculum vitae and Mr. Figler requested the State provide a copy. Argument submitted by Mr. Bateman. Mr. Figler agreed to proceed with the trial and advised he would follow-up to ensure he receives the copies. Mr. Figler and Mr. Bunin submitted further objections that they have not received a full copy of the reports. Upon Court's inquiry, State advised they didn't have that information today. Court advised testimony would continue. During testimony, Mr. Figler submitted an objection as to the testimony and record referenced to by the witness. (CLERK PRESENT at 2:25 P.M.) STILL OUTSIDE PRESENCE OF JURORS, voir dire of Crystina Vachon continued. When she was excused from the witness stand, Mr. Figler argued that Ms. Vachon is not an authority, has no scholarly works, and he could have brought in Ph.D. experts and scholars to testify had he known about this test. He reiterated that the documents were not provided to Defense before yesterday. And, he argued Mr. McPhail can provide no guarantees on non-contamination. Mr. Figler again requested a dismissal of the case because the evidence has major prejudicial impact. Or, in the alternative, Mr. Figler requested a trial continuance to "get our experts for the gunshot residue "experts"." COURT ORDERED, Mr. Figler's Motion for Dismissal of Trial With Prejudice, DENIED. COURT INQUIRED if Deft now wants to continue the trial two weeks? Mr. Figler stated he needs a continuance or he'll be ineffective because he didn't know that the gunshot residue test was done. Mr. Bateman argued that Defense is not prejudiced because "they didn't do their work, as of May 3 they had the results." He noted he has proof of the transmittal. Mr. Singer argued that a fax was sent yesterday to their office, but, of course was not received because he was here in court yesterday. Mr. Singer also argued that he could have scheduled experts, had he known and argued that even Mr. McPhail stated that the original report was not found and the print-out was only received yesterday. Following additional arguments and colloquy, Mr. Figler referred the Court to the Plaintiff's reference to "firearms analysis", there was no mention of gunshot residue tests. All counsel noted a two week continuance would be possible. COURT STATED that a two-week continuance is appropriate. Mr. Figler stated that neither Deft has waived his right to a speedy trial. Following a brief recess. Ms. Lewis stated there is a stipulation that the State can proceed with mention of a residue examination of the black and red gloves, but, will make no mention of the hands being examined for residue. Mr. Figler confirmed there is to be no evidence re gunshot residue, only testimony about the gloves, and with that stipulation he withdraws his motion for continuance of the trial. Ms. Lewis stated she wants Mr. Figler to state that he is ready to cross-examine this witness based upon the agreement of gloves, and she reiterated that the State never saw the 180 page report until Ms. Vachon noted it. COURT ORDERED RECESS. TRIAL RECONVENED, STILL OUTSIDE PRESENCE OF JURORS. Mr. Bateman stated that the State will not introduce the gunshot residue test on the hands of co-defendants, but, only will bring in the red and two black gloves, so Mr. McPhail will not need to testify. Mr. Figler confirmed he withdraws his motion to continue trial. Mr. Singer inquired if Defense can argue about the gloves. COURT RESPONDED, "yes." JURORS SEATED, all present per stipulation of all counsel. State's next witnesses were placed under oath and testified; exhibits presented. COURT ORDERED, EVENING RECESS; TRIAL CONTINUED tomorrow at 9:30 A.M. ;

05/10/2007

**Jury Trial (9:30 AM)**

TRIAL BY JURY Court Clerk: Sharon Chun Reporter/Recorder: Richard Kangas Heard By: Barker, David

Matter Continued; TRIAL BY JURY Court Clerk: Sharon Chun Reporter/Recorder: Richard Kangas Heard By: Barker, David

Journal Entry Details:

DAY 4 OF TRIAL COURT RECONVENED OUTSIDE PRESENCE OF JURORS. COURT NOTED there is a stipulation regarding the evidence chain-of-custody from the victim to Det. Krylo, Exhibit #165. Also, State's Consolidated Opposition to Defendant's Motions In Limine, FILED IN OPEN COURT. JURORS SEATED at 10:03 A.M., all present per stipulation of all counsel. The State called forth its next witness, designated as an expert. Mr. Singer objected to testimony regarding microscopic analysis; COURT NOTED he can cross-examine regarding that issue. The Questions from Jurors were brought to the attention of the Bench, counsel approached to discuss, and the Juror Questions were marked as Court's Exhibits. (Please see Court's Exhibit List.) Fred Boyd designated as expert witness and testified as to microscopic examination of the bullets. OUTSIDE PRESENCE OF JURORS: Regarding Juror Question, marked as Court's Exhibit #2, Mr. Singer requested the Court to ask the Juror Question in a different manner than it was written. The Court presented the alternative which was approved by Mr. Singer before being asked of the witness. COURT CANVASSED DEFT MATTHEWS re his Fifth Amendment Rights. Deft Matthews stated he will not take the stand to testify. Mr. Figler requested a Jury Instruction given regarding fact that the Deft is not compelled to testify. COURT ALSO CANVASSED DEFT JOSHILIN as to his Fifth Amendment Rights. Deft Joshlin stated he will not take the stand to testify. Mr. Singer also requested a Jury Instruction

**CASE SUMMARY****CASE NO. 06C228460-2**

regarding the fact that the Deft is not compelled to testify. Following a full recess, *OUTSIDE PRESENCE OF JURY*, Mr. Figler stated that several parties were present in the courtroom during the trial, and as they were leaving the court room they said, "they killed my baby." He requested the Court to admonish all present about comments made. *COURT STATED* it didn't hear the comments. At request of Plaintiff, Court's Exhibit #3 was marked. *JURORS SEATED*, all present as before per stipulation of all counsel. *THE STATE ANNOUNCED IT RESTED ITS CASE* at 12:31 P.M. *COURT ORDERED*, Jurors recessed for lunch. *OUTSIDE PRESENCE OF JURORS*, Mr. Singer made an Oral Motion to Dismiss Count 5 against Deft Joshlin, stating his argument on the record. The State argued in opposition. *COURT ORDERED, DEFT JOSH LIN'S MOTION TO DISMISS COUNT 5, DENIED*. Arguments re final Jury Instructions continued. Deft's Proposed Jury Instructions Not Used At Trial, *FILED IN OPEN COURT. JURORS SEATED* at 1:24 P.M., all present per stipulation of all counsel. Mr. Figler presented the first Defense witness, who was sworn and testified; exhibits presented. (Please see Witness and Exhibit Lists.) *COURT ORDERED, JURORS RECESSED* at 6:00 P.M. and *ORDERED* to return tomorrow at 9:30 A.M. *OUTSIDE PRESENCE OF JURORS*, discussion held regarding tomorrow's schedule. *COURT ORDERED, EVENING RECESS* ;

05/11/2007

**Jury Trial (9:30 AM)**

*TRIAL BY JURY* Court Clerk: Sharon Chun Reporter/Recorder: Richard Kangas Heard By: David Barker

Matter Heard; *TRIAL BY JURY* Court Clerk: Sharon Chun Reporter/Recorder: Richard Kangas Heard By: David Barker

Journal Entry Details:

*DAY 5 OF TRIAL TRIAL RECONVENED OUTSIDE PRESENCE OF JURORS*. Arguments re Jury Instructions continued on the record. Final Jury Instructions accepted and numbered by the Court. Deft's Jury Instructions Offered But Not Used, *FILED IN OPEN COURT*. All counsel stipulated to the reading of the Jury Instructions prior to closing arguments. The State confirmed it will call no rebuttal witnesses; Defense stated no sur-rebuttal witnesses will be called. *JURORS SEATED*, all present per stipulation of all counsel. *COURT READ* Jury Instructions and Verdict forms to the Jurors, each provided their own copy. Closing arguments made by all counsel. *COURT ANNOUNCED* the Alternate Jurors to be Jurors #13 and #14. The Bailiff and Judicial Executive Assistant were sworn to take charge of the Jurors and Alternates. *COURT ORDERED JURORS TO DELIBERATION* AT 2:24 p.m. *VERDICT REACHED* AT APPROXIMATELY 6:10 P.M. *TRIAL RECONVENED* at 6:35 P.M. with all twelve jurors present per stipulation of all counsel. *FOREPERSON* was announced to be Juror #8. At direction of the Court the Clerk announced the Verdicts, as follows: *VERDICT FOR DEFT PIERRE JOSH LIN: GUILTY OF COUNT 1 - CONSPIRACY TO COMMIT MURDER; COUNT 2 - FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON; COUNT 3 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (MYNIECE COOK); COURT 4 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (MICHEL-LE TOLEFREE); COUNT 5 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (MAURICE HICKMAN); COUNT 7 - CONSPIRACY TO COMMIT ROBBERY; COUNT 8 - ROBBERY WITH USE OF A DEADLY WEAPON (GEISHE M. ORDUNO); and COUNT 9 - ROBBERY WITH USE OF A DEADLY WEAPON (MELVIN BOLDEN)*. *VERDICT RE DEFT JEMAR MATTHEWS GUILTY OF: COUNT 1 - CONSPIRACY TO COMMIT MURDER; COUNT 2 - FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON; COUNT 3 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (MYNIECE COOK); COUNT 4 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (MICHEL-LE TOLEFREE); COUNT 5 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (MAURICE HICKMAN); COUNT 6 - POSSESSION OF SHORT BARRELED RIFLE; COUNT 7 - CONSPIRACY TO COMMIT ROBBERY; COUNT 8 - ROBBERY WITH USE OF A DEADLY WEAPON (GEISHE M. ORDUNO); COUNT 9 - ROBBERY WITH USE OF A DEADLY WEAPON (MELVIN BOLDEN); COUNT 10- ASSAULT WITH USE OF A DEADLY WEAPON (BRADLEY CUPP); and COUNT 11- ASSAULT WITH USE OF A DEADLY WEAPON (BRIAN WALTERS)* At request of Defense counsel, *COURT ORDERED, JURORS POLLED* as to if those were their verdicts as read. All twelve Jurors answer in the affirmative. *COURT THANKED AND EXCUSED JURORS. OUTSIDE PRESENCE OF JURORS, COURT ORDERED*, matter referred to the Division of Parole and Probation (P & P) for both defendants, and set for sentencing. Mr. Figler made an Oral Motion for A New Trial Based On Cumulative Prosecutorial Misconduct. *COURT ORDERED, DENIED. FILED IN OPEN COURT: Verdicts and Jury Instructions. COURT ORDERED, JURY TRIAL ADJOURNED. CUSTODY (BOTH) 6/18/07 8:30 AM SENTENCING (BOTH) ;*

06/04/2007

**Motion for New Trial (8:30 AM)**

Events: 05/21/2007 Motion

# CASE SUMMARY

CASE NO. 06C228460-2

DEFT'S MTN FOR NEW TRIAL /9 Court Clerk: Sharon Chun Reporter/Recorder: Richard Kangas Heard By: Barker, David

## MINUTES



Motion

[41] DEFT'S MTN FOR NEW TRIAL /9

Matter Continued; DEFT'S MTN FOR NEW TRIAL /9 Court Clerk: Sharon Chun Reporter/Recorder: Richard Kangas Heard By: Barker, David

Journal Entry Details:

Upon stipulation of both counsel, COURT ORDERED, Motion CONTINUED. CUSTODY ;

Index #41

06/08/2007

### Motion for New Trial (8:15 AM)

DEFT'S MTN FOR NEW TRIAL /9 Court Clerk: Sharon Chun Reporter/Recorder: Richard Kangas Heard By: Barker, David

Matter Continued; DEFT'S MTN FOR NEW TRIAL /9 Court Clerk: Sharon Chun Reporter/Recorder: Richard Kangas Heard By: Barker, David

Journal Entry Details:

COURT STATED it read the Motion and reviewed the video-tape, but, requires more time to review in detail. COURT ORDERED, MOTION CONTINUED TO 7/2/07. Mr. Figler requested additional transcripts prepared, including Bunin's closing and the rebuttal. Mr. Kangas advised they may possibly be back in a week, once ordered. COURT ORDERED, TRANSCRIPT TO BE PREPARED ON EXPEDITED BASIS. COURT FURTHER ORDERED, the 6/18/07 Sentencing of both Joshlin & Matthews, CONTINUED to 7/2/07 as well. CUSTODY 7/2/07 8:15 AM SENTENCING (JOSHLIN & MATTHEWS) ;

06/18/2007

### Sentencing (8:30 AM)

Events: 05/11/2007 Conversion Case Event Type

SENTENCING (VL 6/25/07)

07/02/2007

### Sentencing (8:15 AM)

SENTENCING (VL 6/25/07)

07/02/2007

### Motion for New Trial (8:15 AM)

DEFT'S MTN FOR NEW TRIAL /9 Heard By: David Barker

Matter Continued; DEFT'S MTN FOR NEW TRIAL /9 Heard By: David Barker

07/09/2007

### Motion for New Trial (8:15 AM)

DEFT'S MTN FOR NEW TRIAL /9 Heard By: David Barker

Denied; DEFT'S MTN FOR NEW TRIAL /9 Heard By: David Barker

07/09/2007

### Sentencing (8:15 AM)

Events: 06/25/2007 Conversion Case Event Type

SENTENCING Heard By: David Barker

## MINUTES

Conversion Case Event Type

[47] SENTENCING

Granted; SENTENCING Heard By: David Barker

Index #47

07/09/2007

### Sentencing (8:15 AM)

Events: 06/25/2007 Conversion Case Event Type

SENTENCING Heard By: David Barker

07/09/2007

### All Pending Motions (8:15 AM)

ALL PENDING MOTIONS (07-09-07) Relief Clerk: Carol Donahoo Reporter/Recorder: Richard Kangas Heard By: David Barker

## MINUTES

Motion

[49] ALL PENDING MOTIONS (07-09-07)

Matter Heard; ALL PENDING MOTIONS (07-09-07) Relief Clerk: Carol Donahoo Reporter/Recorder: Richard Kangas Heard By: David Barker

Journal Entry Details:

Index #49

**CASE SUMMARY****CASE NO. 06C228460-2****DEFT.'S MOTION FOR NEW TRIAL (MATTHEWS)...SENTENCING**

(JOSHLIN)...SENTENCING (MATTHEWS) Deft.'s Reply to State's Opposition to Motion for New Trial FILED IN OPEN COURT. Court noted it reviewed the video tape of the trial. Arguments by counsel. Court stated its findings and ORDERED, Motion DENIED. PIERRE JOSHLIN: Pursuant to the Jury's verdict, DEFT. JOSHLIN ADJUDGED GUILTY of COUNT 1 - CONSPIRACY TO COMMIT MURDER (F), COUNT 2 - FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON (F), COUNTS 3, 4, 5 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (F), COUNT 7 - CONSPIRACY TO COMMIT ROBBERY (F), and COUNTS 8, 9 - ROBBERY WITH USE OF A DEADLY WEAPON (F). Sworn statement by victim's mother, Cora Williams, and victim's sister, Danielle Matison. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee and the \$150.00 DNA Analysis fee including testing to determine genetic markers and \$418.85 Restitution, as to COUNT 1, Deft. SENTENCED to a MINIMUM of TWENTY-SIX (26) MONTHS and a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS in the Nevada Department of Corrections (NDC); as to COUNT 2, Deft. SENTENCED to LIFE WITH the possibility of parole after TWENTY (20) YEARS, plus an equal and CONSECUTIVE term for use of a deadly weapon; as to COUNT 3, Deft. SENTENCED to a MINIMUM of FORTY-EIGHT (48) MONTHS and a MAXIMUM of TWO HUNDRED FORTY (240) MONTHS in the Nevada Department of Corrections (NDC), plus an equal and CONSECUTIVE MINIMUM OF FORTY-EIGHT (48) MONTHS and a MAXIMUM of TWO HUNDRED FORTY (240) MONTHS for use of a deadly weapon; as to COUNT 4, Deft. SENTENCED to a MINIMUM of FORTY-EIGHT (48) MONTHS and a MAXIMUM of TWO HUNDRED FORTY (240) MONTHS in the Nevada Department of Corrections (NDC), plus an equal and CONSECUTIVE MINIMUM OF FORTY-EIGHT (48) MONTHS and a MAXIMUM of TWO HUNDRED FORTY (240) MONTHS for use of a deadly weapon; as to COUNT 5, Deft. SENTENCED to a MINIMUM of FORTY-EIGHT (48) MONTHS and a MAXIMUM of TWO HUNDRED FORTY (240) MONTHS in the Nevada Department of Corrections (NDC), plus an equal and CONSECUTIVE MINIMUM OF FORTY-EIGHT (48) MONTHS and a MAXIMUM of TWO HUNDRED FORTY (240) MONTHS for use of a deadly weapon; as to COUNT 7, Deft. SENTENCED to a MINIMUM of TWELVE (12) MONTHS and a MAXIMUM of SEVENTY-TWO (72) MONTHS in the Nevada Department of Corrections (NDC); as to COUNT 8, Deft. SENTENCED to a MINIMUM of FORTY (40) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS in the Nevada Department of Corrections (NDC), plus an equal and CONSECUTIVE MINIMUM OF FORTY (40) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS for use of a deadly weapon; as to COUNT 9, Deft. SENTENCED to a MINIMUM of FORTY (40) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS in the Nevada Department of Corrections (NDC), plus an equal and CONSECUTIVE MINIMUM of FORTY (40) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS for use of a deadly weapon; all COUNTS to run CONCURRENT with each other, with THREE HUNDRED (300) DAYS credit for time served; BOND, if any, EXONERATED. JEMAR D. MATTHEWS: Pursuant to the Jury's verdict, DEFT. MATTHEWS ADJUDGED GUILTY of COUNT 1 - CONSPIRACY TO COMMIT MURDER (F), COUNT 2 - FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON (F), COUNTS 3, 4, 5 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (F), COUNT 6 - POSSESSION OF SHORT BARRELED RIFLE (F), COUNT 7 - CONSPIRACY TO COMMIT ROBBERY (F), COUNTS 8, 9 - ROBBERY WITH USE OF A DEADLY WEAPON (F), COUNTS 10, 11 - ASSAULT WITH USE OF A DEADLY WEAPON (F). Sworn statement by victim's mother, Cora Williams, and victim's sister, Danielle Matison. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee and the \$150.00 DNA Analysis fee including testing to determine genetic markers, as to COUNT 1, Deft. SENTENCED to a MINIMUM of TWENTY-SIX (26) MONTHS and a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS in the Nevada Department of Corrections (NDC); as to COUNT 2, Deft. SENTENCED to LIFE WITH the possibility of parole after TWENTY (20) YEARS, plus an equal and CONSECUTIVE term for use of a deadly weapon; as to COUNT 3, Deft. SENTENCED to a MINIMUM of FORTY-EIGHT (48) MONTHS and a MAXIMUM of TWO HUNDRED FORTY (240) MONTHS in the Nevada Department of Corrections (NDC), plus an equal and CONSECUTIVE MINIMUM OF FORTY-EIGHT (48) MONTHS and a MAXIMUM of TWO HUNDRED FORTY (240) MONTHS for use of a deadly weapon; as to COUNT 4, Deft. SENTENCED to a MINIMUM of FORTY-EIGHT (48) MONTHS and a MAXIMUM of TWO HUNDRED FORTY (240) MONTHS in the Nevada Department of Corrections (NDC), plus an equal and CONSECUTIVE MINIMUM OF FORTY-EIGHT (48) MONTHS and a MAXIMUM of TWO HUNDRED FORTY (240) MONTHS for use of a deadly weapon; as to COUNT 5, Deft. SENTENCED to a MINIMUM of FORTY-EIGHT (48) MONTHS and a MAXIMUM of TWO HUNDRED FORTY (240) MONTHS in the Nevada Department of Corrections (NDC), plus an equal and CONSECUTIVE MINIMUM OF FORTY-EIGHT (48) MONTHS and a MAXIMUM of TWO HUNDRED FORTY (240) MONTHS for use of a deadly weapon; as to COUNT 6, Deft. SENTENCED to a MINIMUM of TWELVE (12) MONTHS and a MAXIMUM of FORTY-EIGHT (48) MONTHS in the Nevada

# CASE SUMMARY

CASE No. 06C228460-2

Department of Corrections (NDC); as to COUNT 7, Deft. SENTENCED to a MINIMUM of TWELVE (12) MONTHS and a MAXIMUM of SEVENTY-TWO (72) MONTHS in the Nevada Department of Corrections (NDC); as to COUNT 8, Deft. SENTENCED to a MINIMUM of FORTY (40) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS in the Nevada Department of Corrections (NDC), plus an equal and CONSECUTIVE MINIMUM of FORTY (40) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS for use of a deadly weapon; as to COUNT 9, Deft. SENTENCED to a MINIMUM of FORTY (40) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS in the Nevada Department of Corrections (NDC), plus an equal and CONSECUTIVE MINIMUM of FORTY (40) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS for use of a deadly weapon; as to COUNT 10, Deft. SENTENCED to a MINIMUM of SIXTEEN (16) MONTHS and a MAXIMUM of SEVENTY-TWO (72) MONTHS in the Nevada Department of Corrections (NDC); as to COUNT 11, Deft. SENTENCED to a MINIMUM of SIXTEEN (16) MONTHS and a MAXIMUM of SEVENTY-TWO (72) MONTHS in the Nevada Department of Corrections (NDC); all COUNTS to run CONCURRENT with each other, with THREE HUNDRED (300) DAYS credit for time served; BOND, if any, EXONERATED. ;

01/28/2008

## Request (8:15 AM)

Events: 01/24/2008 Hearing

DEFT'S REQUEST STATUS CHECK: CUSTODY Relief Clerk: Tia Everett/te  
Reporter/Recorder: Richard Kangas Heard By: Barker, David

## MINUTES

Hearing

[62] DEFT'S REQUEST STATUS CHECK: CUSTODY

Matter Continued; DEFT'S REQUEST STATUS CHECK: CUSTODY Relief Clerk: Tia Everett/te Reporter/Recorder: Richard Kangas Heard By: Barker, David

Journal Entry Details:

Mr. Figler advised the Defendant has been sentenced in this case and a Judgment of Conviction has been signed by the Court; however, he has yet to be transported to the Nevada Department of Corrections. Court Directed State to look into this matter and COURT ORDERED, matter CONTINUED. CUSTODY ;

Index #62

02/01/2008

## Request (8:15 AM)

DEFT'S REQUEST STATUS CHECK: CUSTODY Relief Clerk: Tia Everett/te  
Reporter/Recorder: Richard Kangas Heard By: David Barker

Off Calendar; DEFT'S REQUEST STATUS CHECK: CUSTODY Relief Clerk: Tia Everett/te  
Reporter/Recorder: Richard Kangas Heard By: David Barker

Journal Entry Details:

Court noted, he has spoken with the Clark County Detention Center (CCDC) who has advised the Defendant has been placed on the correct list in order for him to be transported to Nevada Department of Corrections. COURT ORDERED, MATTER OFF CALENDAR. NDC ;

03/26/2008

## Request of Court (8:15 AM)

Events: 03/10/2008 Hearing

AT REQ OF SUPREME COURT: APPOINTMENT OF COUNSEL/14 Court Clerk: Sharon Chun Reporter/Recorder: Richard Kangas Heard By: David Barker

## MINUTES

Hearing

[63] AT REQ OF SUPREME COURT: APPOINTMENT OF COUNSEL/14

Matter Heard; AT REQ OF SUPREME COURT: APPOINTMENT OF COUNSEL/14 Court Clerk: Sharon Chun Reporter/Recorder: Richard Kangas Heard By: David Barker

Journal Entry Details:

Deft incarcerated in NDC and not present. Mr. Singer appeared and stated he has not been appointed as counsel in this matter. COURT ORDERED, JOHN PARRIS APPOINTED as counsel and matter SET for status check on Friday. Deft so agreed. NDC 3/28/08 8:15 AM STATUS CHECK: FURTHER PROCEEDINGS...STATUS CHECK: CONFIRMATION OF COUNSEL (JOHN PARRIS) CLERK'S NOTE: Mr. Parris has been notified of the appointment via email this date. ;

Index #63


03/28/2008

## All Pending Motions (8:00 AM)

ALL PENDING MOTIONS 03-28-08 Court Clerk: Sandra Anderson Reporter/Recorder: Richard Kangas Heard By: David Barker

# CASE SUMMARY

CASE NO. 06C228460-2

|            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |           |
|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
|            | <p><b>MINUTES</b></p> <p>Motion</p> <p>[67] ALL PENDING MOTIONS 03-28-08</p> <p>Matter Heard; ALL PENDING MOTIONS 03-28-08 Court Clerk: Sandra Anderson<br/>Reporter/Recorder: Richard Kangas Heard By: David Barker</p> <p>Journal Entry Details:</p> <p><i>STATUS CHECK: FURTHER PROCEEDINGS...STATUS CHECK: CONFIRMATION OF COUNSEL COURT ORDERED, Mr. Parris confirmed as attorney of record. Mr. Parris advised the Court he would contact Mr. Singer for Discovery. ;</i></p>                                                                                                                                                                                                                                                                                                                                                                                                      | Index #67 |
| 03/28/2008 | <p><b>Status Check (8:15 AM)</b></p> <p>Events: 03/26/2008 Hearing</p> <p><i>STATUS CHECK: CONFIRMATION OF COUNSEL (J. PARRIS) Heard By: David Barker</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |           |
| 03/28/2008 | <p><b>Status Check (8:15 AM)</b></p> <p>Events: 03/26/2008 Hearing</p> <p><i>STATUS CHECK: FURTHER PROCEEDINGS</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |           |
| 09/24/2008 | <p><b>Request of Court (8:15 AM)</b></p> <p>Events: 09/11/2008 Hearing</p> <p><i>SUPREME COURT REMAND: APPOINT NEW APPELLET COUNSEL/18 Court Clerk: Sharon Chun Relief Clerk: Carol Donahoo/cd Reporter/Recorder: Richard Kangas Heard By: David Barker</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |           |
|            | <p><b>MINUTES</b></p> <p>Hearing</p> <p>[80] SUPREME COURT REMAND: APPOINT NEW APPELLET COUNSEL/18</p> <p>Granted; SUPREME COURT REMAND: APPOINT NEW APPELLET COUNSEL/18 Court Clerk: Sharon Chun Relief Clerk: Carol Donahoo/cd Reporter/Recorder: Richard Kangas Heard By: David Barker</p> <p>Journal Entry Details:</p> <p><i>Defendant/Appellant Joshlin incarcerated in the Nevada Department of Corrections (NDC) and not present. Court noted this matter has been remanded to District Court by the Supreme Court for the limited purpose of securing counsel for Appellant. Ms. Roys CONFIRMED as counsel of record on behalf of Karen Connolly, Esq. NDC ;</i></p>                                                                                                                                                                                                            | Index #80 |
| 07/27/2009 | <p><b>Request (8:15 AM)</b></p> <p>Events: 07/14/2009 Hearing</p> <p><i>DEFT'S PRO PER REQUEST FOR RECORDS/COURTCASE/19 Relief Clerk: Tia Everett/te Reporter/Recorder: Richard Kangas Heard By: Barker, David</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |           |
|            | <p><b>MINUTES</b></p> <p> Hearing</p> <p>[82] DEFT'S PRO PER REQUEST FOR RECORDS/COURT CASE/19</p> <p>Matter Continued; DEFT'S PRO PER REQUEST FOR RECORDS/COURTCASE/19 Relief Clerk: Tia Everett/te Reporter/Recorder: Richard Kangas Heard By: Barker, David</p> <p>Journal Entry Details:</p> <p><i>Mr. Figler informed the Court although the Nevada Supreme Court has affirmed the prior conviction, counsel has filed a petition for re-hearing; however, should the motion be denied counsel will file for enbanc consideration and should all requests be denied then the Defendant will be in need of his file. Further, Mr. Figler requested the request be continued while counsel exhaust all of his options. COURT ORDERED, matter CONTINUED based on the state of appeal. NDC ;</i></p> | Index #82 |
| 11/30/2009 | <p><b>Request (8:15 AM)</b></p> <p><i>DEFT'S PRO PER REQUEST FOR RECORDS/COURTCASE/19 Court Clerk: Sharon Chun Reporter/Recorder: Richard Kangas Heard By: David Barker</i></p> <p>Moot; DEFT'S PRO PER REQUEST FOR RECORDS/COURTCASE/19 Court Clerk: Sharon Chun Reporter/Recorder: Richard Kangas Heard By: David Barker</p> <p>Journal Entry Details:</p> <p><i>COURT NOTED THAT Deft is in custody at the Nevada Department of Corrections. Mr. Figler stated the final denial of appeal has been received and the Court should receive the Remittent any day now. Mr. Figler noted that he had sent two banker's boxes of records to Deft at NSP</i></p>                                                                                                                                                                                                                            |           |

**CASE SUMMARY****CASE No. 06C228460-2**

*and all the Court Transcripts were sent to him also. Mr. Figler requested to be retained for any post-conviction relief and thinks there should be a stay until the remittitur. COURT NOTED that Mr. Figler has confirmed that the full records have been sent to Deft; therefore, Deft's Request is MOOT. COURT IS WAITING for the Supreme Court Remittitur before further consideration of Mr. Figler's withdrawal. NDC ;*

01/04/2010

**Motion (8:15 AM)**

Events: 12/18/2009 Motion

*DEFT'S PRO PER MTN FOR THE APPT OF CNSL & REQ FOR EVID HRG /20***MINUTES**

Motion

*[85] DEFT'S PRO PER MTN FOR THE APPT OF CNSL & REQ FOR EVID HRG /20*  
Matter Continued; DEFT'S PRO PER MTN FOR THE APPT OF CNSL & REQ FOR EVID HRG /20

Index #85

01/04/2010

**Motion (8:15 AM)**

Events: 12/18/2009 Motion

*DEFT'S PRO PER MTN FOR LEAVE TO PROCEED IN FORMA PAUPERIS /21***MINUTES**

Motion

*[86] DEFT'S PRO PER MTN FOR LEAVE TO PROCEED IN FORMA PAUPERIS /21*  
Matter Continued; DEFT'S PRO PER MTN FOR LEAVE TO PROCEED IN FORMA PAUPERIS /21

Index #86

01/06/2010

**Motion (8:15 AM)***DEFT'S PRO PER MTN FOR THE APPT OF CNSL & REQ FOR EVID HRG /20*

01/06/2010

**Motion (8:15 AM)***DEFT'S PRO PER MTN FOR LEAVE TO PROCEED IN FORMA PAUPERIS /21*

01/06/2010

**All Pending Motions (8:15 AM)**

*ALL PENDING MOTIONS OF 1/6/10 Court Clerk: Sharon Chun Reporter/Recorder: Richard Kangas Heard By: David Barker*

**MINUTES**

Motion

*[93] ALL PENDING MOTIONS OF 1/6/10*

Matter Heard; ALL PENDING MOTIONS OF 1/6/10 Court Clerk: Sharon Chun  
Reporter/Recorder: Richard Kangas Heard By: David Barker

Journal Entry Details:

*DEFT'S PRO PER MOTION FOR THE APPOINTMENT OF COUNSEL AND REQUEST FOR EVIDENTIARY HEARING...DEFT'S PRO PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS COURT NOTED Deft is in custody at NDC and Deft needs to articulate the grounds for an appointment of counsel. Mr. Figler stated he received a copy of the NV Supreme Court's remittitur and Deft's issue is ineffective assistance of counsel, therefore, withdrawal would seem appropriate. COURT STATED that appointment of counsel will have to be assigned through Drew Christensen and SET status check for confirmation of counsel. FOLLOWING CALENDAR, COURT ORDERED BOTH DEFT'S MOTIONS CONTINUED TO 1/15/10 as well. NDC 1/15/10 8:15 AM STATUS CHECK: CONFIRMATION OF COUNSEL...DEFT'S PRO PER MOTION FOR THE APPOINTMENT OF COUNSEL AND REQUEST FOR EVIDENTIARY HEARING...DEFT'S PRO PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS cc: D. Figler, Esq. ;*

Index #93

01/15/2010

**Motion (8:15 AM)***DEFT'S PRO PER MTN FOR THE APPT OF CNSL & REQ FOR EVID HRG /20*

01/15/2010

**Motion (8:15 AM)***DEFT'S PRO PER MTN FOR LEAVE TO PROCEED IN FORMA PAUPERIS /21*

01/15/2010

**Status Check (8:15 AM)**

Events: 01/06/2010 Hearing

# CASE SUMMARY

CASE No. 06C228460-2

## STATUS CHECK: CONFIRMATION OF APPOINTED COUNSEL

01/15/2010

### All Pending Motions (8:15 AM)

ALL PENDING MOTIONS Relief Clerk: Shelly Landwehr/sl Reporter/Recorder: Richard Kangas Heard By: David Barker

### MINUTES

Motion

[94] ALL PENDING MOTIONS

Matter Heard; ALL PENDING MOTIONS Relief Clerk: Shelly Landwehr/sl Reporter/Recorder: Richard Kangas Heard By: David Barker

Journal Entry Details:

DEFT'S PRO PER MOTION FOR THE APPOINTMENT OF COUNSEL AND REQUEST FOR EVIDENTIARY HEARING...DEFT'S PRO PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS...STATUS CHECK: CONFIRMATION OF APPOINTED COUNSEL Chris Ford present on behalf of Luke Ciciliano. Colloquy regarding appointment of counsel to represent Deft. in these proceedings. Mr. Ford CONFIRMED as counsel. Colloquy regarding Deft's motions. COURT NOTED, Mr. Figler made a good record. Matter OFF CALENDAR. NDC ;

Index #94

05/12/2010

### Motion (8:15 AM)

Events: 04/28/2010 Motion

DEFT'S PRO PER MTN FOR APPOINTMENT OF COUNSEL AND REQUEST FOR EVIDENTIARY HRG Court Clerk: Sharon Chun Reporter/Recorder: Richard Kangas Heard By: David Barker

### MINUTES



Motion

[97] DEFT'S PRO PER MTN FOR APPOINTMENT OF COUNSEL AND REQUEST FOR EVIDENTIARY HRG

Matter Heard; DEFT'S PRO PER MTN FOR APPOINTMENT OF COUNSEL AND REQUEST FOR EVIDENTIARY HRG Court Clerk: Sharon Chun Reporter/Recorder: Richard Kangas Heard By: David Barker

Journal Entry Details:

Mr. Vitale appeared on behalf of K. Connolly, Esq. and stated his office represented Deft Joshlin through Appeal, but, new counsel needs to be appointed for him for this post-conviction request for relief. COURT NOTED that the Supreme Court gave direction that counsel should be appointed for claims of ineffective assistance of counsel, and, ORDERED. COUNSEL TO BE APPOINTED through Drew Christensen's Office. COURT FURTHER ORDERED, MATTER SET FOR STATUS CHECK RE CONFIRMATION. NDC 5/28/10 8:15 AM STATUS CHECK: CONFIRMATION OF COUNSEL (THROUGH D. CHRISTENSEN'S OFFICE)...STATUS CHECK: SET EVID HEARING RE INEFFECTIVE ASSISTANCE OF COUNSEL ;

Index #97

05/28/2010

### Status Check (8:15 AM)

Events: 05/12/2010 Hearing

STATUS CHECK: CONFIRMATION OF COUNSEL (THRU D.CHRISTENSEN)

05/28/2010

### Status Check (8:15 AM)

Events: 05/12/2010 Hearing

STATUS CK: SET EVIDENTIARY HEARING RE INEFFECTIVE ASSISTANCE OF COUNSEL Heard By: David Barker

05/28/2010

### All Pending Motions (8:15 AM)

ALL PENDING MOTIONS 5/28/10 Court Clerk: Sharon Chun Reporter/Recorder: Richard Kangas Heard By: David Barker

### MINUTES

Motion

[101] ALL PENDING MOTIONS 5/28/10

Matter Heard; ALL PENDING MOTIONS 5/28/10 Court Clerk: Sharon Chun Reporter/Recorder: Richard Kangas Heard By: David Barker


Journal Entry Details:

STATUS CHECK: CONFIRMATION OF COUNSEL...STATUS CHECK: SET EVIDENTIARY

Index #101

# CASE SUMMARY

CASE No. 06C228460-2

|            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |            |
|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
|            | <p><i>HEARING RE INEFFECTIVE ASSISTANCE OF COUNSEL COURT ADVISED that Michael Schwarz, Esq. was appointed counsel through Drew Christensen's Office, and ORDERED, STATUS CHECK CONTINUED re setting of the Post-Conviction claim of ineffective assistance of counsel. COURT NOTED that a Transport Order will be required for Deft's presence at that time. NDC 7/16/10 8:15 AM STATUS CHECK: SET EVIDENTIARY HEARING RE INEFFECTIVE ASSISTANCE OF COUNSEL CLERK'S NOTE: A copy of this minute order has been provided to Mr. Schwarz. ;</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |            |
| 07/16/2010 | <p><b>Status Check (8:15 AM)</b><br/> Events: 05/28/2010 Hearing<br/> <i>STATUS CK: SET EVID HRG RE DEFT'S POST- CONV CLAIM OF INEFFECTIVE ASSIS COUNSEL Relief Clerk: Billie Jo Craig Reporter/Recorder: Richard Kangas Heard By: David Barker</i></p> <p><b>MINUTES</b><br/> Hearing<br/> <i>[100] STATUS CK: SET EVID HRG RE DEFT'S POST- CONV CLAIM OF INEFFECTIVE ASSIS COUNSEL</i><br/> Matter Heard; STATUS CK: SET EVID HRG RE DEFT'S POST- CONV CLAIM OF INEFFECTIVE ASSIS COUNSEL Relief Clerk: Billie Jo Craig Reporter/Recorder: Richard Kangas Heard By: David Barker<br/> Journal Entry Details:<br/> <i>Court noted defendant had been transported and Mr. Schwarz was not present. Mr. Schwarz was to advise the Court if supplemental briefing was necessary. Court noted Mr. Schwarz not present. Court stated its findings, and ORDERED, matter CONTINUED for counsel to be present. Court advised defendant need not be present at the next Court date and a copy of the Minutes from the next Court date to be provided to the defendant. NDC CONTINUED TO: 7/21/10 8:15 AM ;</i></p> | Index #100 |
| 07/21/2010 | <p><b>Status Check (8:15 AM)</b><br/> Events: 07/16/2010 Hearing<br/> <i>STATUS CHECK: SET EVID HRG RE DEFT'S POST-CONV CLAIM (FROM 7/16/10) Court Clerk: Sharon Chun Relief Clerk: Billie Jo Craig/bjc Reporter/Recorder: Richard Kangas Heard By: David Barker</i></p> <p><b>MINUTES</b><br/> Hearing<br/> <i>[103] STATUS CHECK: SET EVID HRG RE DEFT'S POST-CONV CLAIM (FROM 7/16/10)</i><br/> Matter Heard; STATUS CHECK: SET EVID HRG RE DEFT'S POST-CONV CLAIM (FROM 7/16/10) Court Clerk: Sharon Chun Relief Clerk: Billie Jo Craig/bjc Reporter/Recorder: Richard Kangas Heard By: David Barker<br/> Journal Entry Details:<br/> <i>Colloquy regarding status of case. COURT ORDERED, a briefing schedule set as follows: Defendant's Motion Due: 11/24/10 State's Response Due: 2/23/11 Defendant's Reply Due: 3/9/11 EVIDENTIARY HEARING: 3/23/10 10:00 AM COURT ORDERED, matter SET for Evidentiary Hearing. NDC 3/23/11 10:00 AM EVIDENTIARY HEARING ;</i></p>                                                                                                                                | Index #103 |
| 03/23/2011 | <p><b>CANCELED Evidentiary Hearing (10:00 AM)</b> (Judicial Officer: Barker, David)<br/> <i>Vacated - Case Closed</i><br/> <i>hearing as to co-defendant</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |            |
| 01/23/2012 | <p> <b>Motion (8:15 AM)</b> (Judicial Officer: Barker, David)<br/> <b>01/23/2012, 02/06/2012</b><br/> Events: 01/13/2012 Motion<br/> <i>Deft's Pro Per Motion for Appointment of Counsel Pursuant to NRS 34.750</i><br/> Matter Continued;<br/> Motion Granted; Deft's Pro Per Motion for Appointment of Counsel Pursuant to NRS 34.750<br/> Journal Entry Details:<br/> <i>Upon Court's inquiry, Mr. Colucci advised he will accept appointment. COURT ORDERED, motion GRANTED. Further, Mr. Colucci advised he has sent letter to previous counsel requesting discovery and requested a 120 day status check. FURTHER ORDERED, matter SET for status check. NDC 6/11/12 8:15 AM STATUS CHECK: BRIEFING SCHEDULE ;</i><br/> Matter Continued;</p>                                                                                                                                                                                                                                                                      |            |

# CASE SUMMARY

CASE NO. 06C228460-2

Motion Granted; Deft's Pro Per Motion for Appointment of Counsel Pursuant to NRS 34.750  
Journal Entry Details:

*Court noted conviction affirmed by Supreme Court, Mr. Ciciliano appointed to assist in any post conviction efforts, Mr. Ciciliano has indicated he cannot continue, Mr. Christensen contacted to no avail and COURT ORDERED, matter CONTINUED. NDC CONTINUED TO: 2/6/12 8:15 AM CLERK'S NOTE: Mr. Christensen e-mailed and advised of the Court's order. 1/23/12 aw CLERK'S NOTE: The above minute order has been distributed to: Jemar Matthews #1014654, WSCC, P.O. Box 7007, Carson City, NV 89702.;*

06/11/2012



**Status Check (8:15 AM)** (Judicial Officer: Barker, David)

Status Check: Briefing Schedule

Briefing Schedule Set;

Journal Entry Details:

*Upon Court's inquiry, Mr. Colucci stated he has reviewed entire file, will be filing supplemental to the petition and requested a briefing schedule be set. COURT ORDERED, the following briefing schedule: Deft's Supplemental brief due by July 9, 2012, State's Opposition due by September 10, 2012, Deft's Reply due by September 24, 2012, and matter SET thereafter for hearing. NDC 10/12/12 9:00 AM HEARING ;*

10/12/2012



**Hearing (9:00 AM)** (Judicial Officer: Barker, David)

Matter Heard;

Journal Entry Details:

*Mr. Bateman stated just for clarification, Deft. argued motion to sever should of been filed, included legal reasons for a severance and the State believes this is a legal matter for the Court. The Court needs to decide legal reasons for severance motion, believes it is a matter of law and no need for hearing. Mr. Colucci stated there is a lot of other factors involved. Further, earlier in case, Mr. Figler filed bench brief indicating there may be Bruton issues and the purpose of closing arguments was to connect this Deft. with the other Deft. Additionally, State argued both Defts' acted in concert, not charged with conspiracy and wants to know if it was a strategic decision. Court noted on Order of Affirmance, there was a conspiracy charge. Mr. Colucci stated even with conspiracy issue, argued no evidence there was a conspiracy to commit murder. Dayvid Figler, sworn and testified. Mr. Colucci argued evidence against Deft. was not as strong as it was against the Co-Deft. Further, rebuttal argument was both Defts' together and by repeating the words "they and them", State lumped together with no distinction between the charges. Additionally, the spill over effect was huge, Deft's counsel knew both Defts' would be linked together, possible Bruton issues and motion to sever should of been filed. Mr. Bateman argued no red flag during trial in regards to Mr. Singer's issues and actions. Further, no law presented that deficient performance by Co-Deft's counsel would be basis for severance. Additionally, Mr. Bateman argued evidence was sufficient, at no time was it brought up there was insufficient evidence against this Deft., no specific trial right precluded shown here, does not believe Deft's trial counsel fell to such a level to be deficient, prejudice prong not met and ineffective assistance of counsel not shown. Further argument by Mr. Colucci. Court stated issue addresses whether or not trial conduct of Deft's counsel was deficient. Further, Court FINDS issue of severance is a matter of law, if brought pre trial, it would of been denied based on theories presented. Additionally, the Court does not question Mr. Figler's efforts even with the spill over argument were met. Based upon that fact, anything seen, heard or briefed on would indicate his efforts were factually or legally deficient and ORDERED, petition DENIED. State to prepare findings of fact and conclusions of law. NDC ;*

11/19/2012



**Motion (8:15 AM)** (Judicial Officer: Barker, David)

Deft's Motion to Place on Calendar Re: Appointment of Appellant Counsel

Motion Denied; Deft's Motion to Place on Calendar Re: Appointment of Appellant Counsel

Journal Entry Details:

*Court noted there seems to be some conflict as to the findings of facts and conclusions of law. Mr. Colucci advised all that has been worked out with the State. Further, Mr. Colucci stated Deft. needs new counsel and not him. Court further noted this is the third level of post conviction, needs reason and factual basis stated, Deft. does not have right to counsel and ORDERED, motion DENIED. Mr. Colucci requested to withdraw as counsel without prejudice. COURT SO ORDERED. NDC ;*

01/16/2013



**Appointment of Counsel (8:15 AM)** (Judicial Officer: Barker, David)

Appointment of Counsel per Supreme Court Remand

# CASE SUMMARY


CASE No. 06C228460-2

Matter Heard; Appointment of Counsel per Supreme Court Remand

Journal Entry Details:

*Court noted per Mr. Christensen, Mr. Gamage will be appointed as counsel but could not be present today. Colloquy. COURT ORDERED, William Gamage, Esq., APPOINTED as COUNSEL and matter SET for status check. NDC 2/13/13 8:15 AM STATUS CHECK: SETTING OF BRIEFING SCHEDULE CLERK'S NOTE: Logan with Mr. Gamage's office advised of appointment and status check date. aw 1/16/13 CLERK'S NOTE: The above minute order has been distributed to: Jemar Matthews #1014654, P.O. Box 650, Indian Springs, NV 89070. aw ;*

02/13/2013

 **Status Check (8:15 AM)** (Judicial Officer: Barker, David)

*Status Check: Set Briefing Schedule*

Matter Continued;

Journal Entry Details:

*Mr. Gamage requested matter be continued sixty days, advised he just received a lot of records and he will be submitting ex parte request for investigator. COURT ORDERED, matter CONTINUED. NDC CONTINUED TO: 4/17/13 8:15 AM CLERK'S NOTE: This matter remanded for the limited purpose of securing appellate counsel and April 17, 2013, date VACATED. aw 3/5/13 ;*

08/25/2014

**Petition for Writ of Habeas Corpus (8:15 AM)** (Judicial Officer: Barker, David)

*Deft's Pro Per Petition for Writ of Habeas Corpus (Post Conviction)*

Denied;


08/25/2014

**Response and Countermotion (8:15 AM)** (Judicial Officer: Barker, David)

*State's Response And Motion To Dismiss Defendant's Pro Per Petition For Writ Of Habeas Corpus (Post-Conviction)*

Granted;

08/25/2014


 **All Pending Motions (8:15 AM)** (Judicial Officer: Barker, David)

Matter Heard;

Journal Entry Details:

*DEFT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)... STATE'S RESPONSE AND MOTION TO DISMISS DEFT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION) Court noted long procedurally history of case. Judgment of Conviction (JOC) filed as a function of jury verdict convicting Deft. of 11 Counts including assault, attempt murder, first degree murder with use of a deadly weapon and conspiracy. A direct appeal was taken as a function of that verdict on the JOC and the Supreme Court sustained the conviction and granted remittitur in 2009. First step in the post-conviction began on or about November or December 2009. Mr. Colucci represented Deft. in first post-conviction habeas was heard and denied in October 12, 2012. Deft. filed pro per notice of appeal of that decision and requested counsel which was denied. There was a limited remand by the Nevada Supreme Court to appoint appellate counsel and Mr. Gamage was appointed to do that. On February 10, 2014, remittitur was issued by the Supreme Court affirming the denial of Deft's post-conviction petition. Court FINDS this is a successive petition. Further, the Court notes State stands in opposition in response to this new petition and filed a motion indicating this petition is time barred under NRS 34.726, over one year has passed, no allegations of good cause sufficient to overcome that procedural bar and ORDERED, Deft's petition DENIED on procedural grounds. FURTHER ORDERED, State's Motion GRANTED also on those grounds. State to prepare findings of fact and conclusion of law. NDC CLERK'S NOTE: The above minute order has been distributed to: Jemar Matthews, aka Jemar Demon Matthews #1014654, High Desert State Prison, P.O. Box 650, Indian Springs, NV 89018. aw ;*

06/12/2017

 **Motion (8:30 AM)** (Judicial Officer: Kephart, William D.)

*State's Motion to Place on Calendar for the Purpose of State's Notice of Intent to Proceed to Retrial*

Trial Date Set;

Journal Entry Details:

*Mr. Giordani advised this case was reversed approximately ten (10) years after trial and the State intends to precede with trial. Mt. Gamage advised Defendant is requesting to invoke his right to a speedy trial. COURT ORDERED, matter SET for trial within 60 days; although, based on the Court's scheduling the date will be approximately three (3) weeks outside the 60*

# CASE SUMMARY

CASE NO. 06C228460-2

day date. Mr. Giordani objected and stated the Defendant is no longer entitled to a speedy trial and requested a date in ordinary course. NDC 8/02/2017 8:30 AM PRE TRIAL CONFERENCE 8/30/2017 8:30 AM CALENDAR CALL 9/05/2017 10:00 AM JURY TRIAL ;

07/21/2017



**Status Check** (9:00 AM) (Judicial Officer: Herndon, Douglas W.)

**STATUS CHECK: MURDER TEAM ASSIGNMENT**

Continued;

Journal Entry Details:

*Defendant not present, in custody with the Nevada Department of Corrections. Upon Court's inquiry, Mr. Giordani stated defendant invoked his right to speedy trial in front of Judge Kephart, noting he believes defendant previously waived. Court stated case was reversed at the Federal level, noting Todd Leventhal and Richard Tanasi were appointed upon remand to state court. Mr. Giordani stated that Mr. Leventhal indicated that he will be in another trial for the next eight weeks, therefore, will not be ready for trial on September 5, 2017. Court stated defendant originally invoked, however, trial was continued which would have caused the defendant to waive. Discussion regarding caseload transfer. Counsel to speak with defendant regarding trial dates. COURT ORDERED, Pre-Trial Conference and Trial VACATED, matter SET for Status Check to discuss trial setting. Matter RECALLED. Same parties present. Mr. Giordani noted a concern that defendant may have been released. Court stated he is still in custody with Nevada Department of Corrections. COURT FURTHER ORDERED, Defendant REMANDED TO CCDC WITHOUT BAIL. State to prepare an order to transport. Court stated matter will remain in this department for now. NDC 8/22/17 9:00 AM STATUS CHECK: TRIAL SETTING/ CASE REASSIGNMENT;*

08/02/2017

**CANCELED Pre Trial Conference** (8:30 AM) (Judicial Officer: Kephart, William D.)

*Vacated - per Judge*

08/22/2017



**Status Check** (9:00 AM) (Judicial Officer: Herndon, Douglas W.)

**Status Check: Trial Setting/Case Reassignment**

Matter Heard;

Journal Entry Details:

*Court stated matter was previously on calendar for trial setting, however, Mr. Leventhal was in trial. Parties indicated they are ready to set a trial date. Pursuant to EDCR 1.30 and 1.31 this court ORDERS the case REASSIGNED to Department 20, matter SET for Status Check. Mr. Leventhal stated defendant is still being held in Nevada Department of Corrections. Court stated defendant will be remanded to the Clark County Detention Center since he is no longer under imprisonment. Matter RECALLED. Mr. Kochevar now present. Mr. Leventhal advised he spoke to Mr. Giordani who does not have an issue if the defendant returns to Nevada Department of Corrections. Upon Court's inquiry, Mr. Leventhal stated case was reversed at the federal level four months ago. Court stated the prison will wait until they receive an order reversing the conviction and the District Court remands the defendant to the Clark County Detention Center. Mr. Leventhal requested defendant be allowed to return to prison prior to being remanded to the detention center. Court stated he will not remand the defendant at this time, however, parties need to discuss with Department 20 at the next hearing. State to prepare an order to transport for the defendant for the next hearing. CUSTODY 9/05/17 8:30 AM STATUS CHECK: TRIAL SETTING (DEPT. 20) ;*

08/30/2017

**CANCELED Calendar Call** (8:30 AM) (Judicial Officer: Kephart, William D.)

*Vacated - per Judge*

09/05/2017



**Status Check: Trial Setting** (8:30 AM) (Judicial Officer: Johnson, Eric)

Trial Date Set;

Journal Entry Details:

*Mr. Leventhall advised this is a 10 year old case and requested a trial date in April. Upon Court's inquiry, Mr. Leventhall advised there are no discovery issues at this time. Following colloquy, COURT ORDERED, trial SET in April with a status check in November. CUSTODY 11/2/17 8:30 AM STATUS CHECK: HOMICIDE TRIAL 4/24/18 8:30 AM CALENDAR CALL 4/30/18 9:00 AM JURY TRIAL;*

09/05/2017

**CANCELED Jury Trial** (10:00 AM) (Judicial Officer: Kephart, William D.)

*Vacated - per Judge*

# CASE SUMMARY

CASE NO. 06C228460-2

11/02/2017



**Status Check** (8:30 AM) (Judicial Officer: Johnson, Eric)

**11/02/2017, 02/01/2018**

*Status Check: Homicide Trial*

Matter Continued;

Matter Continued;

Journal Entry Details:

*Mr. Tanasi appeared for Mr. Leventhal. Upon Court's inquiry, Mr. Tanasi advised an offer has been extended that they need to discuss with Defendant and that there are no issues as to discovery. Following colloquy, COURT ORDERED, matter CONTINUED to March.*

*CUSTODY (COC-NDC) ... CONTINUED 3/20/18 8:30 AM;*

Matter Continued;

Matter Continued;

Journal Entry Details:

*Mr. Tanasi appeared for Mr. Leventhal. Upon Court's inquiry, counsel advised there are no discovery issues and they are on track for trial in April. Mr. Giordani advised this is a re-trial and they have everything they need. Following colloquy, COURT ORDERED, matter CONTINUED to February status checks. CUSTODY ... CONTINUED 2/1/18 8:30 AM;*

03/20/2018



**Status Check** (8:30 AM) (Judicial Officer: Johnson, Eric)

*Status Check: Homicide Trial*

Matter Continued;

Journal Entry Details:

*Mr. Leventhal advised they are going to be asking for a continuance of the trial, however, requested this matter be continued one week as Mr. Giordani is not present today. Mr. Merback concurred. Mr. Leventhal stated the reason for the continuance is his experts need to review the file and the mitigation experts have just started. Mr. Merback concurred. COURT ORDERED, matter CONTINUED ONE (1) WEEK. CUSTODY (COC-NDC) ... CONTINUED*

*3/27/18 8:30 AM;*

03/27/2018



**Status Check** (8:30 AM) (Judicial Officer: Johnson, Eric)

*Status Check: Homicide Trial*

Matter Continued;

Journal Entry Details:

*Upon Court's inquiry, Mr. Leventhal advised they have identified their experts and they are on board but, we need a little more time and requested the trial be reset to August. Mr. Giordani concurred and had no objection. At this point, Mr. Leventhal advised there are no discovery issues. COURT ORDERED, trial date VACATED and RESET with a status check in June. As to the Motions set on 4/5, Mr. Leventhal advised these are for CPS records. Upon Court's inquiry, Mr. Giordani advised the State is not taking a position. There being no opposition, COURT ORDERED, Defendant's Motion for CPS records, etc is GRANTED and taken OFF CALENDAR. Mr. Tanasi advised there were proposed Orders attached to the Motion set for 4/5. Mr. Giordani to review the Orders, notify chambers if there a problem by Thursday and if there are no problems, Court will sign the Orders. CUSTODY (COC-NDC) 6/7/18 8:30 AM STATUS CHECK: HOMICIDE TRIAL 7/24/18 8:30 AM CALENDAR CALL 8/6/18 9:00 AM JURY TRIAL;*

04/05/2018

**CANCELED Motion** (9:00 AM) (Judicial Officer: Johnson, Eric)

*Vacated*

*Defendant's Motion for Order to Produce Records from (1) Division of Child and Family Services and (2) Family Courts and Services Center and/or Clark County District Court Family Division*

04/24/2018

**CANCELED Calendar Call** (8:30 AM) (Judicial Officer: Johnson, Eric)

*Vacated*

04/30/2018

**CANCELED Jury Trial** (9:00 AM) (Judicial Officer: Johnson, Eric)

*Vacated*

06/07/2018



**Status Check** (8:30 AM) (Judicial Officer: Johnson, Eric)

*Status Check: Homicide Trial*

Matter Continued;

# CASE SUMMARY

CASE NO. 06C228460-2

|            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            | <p>Journal Entry Details:<br/> <i>Mr. Tanasi advised Mr. Leventhal is in Federal Court this morning. Upon Court's inquiry, Mr. Tanasi advised there are no discovery issues. Mr. Giordani advised he has conveyed an amended offer that contemplates they can argue for a minimum of twenty (20) years and advised the offer is only open until next status check. COURT ORDERED, matter CONTINUED. CUSTODY (COC-NDC) ... CONTINUED 6/28/18 9:00 AM;</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 06/28/2018 | <p> <b>Status Check</b> (9:00 AM) (Judicial Officer: Johnson, Eric)</p> <p><i>Status Check: Homicide Trial</i></p> <p>Matter Heard;</p> <p>Journal Entry Details:<br/> <i>Upon Court's inquiry, Mr. Leventhal advised he has no issues as to discovery and is ready for trial. Mr. Giordani advised he does not have the CPS records. Mr. Leventhal stated they would not be used in their case-in-chief but in penalty. Mr. Giordani explained the offer that was extended as First Degree Murder no use, pleading to the rest of the charges, State retaining the right to argue consecutive or concurrent. However, that offer is now off the table as Defendant rejected it. Mr. Leventhal advised they had a counter offer that was not accepted and is now withdrawn as well. There being no issues and calendar call around the next status check date, COURT ORDERED, matter OFF CALENDAR as no further date is necessary. CUSTODY (COC-NDC);</i></p> |
| 09/04/2018 | <p> <b>Motion</b> (8:30 AM) (Judicial Officer: Leavitt, Michelle)</p> <p><i>State's Notice Of Motion And Motion To Admit Transcript Of Prior Jury Trial Testimony Of LVMPD Forensic Scientist James Krylo</i></p> <p>Granted;</p> <p>Journal Entry Details:<br/> <i>Deft. not present; was not transported from Nevada Department of Corrections (NDC). Chief Deputy District Attorney Agnes Lexis, Esq., is present on behalf of State of Nevada. Mr. Leventhal informed the Court defense takes no position on having the transcript admitted, if the witness is not available. COURT ORDERED, Motion GRANTED. State to prepare the order. CUSTODY (COC-NDC) 9/18/18 8:30 A.M. CALENDAR CALL 9/25/18 10:30 A.M. TRIAL BY JURY;</i></p>                                                                                                                                                                                                                      |
| 09/18/2018 | <p><b>Calendar Call</b> (8:30 AM) (Judicial Officer: Leavitt, Michelle)</p> <p>Trial Date Set;</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 09/18/2018 | <p><b>Motion</b> (8:30 AM) (Judicial Officer: Leavitt, Michelle)</p> <p><i>State's Notice of Motion and Motion to Admit Transcript of Prior Jury Trial Testimony of Victim Myniece Cook</i></p> <p>Granted;</p> <p>Journal Entry Details:<br/> <i>There being no opposition, COURT ORDERED motion GRANTED. Counsel announced ready for trial, estimated 7 days with 26 witnesses. Trial date set 9/24/18 10:30am. COURT ORDERED, Defendant to be remanded into custody for the trial. CUSTODY (COC NDC);</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 09/18/2018 | <p> <b>All Pending Motions</b> (8:30 AM) (Judicial Officer: Leavitt, Michelle)</p> <p>Matter Heard;</p> <p>Journal Entry Details:<br/> <i>State's Notice of Motion and Motion to Admit Transcript of Prior Jury Trial Testimony of Victim Myniece Cook Calendar Call There being no opposition, COURT ORDERED motion GRANTED. Counsel announced ready for trial, estimated 7 days with 26 witnesses. Trial date set 9/24/18 10:30am. COURT ORDERED, Defendant to be remanded into custody for the trial. CUSTODY (COC NDC);</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 09/18/2018 | <p><b>CANCELED All Pending Motions</b> (8:30 AM) (Judicial Officer: Leavitt, Michelle)</p> <p><i>Vacated</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 09/24/2018 | <p> <b>Jury Trial</b> (10:30 AM) (Judicial Officer: Leavitt, Michelle)</p> <p><b>09/24/2018-09/28/2018, 10/01/2018-10/03/2018</b></p> <p><i>Jury Trial</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

# CASE SUMMARY

CASE NO. 06C228460-2

## MINUTES

Trial Continues;  
Trial Continues;  
Trial Continues;  
Trial Continues;  
Trial Continues;  
Trial Continues;  
Jury Deliberating;  
Verdict;

### Journal Entry Details:

*Jury deliberating. 10:27 A.M. -- Court reconvened with all parties present from before. JURY RETURNED VERDICTS AS FOLLOWS: COUNT 1 - GUILTY OF CONSPIRACY TO COMMIT MURDER (F); COUNT 2 - GUILTY OF FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON (F); COUNT 3 - GUILTY OF ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (F); COUNT 4 - GUILTY OF ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (F); COUNT 5 - GUILTY OF ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (F); COUNT 6 - GUILTY OF POSSESSION OF SHORT BARRELED RIFLE (F); COUNT 7 - GUILTY OF CONSPIRACY TO COMMIT ROBBERY (F); COUNT 8 - GUILTY OF ROBBERY WITH USE OF A DEADLY WEAPON (F); COUNT 9 - GUILTY OF ROBBERY WITH USE OF A DEADLY WEAPON (F); COUNT 10 - GUILTY OF ASSAULT WITH A DEADLY WEAPON (F); and, COUNT 11 - GUILTY OF ASSAULT WITH A DEADLY WEAPON (F). Jury was polled by Clerk at request of defense counsel. CONFERENCE AT BENCH. Court admonished and excused the Jury from the courtroom, to return to the deliberation room and wait for further instructions by the Court. OUTSIDE PRESENCE OF JURY: At request of parties, Court cleared the Courtroom, and TRAILED the matter to allow both sides to discuss a possible stipulation, and for defense to speak with Deft. further. CASE RECALLED. Both parties stipulated to waive a penalty hearing. Counsel stated based upon the Jury's findings, all parties agreed to a sentence of life with possibility of parole after twenty years being imposed on the first degree murder charge, and parties further agreed to have the trial judge sentence Deft. on all remaining counts. Court canvassed Deft. on the written waiver. Upon Court's inquiry, Deft. acknowledged; and confirmed he understood the waiver, including the sentencing agreement on the first degree murder offense, the penalty hearing being waived, and sentencing being up to the Court on remaining counts. SO NOTED. Stipulation And Waiver Of Penalty Hearing FILED IN OPEN COURT. JURY PRESENT: Court advised the Jury on parties stipulating to waiving the penalty hearing; and further stated the jurors will not be proceeding forward. Court extended thanks and gratitude to the Jury for their willingness to be here and serve as jurors. Thereafter, Court DISCHARGED and EXCUSED the Jury from trial proceedings. OUTSIDE PRESENCE OF JURY: COURT ORDERED, matter REFERRED to the Division of Parole and Probation (P&P), and SET for sentencing. Mr. Giordani requested Deft. be remanded without bail, based on the Verdict returned from the Jury. Deft. stated he is in prison already. Defense submitted. COURT FURTHER ORDERED, Deft. REMANDED INTO CUSTODY without bail, pending sentencing. Deft. to be transported back to his housing in the Nevada Department of Corrections (NDC), pending sentencing date. Court adjourned. TRIAL ENDS. CUSTODY 12/05/18 8:30 A.M. SENTENCING (JURY VERDICT);*

## MINUTES

Trial Continues;  
Trial Continues;  
Trial Continues;  
Trial Continues;  
Trial Continues;  
Trial Continues;  
Jury Deliberating;  
Verdict;

### Journal Entry Details:

*OUTSIDE PRESENCE OF JURY: Court advised both sides there were problems with the conspiracy instruction in the finalized jury instructions, and the parties need to settle the instructions again with the Court before proceeding. Court TRAILED and RECALLED matter for the instructions and copies of instructions to be corrected. JURY INSTRUCTIONS 1-43 SETTLED. VERDICT FORM APPROVED. State made no objections. Mr. Tanasi objected to Instruction No. 27 being given. Mr. Giordani argued in support of the instruction; and further argued as to Walker and Palmer case law. Court OVERRULED defense counsel's objection. Mr. Tanasi informed the Court he confirmed with Ms. Gilchrist about testifying, and if she is*

# CASE SUMMARY

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unavailable due to child care issues, defense would request the witness be allowed to testify on the same substance that was discussed earlier, as to her testimony, and to allow the witness to testify by phone. Discussion as to defense being aware of the notice issue. Arguments by counsel as to NRS 51.115 and NRS 51.345, and the testimony not being hearsay. Mr. Giordani objected; and argued as to no alibi notice having been given to State, notice being required, and there being a whole slew of issues surrounding the alleged statement. Further arguments by counsel. Mr. Giordani argued the statement is hearsay and Deft. can testify on where he went that evening. Court SUSTAINED State's objection on defense having the out-of-state witness appear to testify, due to lack of notice. Court reminded Deft. regarding his right to testify and not testify. Deft. requested time to speak to his attorneys; and COURT SO ORDERED. Deft. conversed with his attorneys privately in open Court. Thereafter, Deft. finished speaking with counsel; and confirmed to Court he will not be testifying. SO NOTED. JURY PRESENT: Defense rested. State rested. Court instructed the Jury on the law. Closing arguments by Ms. Botelho and Mr. Leventhal. Court admonished and excused the Jury for a lunch recess. OUTSIDE PRESENCE OF JURY: CONFERENCE AT BENCH. Due to typographical error discovered by Court on Instruction No. 3 of the Jury Instructions, both sides made no objections to Court amending Instruction No. 3, to include the correct year of the alleged offense, as being 2006 and not 2016. Lunch recess. OUTSIDE PRESENCE OF JURY: Mr. Tanasi informed the Court Deft. brought to his attention that during closing arguments, some of the family members of the decedent, were making noises and comments, and he just wanted to let the Court know. The Marshal stated the noises and comments were coming from both sides of the courtroom earlier. Mr. Giordani stated the witness advocate from his office has been here and had overheard the Deft. having concerns, the victim advocate confirmed to the State that the victim's family was holding back tears. JURY PRESENT: Rebuttal arguments by Mr. Giordani. Marshal and Matron were SWORN by Clerk to take charge of the Jury. Alternate jurors were identified and further instructed by Court. At the hour of 4:01 P.M., the Jury retired to deliberate. Jury deliberating. Evening recess. TRIAL CONTINUES. CUSTODY 10/03/18 8:30 A.M. TRIAL BY JURY;

## MINUTES

Trial Continues;  
Trial Continues;  
Trial Continues;  
Trial Continues;  
Trial Continues;  
Trial Continues;  
Jury Deliberating;  
Verdict;  
Journal Entry Details:

OUTSIDE PRESENCE OF JURY: Mr. Leventhal informed the Court he had notified Deft's mother over the weekend, to ask her whether she had remembered what happened during the alleged incident, she had told him Deft. was living with a sister and his prior girlfriend Jomeesha Gilchrist around that time frame, Deft's child's mother had a temporary protective order (TPO) against Deft, further noting defense located Ms. Gilchrist who moved out of state, defense spoke to the sister and spoke to Ms. Gilchrist last night, she said when she saw Deft. for the last time, he was on his way over to see his baby and the baby's mother, Ms. Gilchrist did not remember whether there was a TPO violation, and she did not remember what Deft. wore that night, however, she did remember Deft. saying he was going to see his baby. Mr. Leventhal added Ms. Gilchrist is in California, she just had a baby and cannot appear to testify at trial in person due to breastfeeding, however, defense can facilitate something to have her testify, now defense is trying to locate the Deft's baby's mother, the investigator could not locate her, and since defense had found Deft's prior girlfriend, the defense sent two text messages to her, with no response, and defense does not know how willing Ms. Gilchrist is to be here. Mr. Leventhal stated if he does get a hold of Ms. Gilchrist, defense can be heard further on this issue. Mr. Giordani informed the Court State provided the proposed jury instructions to the Court, State will be resting after their last witness testifies this morning, and defense has an expert scheduled to testify this afternoon or close to tomorrow. Mr. Leventhal stated defense has a gunshot residue expert today and possibly the prior girlfriend from California, if defense does get a hold of her again. Colloquy as to trial schedule for today and tomorrow, and jury instructions to be discussed and finalized. Mr. Giordani advised their last witness was admonished about the Court's order, on the prior incident in the neighborhood and gang affiliation retaliation allegation. JURY PRESENT: Testimony and Exhibits presented (See Worksheets.). State's Exhibit No. 13 was PUBLISHED to the Jury in open Court. OUTSIDE PRESENCE OF JURY: Mr. Giordani reminded the Court the Carter instruction was included in State's proposed instructions to the Court. Deft. was admonished by Court on his rights to testify and not testify. Upon Court's inquiry, Deft. acknowledged; and confirmed he

# CASE SUMMARY

CASE No. 06C228460-2

will not be testifying. Court advised Deft. to let the Court know if he changes his mind about not testifying, as there is an additional witness that will be called. Mr. Leventhal stated he spoke with the State about defense's possible witness from California. the State believes the statement by witness would be hearsay; and defense believes the statement can come in with the hearsay exception, if the witness does come and testify. Arguments by parties as to relevancy, NRS 51.345, proper notice not having been given to the State, this being unfair to the State as to defense dropping the witness on the State's lap on sixth day of trial, hearsay rules, and the State not having any idea when the statement was made or when Deft. was going to his baby's mother's house. Mr. Giordani argued this is a trial by ambush, State has an issue with the statement itself and sudden recollection, and State will leave it up to the Court at this point. Court stated it does not know if it is being asked to do anything, the Court does not have the witness here, and the Court does not know if defense is seeking any relief from the Court. Mr. Leventhal clarified the Court is right, as defense has not asked the Court for anything, and he will just let the Court know whether he hears back from the out-of-state witness. Mr. Tanasi requested a written stipulation about the TPO be read to the Jury on the record, during Deft's case in chief. COURT SO ORDERED. Thereafter, parties stipulated to admitting Deft's Exhibits E and F, and having Exhibits A through D withdrawn. COURT SO ORDERED. JURY PRESENT: State rested. Testimony and Exhibits presented (See Worksheets.). CONFERENCE AT BENCH. Defense read stipulation regarding the TPO order from 2006 to the Jury on the record. Jury was admonished and excused by Court for the evening, to return tomorrow morning, at 10:30 a.m. OUTSIDE PRESENCE OF JURY: Discussions as to defense seeking to have the out-of-state witness testify tomorrow, if or when the witness arrives. Mr. Leventhal advised the witness told him last night she was unable to come and testify today, due to breastfeeding her new baby, however, maybe on Tuesday, October 2, 2018, or Wednesday, October 3, 2018 she may. Mr. Leventhal added he asked the witness to call him back and confirm, and received no response, and this is where defense is at. Discussions as to proposed jury instructions from defense having been provided to the State, and not to the Court. Both sides exited the Courtroom to discuss jury instructions with the Court in Chambers. MATTER TRAILED. CASE RECALLED. JURY INSTRUCTIONS SETTLED, and VERDICT FORM APPROVED. No further instructions were proposed, and parties had no objections for the Court regarding the settled instructions. Court asked defense counsel to provide an update about the out-of-state witness tomorrow, and the Court will instruct the Jury after defense rests. Evening recess. TRIAL CONTINUES. CUSTODY 10/02/18 10:30 A.M. TRIAL BY JURY;

## MINUTES

Trial Continues;  
Trial Continues;  
Trial Continues;  
Trial Continues;  
Trial Continues;  
Trial Continues;

Jury Deliberating;  
Verdict;

### Journal Entry Details:

JURY PRESENT: Court advised the Jury defense is calling one of their witnesses out of order, and after the witness testifies, the State will go back to their case and present their witnesses. Testimony and Exhibits presented (See Worksheets.). OUTSIDE PRESENCE OF JURY: Both sides stipulated to replacing two photos of maps in the exhibits with clearer photos; and COURT SO ORDERED. JURY PRESENT: Further testimony an Exhibits presented (See Worksheets.). Deputy District Attorney K. Nick Portz, Esq., was present and sworn by Clerk. The deposition of James Krylo was read into the record by Mr. Portz, Esq. Court admonished and excused the Jury for the weekend, to return Monday, October 1, 2018 at 11:00 a.m. OUTSIDE PRESENCE OF JURY: Parties stipulated to additional exhibits, and State's Exhibit No.'s 459 and 460 being withdrawn and returned to counsel. COURT SO ORDERED. Evening recess. TRIAL CONTINUES. CUSTODY 10/01/18 11:00 A.M. TRIAL BY JURY;

## MINUTES

Trial Continues;  
Trial Continues;  
Trial Continues;  
Trial Continues;  
Trial Continues;  
Trial Continues;

Jury Deliberating;

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Verdict;

Journal Entry Details:

*OUTSIDE PRESENCE OF JURY: Mr. Giordani advised news cameras were present in Court during opening statements; and State has concerns due to seeing something on the news last night, there were two printed articles about this case that was broadcast on the news, which infer a wrongful conviction and innocence claims, the State cannot control what the news does, however, the Jury may have seen the "wrongful conviction" flash on the camera in the Courtroom, for the broadcast yesterday. Mr. Giordani inquired if the Court can give an admonishment, or inquire whether the jurors have seen anything from the news broadcast. Court stated it has done trials with media present before, and the jurors can notify the Court on something; the Court is not comfortable asking the jurors here about the broadcast, as the Court does not want to draw more attention to jurors about the media coverage. Colloquy. Ms. Botelho advised the media went into more detail about the prior trial. Mr. Leventhal advised he was in a federal trial recently with a lot of media coverage being there. Mr. Giordani inquired whether the Court can tell the jury to report things to the Court if they see or hear something. Further colloquy as to Court's admonishments to the Jury, and the articles from the Las Vegas Review Journal. Mr. Giordani noted this is a unique situation. Court stated the jurors can see the cameras in the courtroom, and the jury knows the media is covering the trial. Discussions as to trial schedule for the week, status of jury instructions, and witness line up. JURY PRESENT: Testimony and Exhibits presented (See Worksheets.). Evening recess. TRIAL CONTINUES. CUSTODY 9/28/18 11:00 A.M. TRIAL BY JURY;*

**MINUTES**

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Jury Deliberating;

Verdict;

Journal Entry Details:

*OUTSIDE PRESENCE OF JURY: Discussions regarding technical issues in the courtroom. JURY PRESENT and SWORN by Clerk. Court instructed the Jury. Clerk read Amended Information; and stated the plea thereof. Further instructions were provided to Jury by Court. Opening statements by Ms. Botelho and Mr. Tanasi. OUTSIDE PRESENCE OF JURY: Parties stipulated to admitting State's proposed Exhibit No.'s 1 through 451. COURT SO ORDERED. Mr. Giordani informed the Court State's witnesses were reminded earlier about the Court's ruling on not referencing on the gang affiliation and unrelated incident when testifying; and noted the defense needs to be careful not to reference any of this as well, on cross examination of those witnesses. Court reminded both sides to use "prior proceedings" when referencing anything from the first trial. Upon inquiry by Mr. Leventhal, Court advised parties they are permitted to reference the Preliminary Hearing proceedings, when referencing about the transcript, however, the Court will have a problem if the prior trial is referenced in those words. Further colloquy regarding Court's ruling and when State references Maurice being the intended target, without getting into gang affiliation or retaliation; and further colloquy regarding defense seeking to ask one of State's witness about height comparison. Mr. Tanasi advised he is trying to keep the witness and Deft. as far as possible; and defense would request Deft. be allowed to stand up during testimony, when defense needs to have the height established on cross examination. Court stated it will not allow the Deft. and the witness to be close to each other, however, it would not have a problem with the witness telling the jury how tall she is. Mr. Tanasi requested Deft. be permitted to stand back to back with the witness. Court advised defense counsel Deft. can stand and the jury can observe, when the witness is coming and out of the courtroom, while Deft. is standing up; and defense can ask the witness how tall she is during cross, without putting Deft. up there by the witness, the Court is not comfortable with the witness and Deft. being near each other, and the Court does not want the witness to feel uncomfortable or intimidated. Mr. Tanasi asked whether Deft. can stand up after the witness testifies. Court stated defense can have Deft. stand up during testimony. Upon Court's inquiry, Mr. Giordani confirmed State provided the witness line up for today to defense. JURY PRESENT: Testimony and Exhibits presented (See Worksheets.). During testimony, State's Exhibit 452 was published to the Jury in open Court, and the Exhibit No. was referenced incorrectly. OUTSIDE PRESENCE OF JURY: Court stated the Clerk notified the Court about a problem with the exhibits; and reminded both sides not to reference prior exhibit numbers listed on the exhibits, from the first trial. Clerk clarified the correct number is State's Exhibit No. 452, and not 97. Ms. Botelho apologized to the Court and Clerk. JURY PRESENT: Further testimony and Exhibits presented (See Worksheets.). Evening recess. TRIAL*

# CASE SUMMARY

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CONTINUES. CUSTODY 9/27/18 10:30 A.M. TRIAL BY JURY ;

## MINUTES

Trial Continues;  
Trial Continues;  
Trial Continues;  
Trial Continues;  
Trial Continues;  
Trial Continues;  
Jury Deliberating;  
Verdict;

Journal Entry Details:

*OUTSIDE PRESENCE OF PROSPECTIVE JURY PANEL:* Court advised both sides Juror with Badge No. 0357 notified the Court earlier about medical issues, and Court made the decision to have the juror excused, to allow the juror to seek medical attention. Court stated it will replace this juror and the juror excused yesterday; and provided the names of the new jurors replacing those seats. Parties made no objection. Mr. Tanasi advised the parties have to re-address the challenges. Colloquy regarding Juror No. 0356, and Court seeking to give the jury an instruction about the passage of time issue. Mr. Giordani advised there were some jurors saying hello to the State earlier, outside the courtroom. Court stated it will remind the jurors about the no communication rule. *PROSPECTIVE JURY PANEL PRESENT:* Court reminded the Jury about the parties and the Court not being permitted to communicate with the Jury outside the courtroom, due to the parties and the Court needing to maintain ethical obligations and the jury system. Court also instructed the jury about the lapse of time and when the event took place; and stated the Jury will be able to consider the passage of time, if selected for trial. *Voir dire commenced.* *CONFERENCE AT BENCH.* State made challenges for cause during the Bench conference. Follow up was done by defense. *Voir Dire commenced further.* Lunch recess. *PROSPECTIVE JURY PANEL PRESENT:* *Voir dire commenced further.* Both sides exercised peremptory challenges. During peremptory challenges, defense made a Batson challenge due to make up on the number of African Americans on the panel of 32. Following arguments by parties, Court **OVERRULED** defense counsel's objections. Court Exhibit **ADMITTED** (See Worksheets.). Parties exercised peremptory challenges. **JURY SELECTED.** Court thanked and excused the remaining prospective jury panel members. Court admonished and excused the Jury for the evening, to return tomorrow morning at 10:00 a.m. Evening recess. **TRIAL CONTINUES. CUSTODY 9/26/18 10:00 A.M. TRIAL BY JURY;**

## MINUTES

Trial Continues;  
Trial Continues;  
Trial Continues;  
Trial Continues;  
Trial Continues;  
Trial Continues;  
Jury Deliberating;  
Verdict;

Journal Entry Details:

*OUTSIDE PRESENCE OF PROSPECTIVE JURY PANEL:* Mr. Leventhal informed the Court defense has an expert witness being Dr. Mark Chambers, who is out of town and also in another trial planning to testify there; and defense would request Court to allow the expert to testify in this trial Friday, September 28, 2018. State made no objection. **COURT SO ORDERED.** Mr. Leventhal apologized to the Court, for what happened during a courtroom incident having occurred at time of Calendar Call, between Court Services and himself. *PROSPECTIVE JURY PANEL PRESENT:* Introductory statements by Court and by counsel. Clerk called roll. *PROSPECTIVE JURY PANEL SWORN.* *Voir Dire commenced.* Lunch recess. *OUTSIDE PRESENCE OF PROSPECTIVE JURY PANEL:* Mr. Giordani informed the Court this case went to trial back in 2007, the case was reversed many years later, and parties cannot reference in any way about the other trial. Court stated it will not allow counsel to make any reference about the other trial, and the prior trial would be called "prior proceedings". Mr. Giordani advised there were officers in the area of the murder, as there was a murder the night before that was gang related, discovery on this was provided to defense, and the State is staying away from referencing about the prior murder and gang affiliation. Mr. Leventhal argued as to relevancy on why the police were there in the area. Discussions as to police having been there in plain clothes, and there having been gang retaliation in the neighborhood. Mr. Giordani argued State would have to explain *res gestae*, and why the police were there. Court stated police can be there, they were doing their jobs, Court is not sure why

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State would have to explain why the police were there, the State can explain in general terms, and parties do not want the jury to think the police being at the area working on another event, was related to this case. Thereafter, Court asked why the jury has to be told about the specific reason why the police were there. Mr. Leventhal noted he is not sure how relevant this is, or how State would get into Co-Def't. and appeal status of Co-Def't's case, about the relief having been denied, and this should not be there. Mr. Giordani argued Def't. and Co-Def't. committed the crime together, and State is not going further on this, other than the police being there on another incident. Mr. Leventhal argued as to the question by State going into the previous trial, and relevancy of Co-Def't. having gotten caught. Following discussions, Court stated none of the information about why the Co-Def't. is not here, is relevant, parties can talk about the facts, just not the reason why the Co-Def't. is not here, or where the Co-Def't. is currently at; whether the Co-Def't. got relief or not from the appellate court is not relevant, and what the Co-Def't. may have done at time of incident is relevant. **PROSPECTIVE JURY PANEL PRESENT:** Voir Dire commenced further. **OUTSIDE PRESENCE OF PROSPECTIVE JURY PANEL:** Mr. Tanasi inquired if defense can voir dire the jury panel about the penalty portion; and Court stated yes. Discussions as to Juror with Badge No. 0414 having commented during Voir Dire about his heart rate and medical condition, Juror with Badge No. 0356 not understanding proceedings due to possible language barrier, and defense counsel's concerns. Court advised counsel if parties want to stipulate to having the juror removed, that is fine, or if counsel wants to further voir dire jurors, that is fine too. Mr. Giordani advised State does not believe it matters as to Juror No. 0356, and State agrees with the Court as to the other juror, being Badge No. 0414. Court stated Badge No. 0414 wanted to stay, and parties can revisit later on this. Mr. Tanasi advised defense is going to split the voir dire up. **SO NOTED.** **PROSPECTIVE JURY PANEL PRESENT:** Voir dire commenced further. Court admonished and excused the Jury for a break; and Court asked Juror with Badge No. 0370 to remain in the courtroom. **OUTSIDE PRESENCE OF PROSPECTIVE JURY PANEL:** Juror with Badge No. 0370 is present. Court canvassed the juror regarding comments this juror made earlier about having concerns due to the case having been opened in 2006, and the lapse of time on the case now going to trial. The juror stated he did not feel comfortable about the lapse of time or making a decision on a case from 2006 regardless of what the evidence is, based on the passage of time. The Marshal informed the Court there is another juror who made the same comment earlier. Court advised the juror he would be permitted to take into consideration on the lapse of time. Following further colloquy, **COURT ORDERED**, Badge No. 0370 **EXCUSED** by Court for cause. Juror exited the Courtroom. Additional juror is present; and told the Court about the same concerns on absence of time; and stated however, the case coming to trial now is not a concern. Following colloquy between the juror and Court, the juror made a comment about being able to be a fair and an impartial juror for this trial. Court thanked the juror for being here; and reminded the juror not to discuss this courtroom conversation with the fellow jurors. Juror acknowledged; and exited the Courtroom to wait outside with the panel for further instructions. Ms. Botelho made a challenge for cause for Juror with Badge No. 0376. Court stated it would like the parties to make the challenges to the Court, when they have such challenges during Voir Dire, and defense has had no chance to do Voir Dire yet, or do follow up. Thereafter, Court stated it will question the juror further, and have the remaining jury panel return tomorrow morning. Juror with Badge No. 0376 is present; and stated he has a question about the case being from 2006 and asked how somebody can believe some one today on something that happened 12 years ago. Colloquy between the juror and the Court. Court told the Juror he would be able to consider that the case was long ago. Juror was satisfied with this; and was not excused for cause. Court directed the juror to wait outside with the fellow jurors; and reminded the juror not to discuss the courtroom conversation with the fellow jurors. Juror with Badge No. 0376 not present. Mr. Giordani advised State has three additional challenges for cause to make. Mr. Leventhal requested Court to give a curative instruction to the Jury about the lapse of time, due to the State's question to the jurors earlier possibly causing confusion. Colloquy. Court stated it can tell the Jury tomorrow about the case having been filed in 2006, and State can follow up and make any challenges for cause at that time. Court directed the Marshal to excuse the jury panel, to return tomorrow morning. Mr. Giordani advised he has four cases in Department 3 he needs to handle tomorrow, the criminal calendar there is starting at 10:30 a.m.; and he would request trial here to start tomorrow at 11:00 a.m. **COURT SO ORDERED.** Court directed the Marshal to have all of the jurors return tomorrow morning at 11:00 a.m. Evening recess. **TRIAL CONTINUES. CUSTODY 9/25/18 8:30 A.M. TRIAL BY JURY;**

12/05/2018

**Sentencing (8:30 AM)** (Judicial Officer: Leavitt, Michelle)

Sentencing (Jury Verdict)

**MINUTES**

Defendant Sentenced;





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## Journal Entry Details:

*Def't. present in custody. Mr. Leventhal apologized to the Court; and stated defense filed a lengthy Sentencing Memorandum last night, and defense is ready to proceed with sentencing, further noting defense also spoke with State about whether the Court will continue the matter, if the Court has not had ample time to review the Sentencing Memorandum, and if that is the case, parties would agree to a continuance. Court stated it did have an opportunity to review the Sentencing Memorandum, and is ready to proceed with sentencing. By virtue of Jury Verdict returned in this matter, DEFT. JEMAR D. MATTHEWS ADJUDGED GUILTY of COUNT 1 - CONSPIRACY TO COMMIT MURDER (F); COUNT 2 - FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON (F); COUNT 3 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (F); COUNT 4 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (F); COUNT 5 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (F); COUNT 6 - POSSESSION OF SHORT BARRELED RIFLE (F); COUNT 7 - CONSPIRACY TO COMMIT ROBBERY (F); COUNT 8 - ROBBERY WITH USE OF A DEADLY WEAPON (F); COUNT 9 - ROBBERY WITH USE OF A DEADLY WEAPON (F); COUNT 10 - ASSAULT WITH A DEADLY WEAPON (F); AND COUNT 11 - ASSAULT WITH A DEADLY WEAPON (F). Arguments by Mr. Giordani. Mr. Giordani requested the victim speakers to address the Court last. Def't. made statements to the victims seated in the gallery, and additional statements to the Court. Mr. Leventhal argued regarding NRS 193.165 and information contained in the Sentencing Memorandum. Mr. Tanasi also made arguments to the Court on Def't's behalf. Two Victim Speakers provided sworn testimony. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, \$150.00 DNA Analysis fee including testing to determine genetic markers, and \$3.00 DNA Collection fee, Def't. SENTENCED as follows: COUNT 1 - to a MINIMUM of TWENTY SIX (26) MONTHS and a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS in the Nevada Department of Corrections (NDC); COUNT 2 - LIFE with the possibility of parole after a MINIMUM of TWENTY (20) YEARS is served in the Nevada Department of Corrections (NDC), plus a CONSECUTIVE term of LIFE with the possibility of parole after a MINIMUM of TWENTY (20) YEARS is served in the Nevada Department of Corrections (NDC), for use of the deadly weapon; COUNT 2 to run CONCURRENT to COUNT 1; COUNT 3 - a MINIMUM of FORTY EIGHT (48) MONTHS and a MAXIMUM of TWO HUNDRED FORTY (240) MONTHS in the Nevada Department of Corrections (NDC), plus a CONSECUTIVE term of a MINIMUM of FORTY EIGHT (48) MONTHS and a MAXIMUM of TWO HUNDRED FORTY (240) MONTHS in the Nevada Department of Corrections (NDC), for use of the deadly weapon; COUNT 3 to run CONCURRENT to COUNT 2; COUNT 4 - a MINIMUM of FORTY EIGHT (48) MONTHS and a MAXIMUM of TWO HUNDRED FORTY (240) MONTHS in the Nevada Department of Corrections (NDC), plus a CONSECUTIVE term of a MINIMUM of FORTY EIGHT (48) MONTHS and a MAXIMUM of TWO HUNDRED FORTY (240) MONTHS in the Nevada Department of Corrections (NDC), for use of the deadly weapon; COUNT 4 to run CONCURRENT to COUNT 3; COUNT 5 - a MINIMUM of FORTY EIGHT (48) MONTHS and a MAXIMUM of TWO HUNDRED FORTY (240) MONTHS in the Nevada Department of Corrections (NDC), plus a CONSECUTIVE term of a MINIMUM of FORTY EIGHT (48) MONTHS and a MAXIMUM of TWO HUNDRED FORTY (240) MONTHS in the Nevada Department of Corrections (NDC), for use of the deadly weapon; COUNT 5 to run CONCURRENT to COUNT 4; COUNT 6 - a MINIMUM of TWELVE (12) MONTHS and a MAXIMUM of FORTY EIGHT (48) MONTHS in the Nevada Department of Corrections (NDC); COUNT 6 to run CONCURRENT to COUNT 5; COUNT 7 - a MINIMUM of TWELVE (12) MONTHS and a MAXIMUM of SEVENTY TWO (72) MONTHS in the Nevada Department of Corrections (NDC); COUNT 7 to run CONCURRENT to COUNT 6; COUNT 8 - a MINIMUM of FORTY (40) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS in the Nevada Department of Corrections (NDC), plus a CONSECUTIVE term of a MINIMUM of FORTY (40) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS in the Nevada Department of Corrections (NDC), for use of the deadly weapon; COUNT 8 to run CONCURRENT to COUNT 7; COUNT 9 - a MINIMUM of FORTY (40) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS in the Nevada Department of Corrections (NDC), plus a CONSECUTIVE term of a MINIMUM of FORTY (40) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS in the Nevada Department of Corrections (NDC), for use of the deadly weapon; COUNT 9 to run CONCURRENT to COUNT 8; COUNT 10 - a MINIMUM of SIXTEEN (16) MONTHS and a MAXIMUM of SEVENTY TWO (72) MONTHS in the Nevada Department of Corrections (NDC); COUNT 10 to run CONCURRENT to COUNT 9; and, COUNT 11 - a MINIMUM of SIXTEEN (16) MONTHS and a MAXIMUM of SEVENTY TWO (72) MONTHS in the Nevada Department of Corrections (NDC); COUNT 11 to run CONCURRENT to COUNT 10, with FOUR THOUSAND FOUR HUNDRED FIFTY (4,450) DAYS CREDIT FOR TIME SERVED. All Counts to run CONCURRENT to COUNT 2. TOTAL AGGREGATE SENTENCE is FORTY (40) YEARS to LIFE in the Nevada Department of Corrections (NDC). BOND, if any, EXONERATED. NDC ;*

# CASE SUMMARY

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|            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 09/17/2019 |  <b>Minute Order</b> (3:15 PM) (Judicial Officer: Leavitt, Michelle)<br>Minute Order - No Hearing Held;<br>Journal Entry Details:<br><i>COURT ORDERED, Judgment of Conviction is to be AMENDED removing the aggregate total.;</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 07/30/2020 |  <b>Motion for Own Recognizance Release/Setting Reasonable Bail</b> (12:00 PM) (Judicial Officer: Leavitt, Michelle)<br><i>Defendant's Motion for Own Recognizance Release</i><br><b>MINUTES</b><br>Denied; Defendant's Motion for Own Recognizance Release<br>Journal Entry Details:<br><i>Defendant not present. Mr. Leventhal argued as to the Motion for Release. Statement by Victim Speaker, Mrs. Williams. Argument by the State. COURT FINDS the proof is evident and the presumption is great and ORDERED, Motion DENIED; Defendant HELD WITHOUT BAIL pending trial. Colloquy regarding trial dates. COURT FURTHER ORDERED, trial dates SET; matter SET for Status Check regarding trial readiness. NDC 11/04/20 8:30 AM OR 11/06/20 12:00 PM (DEPENDING ON PANDEMIC) STATUS CHECK: TRIAL READINESS 04/27/21 8:30 AM CALENDAR CALL 05/03/21 10:30 AM JURY TRIAL;</i>                                                                                                                                                                        |
| 11/06/2020 |  <b>Status Check: Trial Readiness</b> (12:00 PM) (Judicial Officer: Leavitt, Michelle)<br><b>11/06/2020, 04/09/2021</b><br>Matter Continued;<br>Vacated and Reset;<br>Journal Entry Details:<br><i>Mr. Tanasi noted there is a settlement conference set. COURT STATED this matter cannot go forward with trial at this time and ORDERED, trial dates VACATED and RESET; matter SET for Status Check regarding trial readiness. CUSTODY 07/07/21 8:30 AM OR 07/09/21 11:00 AM (DEPENDING ON PANDEMIC) STATUS CHECK: TRIAL READINESS 09/21/21 8:30 AM OR 11:00 AM (DEPENDING ON PANDEMIC) CALENDAR CALL 09/27/21 10:30 AM JURY TRIAL ;</i><br>Matter Continued;<br>Vacated and Reset;<br>Journal Entry Details:<br><i>State announced the anticipation to be ready for trial. Mr. Leventhal confirmed there are no outstanding discovery issues or requests and the Defense anticipates being ready for trial. COURT SO NOTED and ORDERED, matter CONTINUED. CUSTODY CONTINUED TO: 02/03/21 8:30 AM OR 02/05/21 12:00 PM (DEPENDING ON PANDEMIC);</i> |
| 04/27/2021 | <b>CANCELED Calendar Call</b> (11:00 AM) (Judicial Officer: Leavitt, Michelle)<br><i>Vacated - per Judge</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 05/03/2021 | <b>CANCELED Jury Trial</b> (10:30 AM) (Judicial Officer: Leavitt, Michelle)<br><i>Vacated - per Judge</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 06/04/2021 |  <b>Settlement Conference</b> (1:30 PM) (Judicial Officer: Cherry, Michael A.)<br>Not Settled;<br>Journal Entry Details:<br><i>Parties participated in a settlement conference with Senior Judge Cherry where a settlement was not reached. CLERK'S NOTE: This Minute Order was electronically served to all registered parties for Odyssey File &amp; Serve. // yo 06/07/21;</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 06/11/2021 | <b>CANCELED Settlement Conference</b> (1:30 PM)<br><i>Vacated - On in Error</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 07/09/2021 |  <b>Status Check: Trial Readiness</b> (11:00 AM) (Judicial Officer: Leavitt, Michelle)<br>Matter Heard;<br>Journal Entry Details:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

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Upon Court's inquiry, Mr. Giordani anticipates the State would be ready to try the case for the current trial date and noted the victim's family was present for this hearing. Mr. Leventhal advised the parties had a senior judge settlement conference that did not work out and believed they needed to set a trial date. Court noted a trial date was already set for September 27, 2021 and inquired if there were any outstanding motions or issues. Mr. Leventhal stated he did not think there was anything outstanding as this was the third time they've tried this case. Mr. Giordani agreed; however he did note at the prior trial they had to file motions to admit prior testimony and was unsure if they would have to file any this time but stated it would be within the time frame. **COURT ORDERED**, matter **CONTINUED** to the calendar call. **CUSTODY**;

09/09/2021

**Pre Trial Conference** (11:00 AM) (Judicial Officer: Leavitt, Michelle)

Vacated and Reset;

Journal Entry Details:

Colloquy regarding trial setting. There being no objection by the State, **COURT ORDERED**, Defense Motion to Continue Trial **GRANTED**; trial dates **VACATED** and **RESET**. **CUSTODY** 10/08/21 8:30 AM OR 11:00 AM (DEPENDING ON PANDEMIC) **PRE-TRIAL CONFERENCE** 10/26/21 8:30 AM OR 11:00 AM (DEPENDING ON PANDEMIC) **CALENDAR CALL** 11/01/21 10:30 AM (DEPENDING ON PANDEMIC) **JURY TRIAL CLERK'S NOTE**: Subsequent to Court and based upon parties agreement, trial dates **RESET** to the following week; Minute Order amended to include accurate trial setting. All parties and victim's family notified of new dates. The above minute order has been distributed to: John Giordani <John.Giordani@clarkcountyda.com>; Richard Tanasi <rtanasi@tanasilaw.com>; 'Leventhal and Associates' <leventhalandassociates@gmail.com> hvp/9/13/21;

09/14/2021

**CANCELED Motion** (11:00 AM) (Judicial Officer: Leavitt, Michelle)

Vacated - per Judge

Motion to Continue Trial

09/16/2021

**CANCELED Calendar Call** (11:00 AM) (Judicial Officer: Holthus, Mary Kay)

Vacated - per Judge

09/27/2021

**CANCELED Jury Trial** (10:30 AM) (Judicial Officer: Leavitt, Michelle)

Vacated - per Judge

10/08/2021

**Pre Trial Conference** (11:00 AM) (Judicial Officer: Leavitt, Michelle)

Matter Heard;

Journal Entry Details:

Parties announced ready for trial and agreed trial will take two weeks. State noted Mr. Giordani is trial counsel and is not sure of the amount of witnesses. Mr. Leventhal noted the last trial had 15 witnesses with none of the witnesses being out of State. **COURT SO NOTED**. **CUSTODY**;

10/21/2021

**Calendar Call** (11:00 AM) (Judicial Officer: Leavitt, Michelle)

Matter Heard;

10/21/2021

**Motion** (11:00 AM) (Judicial Officer: Leavitt, Michelle)

[197] Motion to Admit Transcripts of Prior Testimony

Granted;

10/21/2021

**All Pending Motions** (11:00 AM) (Judicial Officer: Leavitt, Michelle)

Matter Heard;

Journal Entry Details:



**MOTION TO ADMIT TRANSCRIPTS OF PRIOR TESTIMONY CALENDAR CALL** State confirmed 15 to 20 witnesses for trial and 6 to 7 days for the duration. State noted this matter will be tried with Mr. Giordani. Mr. Tanasi advised the Defense is still looking for witnesses. There being no opposition from the Defense, **COURT ORDERED**, Motion to Admit Transcripts as to James Krylo and Amy Nemcik **GRANTED**. **COURT FURTHER ORDERED**, matter **REFERRED** to Central Calendar Call and **SET** for Hearing. **CUSTODY** 10/27/21 2:00 PM **CENTRAL CALENDAR CALL**;

10/21/2021

EIGHTH JUDICIAL DISTRICT COURT



**CASE SUMMARY**

**CASE NO. 06C228460-2**

|            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            | <b>All Pending Motions</b> (11:00 AM) (Judicial Officer: Leavitt, Michelle)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 10/27/2021 |  <b>Central Calendar Call</b> (2:00 PM) (Judicial Officer: Bluth, Jacqueline M.)<br>Matter Heard;<br>Journal Entry Details:<br><i>Upon Court's inquiry, counsel stated they are ready to proceed to trial. Mr. Leventhal advised the Court that this is a re-trial which will take a week and a half with 6-7 witnesses. COURT ORDERED, Trial date SET. CUSTODY 11/04/21 9:30 AM JURY TRIAL (DEPT. 12);</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 11/04/2021 |  <b>Jury Trial</b> (9:30 AM) (Judicial Officer: Leavitt, Michelle)<br><b>11/04/2021-11/05/2021, 11/08/2021-11/10/2021, 11/12/2021, 11/15/2021</b><br>Trial Continues;<br>Trial Continues;<br>Trial Continues;<br>Trial Continues;<br>Trial Continues;<br>Trial Continues;<br>Verdict;<br>Journal Entry Details:<br><i>Intern, Samantha Goett, also present with the State. At the hour of 9:00 am, the jury returned to deliberate. JURY PRESENT: At the hour of 2:25 PM, the jury returned with a verdict of GUILTY OF COUNT 1 - CONSPIRACY TO COMMIT MURDER, GUILTY OF - COUNT 2 - MURDER (FIRST DEGREE) WITH USE OF A DEADLY WEAPON, GUILTY OF COUNTS 3-5 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON, GUILTY OF COUNT 6 - POSSESSION OF SHORT BARRELED RIFLE, GUILTY OF COUNT 7 - CONSPIRACY TO COMMIT ROBBERY, GUILTY OF COUNTS 8 and 9 - ROBBERY WITH USE OF A DEADLY WEAPON and GUILTY OF COUNTS 10 and 11- ASSAULT WITH A DEADLY WEAPON. Court thanked and excused the jury. OUTSIDE THE PRESENCE OF THE JURY: COURT ORDERED, matter referred to the Division of Parole and Probation (P &amp; P) and SET for sentencing. 02/04/22 SENTENCING;</i><br>Trial Continues;<br>Trial Continues;<br>Trial Continues;<br>Trial Continues;<br>Trial Continues;<br>Trial Continues;<br>Verdict;<br>Journal Entry Details:<br><i>Intern, Samantha Goett, also present with the State. JURY PRESENT: Testimony and exhibits presented. (See worksheets) OUTSIDE THE PRESENCE OF THE JURY: Defendant advised of his right not to testify. OUTSIDE THE PRESENCE OF THE JURY: Parties agree to release Juror No. 10. JURY PRESENT: Court instructed the jury. Closing arguments. At the hour of 5:12 PM, the jury retired to deliberate. COURT ORDERED, trial CONTINUED.;</i><br>Trial Continues;<br>Trial Continues;<br>Trial Continues;<br>Trial Continues;<br>Trial Continues;<br>Trial Continues;<br>Verdict;<br>Journal Entry Details:<br><i>Intern, Samantha Goett, also present with the State. OUTSIDE THE PRESENCE OF THE JURY: Parties argued as to witness Nicolas Owens. COURT ORDERED, Nicolas Owens is allowed to testify, State is to be careful about the witness does not talk about gang affiliation or monikers. JURY PRESENT: Testimony and exhibits presented. (See worksheets.) COURT ORDERED, trial CONTINUED.;</i><br>Trial Continues;<br>Trial Continues;<br>Trial Continues;<br>Trial Continues;<br>Trial Continues;<br>Trial Continues;<br>Verdict;<br>Journal Entry Details:<br><i>Intern, Samantha Goett, also present with the State. OUTSIDE THE PRESENCE OF THE JURY: Parties argued as to witness Nicolas Owens. COURT ORDERED, Nicolas Owens is allowed to testify, State is to be careful about the witness does not talk about gang affiliation or monikers. JURY PRESENT: Testimony and exhibits presented. (See worksheets.) COURT ORDERED, trial CONTINUED.;</i><br>Trial Continues;<br>Trial Continues;<br>Trial Continues;<br>Trial Continues;<br>Trial Continues;<br>Trial Continues;<br>Verdict;<br>Journal Entry Details:<br><i>Intern, Samantha Goett, also present with the State. OUTSIDE THE PRESENCE OF THE JURY: Parties argued as to witness Nicolas Owens. COURT ORDERED, Nicolas Owens is allowed to testify, State is to be careful about the witness does not talk about gang affiliation or monikers. JURY PRESENT: Testimony and exhibits presented. (See worksheets.) COURT ORDERED, trial CONTINUED.;</i><br>Trial Continues;<br>Trial Continues;<br>Trial Continues;<br>Trial Continues;<br>Trial Continues;<br>Trial Continues;<br>Verdict;<br>Journal Entry Details:<br><i>Intern, Samantha Goett, also present with the State. OUTSIDE THE PRESENCE OF THE JURY: Parties argued as to witness Nicolas Owens. COURT ORDERED, Nicolas Owens is allowed to testify, State is to be careful about the witness does not talk about gang affiliation or monikers. JURY PRESENT: Testimony and exhibits presented. (See worksheets.) COURT ORDERED, trial CONTINUED.;</i> |

# CASE SUMMARY

CASE NO. 06C228460-2

|            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            | <p>Verdict;</p> <p>Journal Entry Details:</p> <p><i>JURY PRESENT: Testimony and exhibits presented. (See worksheets) COURT ORDERED, trial CONTINUED.;</i></p> <p>Trial Continues;</p> <p>Trial Continues;</p> <p>Trial Continues;</p> <p>Trial Continues;</p> <p>Trial Continues;</p> <p>Trial Continues;</p> <p>Verdict;</p> <p>Journal Entry Details:</p> <p><i>Intern, Samantha Goett, also present with the State. JURY PRESENT: Jury sworn. Opening statements by counsel. Testimony and exhibits presented. (See worksheets) COURT ORDERED, trial CONTINUED.;</i></p> <p>Trial Continues;</p> <p>Trial Continues;</p> <p>Trial Continues;</p> <p>Trial Continues;</p> <p>Trial Continues;</p> <p>Trial Continues;</p> <p>Verdict;</p> <p>Journal Entry Details:</p> <p><i>Intern, Samantha Goett, also present with the State. PROSPECTIVE JURORS PRESENT: Voir Dire. OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURORS: Defense raised a Batson challenge exercised by the State. Arguments by counsel. COURT STATED FINDINGS and ORDERED, Batson Challenge DENIED. PROSPECTIVE JURORS PRESENT: Jury Selected, not yet sworn. COURT ORDERED, trial CONTINUED.;</i></p> <p>Trial Continues;</p> <p>Trial Continues;</p> <p>Trial Continues;</p> <p>Trial Continues;</p> <p>Trial Continues;</p> <p>Trial Continues;</p> <p>Verdict;</p> |
| 11/04/2021 | <p><b>Motion (9:30 AM)</b> (Judicial Officer: Leavitt, Michelle)</p> <p><i>Formal Written Objection to Inadmissible Trial Evidence Regarding Gang References and Motion for Pre-Trial Ruling On the Inadmissibility of Improper Trial Evidence</i></p> <p>Granted;</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 11/04/2021 | <p> <b>All Pending Motions (9:30 AM)</b> (Judicial Officer: Leavitt, Michelle)</p> <p>Matter Heard;</p> <p>Journal Entry Details:</p> <p><i>JURY TRIAL ... FORMAL WRITTEN OBJECTION TO INADMISSIBLE TRIAL EVIDENCE REGARDING GANG REFERENCES AND MOTION FOR PRE-TRIAL RULING ON THE INADMISSIBILITY OF IMPROPER TRIAL EVIDENCE Intern, Samantha Goett, also present with the State of Nevada. OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURORS: Stipulation and Order to Waive Penalty FILED IN OPEN COURT. As to the Motion to Pre-trial Ruling, State advised they intend not to elicit any gang or gang affiliation and made record of witnesses. COURT STATED the parties are not going to talk about gang affiliation and ORDERED, Defendant's Motion GRANTED. PROSPECTIVE JURORS PRESENT: Voir Dire. COURT ORDERED, trial CONTINUED.;</i></p>                                                                                                                                                                                                                                                                                                                                                                                                       |
| 02/04/2022 | <p> <b>Sentencing (11:00 AM)</b> (Judicial Officer: Leavitt, Michelle)</p> <p>Defendant Sentenced;</p> <p>Journal Entry Details:</p> <p><i>Counsel made record as to the Pre-Sentencing Investigation Report. DEFT. MATTHEWS ADJUDGED GUILTY OF COUNT 1 - CONSPIRACY TO COMMIT MURDER (F); COUNT 2 - FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON (F); COUNTS 3, 4 and 5 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (F); COUNT 6 - POSSESSION OF SHORT BARRELED RIFLE (F); COUNT 7 - CONSPIRACY TO COMMIT ROBBERY (F);</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

EIGHTH JUDICIAL DISTRICT COURT

**CASE SUMMARY**

**CASE No. 06C228460-2**

*COUNTS 8 and 9 - ROBBERY WITH USE OF A DEADLY WEAPON (F); and COUNTS 10 and 11 - ASSAULT WITH A DEADLY WEAPON (F). Argument by counsel and statement by Defendant. Victim speakers SWORN and TESTIFIED (see Worksheet). COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, a \$150.00 DNA Analysis fee, including testing to determine genetic markers and a \$3.00 DNA Collection fee; Deft. SENTENCED to the following: COUNT 1 - to a MINIMUM of TWENTY-SIX (26) MONTHS and a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS; COUNT 2 - to a MAXIMUM of LIFE with a MINIMUM PAROLE ELIGIBILITY after TWENTY (20) YEARS plus a CONSECUTIVE term of a MINIMUM TWENTY (20) YEARS to LIFE in the Nevada Department of Corrections (NDC) for use of a deadly weapon; COUNT 3 - to a MINIMUM of FORTY-EIGHT (48) MONTHS and a MAXIMUM of TWO HUNDRED FORTY (240) MONTHS plus a CONSECUTIVE term of a MINIMUM of FORTY-EIGHT (48) MONTHS and a MAXIMUM of TWO HUNDRED FORTY (240) MONTHS in NDC for use of a deadly weapon; COUNT 4 - to a MINIMUM of FORTY-EIGHT (48) MONTHS and a MAXIMUM of TWO HUNDRED FORTY (240) MONTHS plus a CONSECUTIVE term of a MINIMUM of FORTY-EIGHT (48) MONTHS and a MAXIMUM of TWO HUNDRED FORTY (240) MONTHS in NDC for use of a deadly weapon; COUNT 5 - to a MINIMUM of FORTY-EIGHT (48) MONTHS and a MAXIMUM of TWO HUNDRED FORTY (240) MONTHS plus a CONSECUTIVE term of a MINIMUM of FORTY-EIGHT (48) MONTHS and a MAXIMUM of TWO HUNDRED FORTY (240) MONTHS in NDC for use of a deadly weapon; COUNT 6 - to a MINIMUM of TWELVE (12) MONTHS and a MAXIMUM of FORTY-EIGHT (48) MONTHS in NDC; COUNT 7 - to a MINIMUM of TWELVE (12) MONTHS and a MAXIMUM of SEVENTY-TWO (72) MONTHS in NDC; COUNT 8 - to a MINIMUM of FORTY (40) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS plus a CONSECUTIVE term of a MINIMUM of FORTY (40) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS in NDC for use of a deadly weapon; COUNT 9 - to a MINIMUM of FORTY (40) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS plus a CONSECUTIVE term of a MINIMUM of FORTY (40) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS in NDC for use of a deadly weapon; COUNT 10 - to a MINIMUM of SIXTEEN (16) MONTHS and a MAXIMUM of SEVENTY-TWO (72) MONTHS in NDC; COUNT 11 - to a MINIMUM of SIXTEEN (16) MONTHS and a MAXIMUM of SEVENTY-TWO (72) MONTHS in NDC; ALL COUNTS CONCURRENT WITH COUNT 2 with FIVE THOUSAND SIX HUNDRED SEVEN (5,607) DAYS credit for time served. BOND, if any, EXONERATED. NDC;*

DATE

FINANCIAL INFORMATION

**Defendant** Matthews, Jemar  
Total Charges  
Total Payments and Credits  
**Balance Due as of 3/2/2022**

353.00  
0.00  
**353.00**

1 AJOC  
2  
3  
4

5 DISTRICT COURT  
6 CLARK COUNTY, NEVADA

7 THE STATE OF NEVADA,

8 Plaintiff,

9 -vs-

10 JEMAR MATTHEWS  
11 aka Jemar Demon Matthews  
12 #1956579

13 Defendant

CASE NO. 06C228460-2

DEPT. NO. XII

14  
15 SECOND AMENDED JUDGMENT OF CONVICTION  
16 (JURY TRIAL)

17 The Defendant previously entered a plea of not guilty to the crimes of COUNT 1 –  
18 CONSPIRACY TO COMMIT MURDER (Category B Felony) in violation of NRS 199.480,  
19 200.010, 200.030; COUNT 2 – MURDER WITH USE OF A DEADLY WEAPON (Category A  
20 Felony) in violation of NRS 200.010, 200.030, 193.165; COUNTS 3, 4, 5 - ATTEMPT  
21 MURDER WITH USE OF A DEADLY WEAPON (Category B Felony) in violation of NRS  
22 193.330, 200.020, 200.030, 193.165; COUNT 6 – POSSESSION OF A SHORT BARRELED  
23 RIFLE (Category D Felony) in violation of NRS202.275; COUNT 7 – CONSPIRACY TO  
24 COMMIT ROBBERY (Category B Felony) in violation of NRS 199.480, 200.380; COUNT 8 &  
25 9 – ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony) in violation of NRS  
26 200.380, 193.165; COUNT 10 & 11 – ASSAULT WITH A DEADLY WEAPON (Category B  
27 Felony) in violation of NRS 200.471; and the matter having been tried before a jury and the  
28 Defendant having been found guilty of the crimes of COUNT 1 – CONSPIRACY TO COMMIT

1 MURDER (Category B Felony) in violation of NRS 199.480, 200.010, 200.030; COUNT 2 –  
2 FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON (Category A Felony), in  
3 violation of NRS 200.010, 200.030, 193.165; COUNT 3 – ATTEMPT MURDER WITH USE OF  
4 A DEADLY WEAPON (Category B Felony), in violation NRS 193.330,200.020, 200.030,  
5 193.165; COUNT 4 – ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (Category B  
6 Felony), in violation of NRS 193.330, 200.020, 200.030, 193.165; COUNT 5 – ATTEMPT  
7 MURDER WITH USE OF A DEADLY WEAPON (Category B Felony), in violation of NRS  
8 193.330, 200.020, 200.030, 193.165; COUNT 6 – POSSESSION OF SHORT BARRELED  
9 RIFLE (Category D Felony), in violation of NRS 202.275; COUNT 7 – CONSPIRACY TO  
10 COMMIT ROBBERY (Category B Felony), in violation of NRS 199.480, 200.380; COUNT 8 –  
11 ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony), in violation of NRS  
12 200.380, 193.165, COUNT 9 – ROBBERY WITH USE OF A DEADLY WEAPON (Category B  
13 Felony), in violation of NRS 200.380, 193.165; COUNT 10 – ASSAULT WITH A DEADLY  
14 WEAPON (Category B Felony), in violation of NRS 200.471; COUNT 11 – ASSAULT WITH A  
15 DEADLY WEAPON (Category B Felony), in violation of NRS 200.471, thereafter, on the 9th  
16 day of July, 2007, the Defendant was present in court for sentencing with his counsel,  
17 DAYVID J. FIGLER, ESQ. and DANIEL BUNIN, ESQ., and good case appearing,  
18  
19

20 THE DEFENDANT WAS HEREBY ADJUDGED guilty of said offense(s) and, in  
21 addition to the \$25.00 Administrative Assessment Fee and \$150.00 DNA Analysis Fee  
22 including testing to determine genetic markers, the Defendant SENTENCED to the Nevada  
23 Department of Corrections (NDC) as follows: AS TO COUNT 1 – TO A MAXIMUM of ONE  
24 HUNDRED TWENTY (120) MONTHS with a MINIMUM parole Eligibility of TWENTY-SIX (26)  
25 MONTHS; AS TO COUNT 2 – TO LIFE with a MINIMUM of Parole Eligibility of TWENTY (20)  
26 YEARS, plus an EQUAL and CONSECUTIVE term of LIFE with a MINIMUM Parole Eligibility  
27 of TWENTY (20) YEARS for the Use of a Deadly Weapon; AS TO COUNT 3 – TO A  
28

1 MAXIMUM of TWO HUNDRED FORTY (240) MONTHS with a MINIMUM Parole Eligibility of  
2 FORTY-EIGHT (48) MONTHS, plus an EQUAL and CONSECUTIVE term of TWO HUNDRED  
3 FORTY (240) MONTHS MAXIMUM and FORTY-EIGHT (48) MONTHS MINIMUM for the Use  
4 of a Deadly Weapon; AS TO COUNT 4 – TO A MAXIMUM of TWO HUNDRED FORTY (240)  
5 MONTHS with a MINIMUM Parole Eligibility of FORTY-EIGHT (48) MONTHS, plus an EQUAL  
6 and CONSECUTIVE term of TWO HUNDRED FORTY (240) MONTHS MAXIMUM and  
7 FORTY-EIGHT (48) MONTHS MINIMUM for the Use of a Deadly Weapon; AS TO COUNT  
8 5 – TO A MAXIMUM of TWO HUNDRED FORTY (240) MONTHS with a MINIMUM Parole  
9 Eligibility of FORTY-EIGHT (48) MONTHS, plus an EQUAL and CONSECUTIVE term of TWO  
10 HUNDRED FORTY (240) MONTHS MAXIMUM and FORTY-EIGHT (48) MONTHS MINIMUM  
11 for the Use of Deadly Weapon; AS TO COUNT 6 – TO A MAXIMUM of FORTY-EIGHT (48)  
12 MONTHS with a MINIMUM Parole Eligibility of TWELVE (12) MONTHS; AS TO COUNT 7 –  
13 TO A MAXIMUM of SEVENTY-TWO (72) MONTHS with a MINIMUM Parole Eligibility of  
14 TWELVE (12) MONTHS; AS TO COUNT 8 – TO A MAXIMUM of ONE HUNDRED EIGHTY  
15 (180) MONTHS with a MINIMUM Parole Eligibility of FORTY (40) MONTHS, plus an EQUAL  
16 and CONSECUTIVE term of ONE HUNDRED EIGHTY (180) MONTHS MAXIMUM and  
17 FORTY (40) MONTHS MINIMUM for the Use of a Deadly Weapon; AS TO COUNT 9 – TO A  
18 MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS with a MINIMUM Parole Eligibility of  
19 FORTY (40) MONTHS, plus an EQUAL and CONSECUTIVE term of ONE HUNDRED  
20 EIGHTY (180) MONTHS MAXIMUM and FORTY (40) MONTHS MINIMUM for the Use of a  
21 Deadly Weapon; AS TO COUNT 10 – TO A MAXIMUM of SEVENTY-TWO (72) MONTHS  
22 with a MINIMUM Parole Eligibility of SIXTEEN (16) MONTHS; AS TO COUNT 11 – TO A  
23 MAXIMUM OF SEVENTY-TWO (72) MONTHS with a MINIMUM Parole Eligibility of SIXTEEN  
24 (16) MONTHS; ALL COUNTS TO RUN CONCURRENT; with THREE HUNDRED (300) DAYS  
25 credit for time served.  
26  
27  
28

1           The Defendant previously entered a plea of not guilty to the crimes of COUNT 1 –  
2 CONSPIRACY TO COMMIT MURDER (Category B Felony) in violation of NRS 200.010,  
3 200.030, 199.480; COUNT 2 – MURDER WITH USE OF A DEADLY WEAPON (Category A  
4 Felony) in violation of NRS 200.010, 200.030, 193.165; COUNT 3 – ATTEMPT MURDER  
5 WITH USE OF A DEADLY WEAPON (Category B Felony) in violation of NRS 200.010,  
6 200.030, 193.330, 193.165; COUNT 4 – ATTEMPT MURDER WITH USE OF A DEADLY  
7 WEAPON (Category B Felony) in violation of NRS 200.010, 200.030, 193.330, 193.165;  
8 COUNT 5 – ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (Category B Felony)  
9 in violation of NRS 200.010, 200.030, 193.330, 193.165; COUNT 6 – POSSESSION OF A  
10 SHORT BARRELED RIFLE (Category D Felony) in violation of NRS 202.275; COUNT 7 –  
11 CONSPIRACY TO COMMIT ROBBERY (Category B Felony) in violation of NRS 200.380,  
12 199.480; COUNT 8 – ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony) in  
13 violation of NRS 200.380, 193.165; COUNT 9 – ROBBERY WITH USE OF A DEADLY  
14 WEAPON (Category B Felony) in violation of NRS 200.380, 193.165; COUNT 10 – ASSAULT  
15 WITH A DEADLY WEAPON (Category B Felony) in violation of NRS 200.471; and COUNT  
16 11 – ASSAULT WITH A DEADLY WEAPON (Category B Felony) in violation of NRS  
17 200.471, and the matter having been **tried before a jury**, and the Defendant having been  
18 found guilty of the crimes of COUNT 1 – CONSPIRACY TO COMMIT MURDER (Category B  
19 Felony) in violation of NRS 200.010, 200.030, 199.480; COUNT 2 – FIRST DEGREE  
20 MURDER WITH USE OF A DEADLY WEAPON (Category A Felony) in violation of NRS  
21 200.010, 200.030, 193.165; COUNT 3 – ATTEMPT MURDER WITH USE OF A DEADLY  
22 WEAPON (Category B Felony) in violation of NRS 200.010, 200.030, 193.330, 193.165;  
23 COUNT 4 – ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (Category B Felony)  
24 in violation of NRS 200.010, 200.030, 193.330, 193.165; COUNT 5 – ATTEMPT MURDER  
25 WITH USE OF A DEADLY WEAPON (Category B Felony) in violation of NRS 200.010,  
26  
27  
28

200.030, 193.330, 193.165; COUNT 6 – POSSESSION OF A SHORT BARRELED RIFLE (Category D Felony) in violation of NRS 202.275; COUNT 7 – CONSPIRACY TO COMMIT ROBBERY (Category B Felony) in violation of NRS 200.380, 199.480; COUNT 8 – ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony) in violation of NRS 200.380, 193.165; COUNT 9 – ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony) in violation of NRS 200.380, 193.165; COUNT 10 – ASSAULT WITH A DEADLY WEAPON (Category B Felony) in violation of NRS 200.471; and COUNT 11 – ASSAULT WITH A DEADLY WEAPON (Category B Felony) in violation of NRS 200.471; thereafter, on the 5<sup>th</sup> day of December, 2018, the Defendant was present in court for **sentencing** with counsel TODD LEVENTHAL, ESQ. and RICHARD TANASI, ESQ., and good cause appearing,

THE DEFENDANT WAS ADJUDGED guilty of said offense(s) and, in addition to the \$25.00 Administrative Assessment Fee, \$150.00 DNA Analysis Fee including testing to determine genetic markers plus \$3.00 DNA Collection Fee, the Defendant sentenced to the Nevada Department of Corrections (NDC) as follows: **COUNT 1** – a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS with a MINIMUM parole eligibility of TWENTY-SIX (26) MONTHS; **COUNT 2** – LIFE with the eligibility of parole after serving a MINIMUM of TWENTY (20) YEARS, plus a CONSECUTIVE term of LIFE with the eligibility of parole after serving a MINIMUM of TWENTY (20) YEARS for the Use of a Deadly Weapon, CONCURRENT with COUNT 1; **COUNT 3** – a MAXIMUM of TWO HUNDRED FORTY (240) MONTHS with a MINIMUM parole eligibility of FORTY-EIGHT (48) MONTHS, plus a CONSECUTIVE term of TWO HUNDRED FORTY (240) MONTHS with a MINIMUM parole eligibility of FORTY-EIGHT (48) MONTHS for the Use of a Deadly Weapon; CONCURRENT with COUNT 2; **COUNT 4** - a MAXIMUM of TWO HUNDRED FORTY (240) MONTHS with a MINIMUM parole eligibility of FORTY-EIGHT (48) MONTHS, plus a CONSECUTIVE term of TWO HUNDRED FORTY (240) MONTHS with a MINIMUM parole eligibility of FORTY-EIGHT (48) MONTHS for the

1 Use of a Deadly Weapon, CONCURRENT with COUNT 3; **COUNT 5** – a MAXIMUM of TWO  
2 HUNDRED FORTY (240) MONTHS with a MINIMUM parole eligibility of FORTY-EIGHT (48)  
3 MONTHS, plus a CONSECUTIVE term of TWO HUNDRED FORTY (240) MONTHS with a  
4 MINIMUM parole eligibility of FORTY-EIGHT (48) MONTHS for the Use of a Deadly Weapon,  
5 CONCURRENT with COUNT 4; **COUNT 6** - a MAXIMUM of FORTY-EIGHT (48) MONTHS  
6 with a MINIMUM parole eligibility of TWELVE (12) MONTHS, CONCURRENT with COUNT 5;  
7 **COUNT 7** – a MAXIMUM of SEVENTY-TWO (72) MONTHS with a MINIMUM parole eligibility  
8 of TWELVE (12) MONTHS, CONCURRENT with COUNT 6; **COUNT 8** - a MAXIMUM of ONE  
9 HUNDRED EIGHTY (180) MONTHS with a MINIMUM parole eligibility of FORTY (40)  
10 MONTHS, plus a CONSECUTIVE term of ONE HUNDRED EIGHTY (180) MONTHS with a  
11 MINIMUM parole eligibility of FORTY (40) MONTHS for the Use of a Deadly Weapon,  
12 CONCURRENT with COUNT 7; **COUNT 9** – a MAXIMUM of ONE HUNDRED EIGHTY (180)  
13 MONTHS with a MINIMUM parole eligibility of FORTY (40) MONTHS, plus a CONSECUTIVE  
14 term of ONE HUNDRED EIGHTY (180) MONTHS with a MINIMUM parole eligibility of FORTY  
15 (40) MONTHS for the Use of a Deadly Weapon, CONCURRENT with COUNT 8; **COUNT 10** -  
16 a MAXIMUM of SEVENTY-TWO (72) MONTHS with a MINIMUM parole eligibility of SIXTEEN  
17 (16) MONTHS, CONCURRENT with COUNT 9; and **COUNT 11** - a MAXIMUM of SEVENTY-  
18 TWO (72) MONTHS with a MINIMUM parole eligibility of SIXTEEN (16) MONTHS,  
19 CONCURRENT with COUNT 10; ALL COUNTS to run CONCURRENT with COUNT 2; with  
20 FOUR THOUSAND, FOUR HUNDRED FIFTY (4,450) DAYS credit for time served.  
21  
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23 THEREAFTER, on the 17<sup>th</sup> day of September, 2019, pursuant to an inquiry of the  
24 Nevada Department of Corrections, COURT ORDERED; the Amended Judgment of  
25 Conviction reflects the following: The AGGREGATE TOTAL sentence of LIFE with the  
26 eligibility of parole after serving a MINIMUM of FORTY (40) YEARS is REMOVED from this  
27 sentence.  
28

1           THEREAFTER, on the 4<sup>th</sup> day of February, 2022, pursuant to Supreme Court Order  
2 filed on July 9, 2020, Reversed and Remanded back to District Court; COURT ORDERED,  
3 the following: The Defendant previously entered a plea of not guilty to the crimes of COUNT 1  
4 – CONSPIRACY TO COMMIT MURDER (Category B Felony) in violation of NRS 200.010,  
5 200.030, 199.480; COUNT 2 – MURDER WITH USE OF A DEADLY WEAPON (Category A  
6 Felony) in violation of NRS 200.010, 200.030, 193.165; COUNT 3 – ATTEMPT MURDER  
7 WITH USE OF A DEADLY WEAPON (Category B Felony) in violation of NRS 200.010,  
8 200.030, 193.330, 193.165; COUNT 4 – ATTEMPT MURDER WITH USE OF A DEADLY  
9 WEAPON (Category B Felony) in violation of NRS 200.010, 200.030, 193.330, 193.165;  
10 COUNT 5 – ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (Category B Felony)  
11 in violation of NRS 200.010, 200.030, 193.330, 193.165; COUNT 6 – POSSESSION OF A  
12 SHORT BARRELED RIFLE (Category D Felony) in violation of NRS 202.275; COUNT 7 –  
13 CONSPIRACY TO COMMIT ROBBERY (Category B Felony) in violation of NRS 200.380,  
14 199.480; COUNT 8 – ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony) in  
15 violation of NRS 200.380, 193.165; COUNT 9 – ROBBERY WITH USE OF A DEADLY  
16 WEAPON (Category B Felony) in violation of NRS 200.380, 193.165; COUNT 10 – ASSAULT  
17 WITH A DEADLY WEAPON (Category B Felony) in violation of NRS 200.471; and COUNT  
18 11 – ASSAULT WITH A DEADLY WEAPON (Category B Felony) in violation of NRS  
19 200.471, and the matter having been **tried before a jury**, and the Defendant having been  
20 found guilty of the crimes of COUNT 1 – CONSPIRACY TO COMMIT MURDER (Category B  
21 Felony) in violation of NRS 200.010, 200.030, 199.480; COUNT 2 – FIRST DEGREE  
22 MURDER WITH USE OF A DEADLY WEAPON (Category A Felony) in violation of NRS  
23 200.010, 200.030, 193.165; COUNT 3 – ATTEMPT MURDER WITH USE OF A DEADLY  
24 WEAPON (Category B Felony) in violation of NRS 200.010, 200.030, 193.330, 193.165;  
25 COUNT 4 – ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (Category B Felony)

1 in violation of NRS 200.010, 200.030, 193.330, 193.165; COUNT 5 – ATTEMPT MURDER  
2 WITH USE OF A DEADLY WEAPON (Category B Felony) in violation of NRS 200.010,  
3 200.030, 193.330, 193.165; COUNT 6 – POSSESSION OF A SHORT BARRELED RIFLE  
4 (Category D Felony) in violation of NRS 202.275; COUNT 7 – CONSPIRACY TO COMMIT  
5 ROBBERY (Category B Felony) in violation of NRS 200.380, 199.480; COUNT 8 – ROBBERY  
6 WITH USE OF A DEADLY WEAPON (Category B Felony) in violation of NRS 200.380,  
7 193.165; COUNT 9 – ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony) in  
8 violation of NRS 200.380, 193.165; COUNT 10 – ASSAULT WITH A DEADLY WEAPON  
9 (Category B Felony) in violation of NRS 200.471; and COUNT 11 – ASSAULT WITH A  
10 DEADLY WEAPON (Category B Felony) in violation of NRS 200.471; thereafter, on the 4<sup>th</sup>  
11 day of February, 2022, the Defendant was present in court for **sentencing** with counsel  
12 TODD LEVENTHAL, ESQ. and RICHARD TANASI, ESQ., and good cause appearing,  
13

14 THE DEFENDANT IS ADJUDGED guilty of said offense(s) and, in addition to the  
15 \$25.00 Administrative Assessment Fee, \$150.00 DNA Analysis Fee including testing to  
16 determine genetic markers plus \$3.00 DNA Collection Fee, the Defendant sentenced to the  
17 Nevada Department of Corrections (NDC) as follows: **COUNT 1** – a MAXIMUM of ONE  
18 HUNDRED TWENTY (120) MONTHS with a MINIMUM parole eligibility of TWENTY-SIX (26)  
19 MONTHS; **COUNT 2** – LIFE with the eligibility of parole after serving a MINIMUM of TWENTY  
20 (20) YEARS, plus a CONSECUTIVE term of LIFE with the eligibility of parole after serving a  
21 MINIMUM of TWENTY (20) YEARS for the Use of a Deadly Weapon; **COUNT 3** – a  
22 MAXIMUM of TWO HUNDRED FORTY (240) MONTHS with a MINIMUM parole eligibility of  
23 FORTY-EIGHT (48) MONTHS, plus a CONSECUTIVE term of TWO HUNDRED FORTY  
24 (240) MONTHS with a MINIMUM parole eligibility of FORTY-EIGHT (48) MONTHS for the  
25 Use of a Deadly Weapon; **COUNT 4** - a MAXIMUM of TWO HUNDRED FORTY (240)  
26 MONTHS with a MINIMUM parole eligibility of FORTY-EIGHT (48) MONTHS, plus a  
27  
28

1 CONSECUTIVE term of TWO HUNDRED FORTY (240) MONTHS with a MINIMUM parole  
2 eligibility of FORTY-EIGHT (48) MONTHS for the Use of a Deadly Weapon; **COUNT 5** – a  
3 MAXIMUM of TWO HUNDRED FORTY (240) MONTHS with a MINIMUM parole eligibility of  
4 FORTY-EIGHT (48) MONTHS, plus a CONSECUTIVE term of TWO HUNDRED FORTY  
5 (240) MONTHS with a MINIMUM parole eligibility of FORTY-EIGHT (48) MONTHS for the  
6 Use of a Deadly Weapon; **COUNT 6** - a MAXIMUM of FORTY-EIGHT (48) MONTHS with a  
7 MINIMUM parole eligibility of TWELVE (12) MONTHS; **COUNT 7** – a MAXIMUM of  
8 SEVENTY-TWO (72) MONTHS with a MINIMUM parole eligibility of TWELVE (12) MONTHS;  
9 **COUNT 8** - a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS with a MINIMUM  
10 parole eligibility of FORTY (40) MONTHS, plus a CONSECUTIVE term of ONE HUNDRED  
11 EIGHTY (180) MONTHS with a MINIMUM parole eligibility of FORTY (40) MONTHS for the  
12 Use of a Deadly Weapon; **COUNT 9** – a MAXIMUM of ONE HUNDRED EIGHTY (180)  
13 MONTHS with a MINIMUM parole eligibility of FORTY (40) MONTHS, plus a CONSECUTIVE  
14 term of ONE HUNDRED EIGHTY (180) MONTHS with a MINIMUM parole eligibility of FORTY  
15 (40) MONTHS for the Use of a Deadly Weapon; **COUNT 10** - a MAXIMUM of SEVENTY-TWO  
16 (72) MONTHS with a MINIMUM parole eligibility of SIXTEEN (16) MONTHS; and **COUNT 11** -  
17 a MAXIMUM of SEVENTY-TWO (72) MONTHS with a MINIMUM parole eligibility of SIXTEEN  
18 (16) MONTHS; ALL COUNTS to run CONCURRENT with COUNT 2; with FIVE THOUSAND  
19 SIX HUNDRED SEVEN (5,607) DAYS credit for time served.  
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Dated this 24th day of February, 2022



6E8 E3C 64D6 C000  
Michelle Leavitt  
District Court Judge

1 **CSERV**

2  
3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA

5  
6 The State of Nevada vs Jemar D  
7 Matthews

CASE NO: 06C228460-2

DEPT. NO. Department 12

8  
9 **AUTOMATED CERTIFICATE OF SERVICE**

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

13 Service Date: 2/24/2022

|                    |                                   |
|--------------------|-----------------------------------|
| 14 TODD LEVENTHAL  | leventhalandassociates@gmail.com  |
| 15 TODD LEVENTHAL  | todlev@yahoo.com                  |
| 16 Estee Del Padre | estee.delpadre@clarkcountyda.com  |
| 17 Marc Digiacomio | marc.digiacomio@clarkcountyda.com |
| 18 Eileen Davis    | eileen.davis@clarkcountyda.com    |

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****December 11, 2006**

06C228460-2

The State of Nevada vs Jemar D Matthews

**December 11, 2006****10:30 AM****Initial Arraignment**

**INITIAL  
ARRAIGNMENT  
Court Clerk: Sandra  
Anderson Relief  
Clerk: Phyllis Irby/pi  
Reporter/Recorder:  
Kiara Schmidt Heard  
By: Kevin Williams**

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

Bawa, Ravindar N.

Attorney

Bunin, Daniel M.

Attorney

Matthews, Jemar D

Defendant

**JOURNAL ENTRIES**

- AS TO DEFT. JOSHLIN: DEFT. JOSHLIN ARRAIGNED, PLED NOT GUILTY and INVOKED THE 60-DAY RULE. COURT ORDERED, matter set for trial.

AS TO DEFT. MATTHEWS: DEFT. MATTHEWS ARRAIGNED, PLED NOT GUILTY and INVOKED THE 60-DAY RULE. COURT ORDERED, matter set for trial.

CUSTODY (BOTH)

2-07-07 9:00 AM CALENDAR CALL (DEPT. XVIII)(BOTH)

2-12-07 1:30 PM JURY TRIAL (DEPT. XVIII) (BOTH)

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****February 07, 2007**

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06C228460-2

The State of Nevada vs Jemar D Matthews

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**February 07, 2007****9:00 AM****Calendar Call****CALENDAR CALL****Court Clerk:****Katherine Streuber****Reporter/Recorder:****Richard Kangas****Heard By: Elizabeth****Halverson****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Figler, Dayvid J.

Attorney

Lewis, Linda Y.

Attorney

Matthews, Jemar D

Defendant

**JOURNAL ENTRIES**

- Ms. Lewis advised they had not received Preliminary Hearing transcript and requested a continuance of trial. COURT ORDERED, trial date VACATED and RESET.

CUSTODY (BOTH)

05-02-07 8:30 AM CALENDAR CALL (BOTH)

05-07-07 10:30 AM TRIAL BY JURY (BOTH)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****April 16, 2007**

06C228460-2

The State of Nevada vs Jemar D Matthews

**April 16, 2007****8:30 AM****Motion to Compel**

**STATE'S MTN TO  
COMPEL BUCCAL  
SWABS/6 Court  
Clerk: Pamela  
Humphrey  
Reporter/Recorder:  
Richard Kangas  
Heard By: Halverson,  
Elizabeth**

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

Figler, Dayvid J.

Attorney

Lewis, Linda Y.

Attorney

Matthews, Jemar D

Defendant

**JOURNAL ENTRIES**

- Mr. Figler advised Mr. Singer is supposed to be Mr. Joshlin's counsel of record, however, counsel advised Mr. Singer informed him he withdrew from this matter. Court noted and stated no order has been submitted. Mr. Figler further made representation as to there being a PD conflict if appointed. Deft. Matthews made representation and Mr. Figler stated he still needs a copy of the preliminary transcript. There being no appearance by Mr. Singer, COURT ORDERED, matter CONTINUED for Mr. Singer to appear; Motion and Trial STAND.  
CUSTODY (BOTH)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****April 18, 2007**

06C228460-2

The State of Nevada vs Jemar D Matthews

**April 18, 2007****8:30 AM****Motion to Compel**

**STATE'S MTN TO  
COMPEL BUCCAL  
SWABS/6 Court  
Clerk: Pamela  
Humphrey  
Reporter/Recorder:  
Denice Lopez Heard  
By: Halverson,  
Elizabeth**

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

Figler, Dayvid J.

Attorney

Lewis, Linda Y.

Attorney

Matthews, Jemar D

Defendant

**JOURNAL ENTRIES**

- Mr. Singer advised he has been in contact with the Public Defender's office and the deft's family and was advised deft. and his family want the matter to be reassigned to PD's office as there is no conflict. Further, counsel stated Mr. Reed was on the matter and have discovery. Mr. Imlay stated he was advised there was a conflict with the PD's office because of a witness and stated he will request Mr. Reed appear next date to advise Court of conflict.

Mr. Figler stated there are some genetic materials recovered that can be connected to Mr. Joshlin and there is a red knit glove found in the pathway of the person who fled. There was no genetic material found on this glove. State opposed and stated the glove has been tested and DNA was found. State lodged with Court a report as to the DNA genetic material found on the glove. Following arguments, COURT ORDERED, matter CONTINUED and Mr. Reed to APPEAR next date. COURT FURTHER

ORDERED, Motion STAYED and Trial STANDS. FURTHER, COURT ADMONISHED, Mr. Figler to get expedited transcript as to preliminary hearing to Court IMMEDIATELY.  
CUSTODY (BOTH)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****April 20, 2007**

06C228460-2

The State of Nevada vs Jemar D Matthews

**April 20, 2007****8:30 AM****Motion to Compel**

**STATE'S MTN TO  
COMPEL BUCCAL  
SWABS/6 Court  
Clerk: Pamela  
Humphrey  
Reporter/Recorder:  
Pamela Humphrey  
Heard By: Elizabeth  
Halverson**

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

Figler, Dayvid J.

Attorney

Lewis, Linda Y.

Attorney

Matthews, Jemar D

Defendant

**JOURNAL ENTRIES**

- APPEARANCES CONTINUED: Norman Reed, Clark County Homicide Team, also present.

Mr. Reed advised the Court his office checked and learned there is a conflict and, therefore, can't take this case. COURT SO NOTED, and ORDERED, Mr. Singer APPOINTED. Mr. Figler argued as to the buccal swabs stating any testing done on the red glove should be limited. Mr. Figler further stated the results of the testing will be entered into a data base which will be used to search for other crime matches. Mr. Figler stated if State finds other crimes, counsel doesn't want other crimes brought into this case and that the search should be limited to determining the DNA profile as to the red glove. Ms. Lewis argued the type of testing that will be done is standard and the results of the testing has to be entered into the database accordingly. Further, Ms. Lewis noted the red glove have DNA profile and State is trying to see if it matches the deft. Mr. Figler stated deft. wants the transcripts and want

21 days to file writ and to invoke speedy trial. Following arguments, COURT ORDERED, Motion GRANTED and if results are entered into database, NO EVIDENCE from other crimes can be brought into this case, and TRIAL STANDS.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****May 02, 2007**

06C228460-2

The State of Nevada vs Jemar D Matthews

**May 02, 2007****8:30 AM****Calendar Call**

**CALENDAR CALL  
CONTINUED Court  
Clerk: Sharon Chun  
Reporter/Recorder:  
Richard Kangas  
Heard By: Barker,  
David**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:** Sharon Chun**RECORDER:** Richard Kangas**REPORTER:****PARTIES****PRESENT:**

Figler, Dayvid J.

Attorney

Lewis, Linda Y.

Attorney

Matthews, Jemar D

Defendant

**JOURNAL ENTRIES****- CALENDAR CALL: JOSLIN & MATTHEWS**

Both Mr. Singer and Mr. Figler stated they were prepared to start trial on 5/7/07 and want to go forward.

Ms. Lewis stated that on 4/20/07 Judge Halverson Granted the State's Motion To Compel Buccal Swabs. She had submitted the Order to Judge Halverson, but, has not yet received the signed Order. She inquired if this Court will sign a new Order for preparation of the buccal swab, because this evidence is of an urgent matter and the results could take up to a couple of weeks. COURT SIGNED the State's Order, it was conformed and FILED IN OPEN COURT.

COURT NOTED this case is eighteen months old, both Defts are in custody, and both have Invoked, so this case has a priority trial status. Mr. Figler stated he thinks that both defense counsel may be able to "work out some type of stipulation" with Ms. Lewis.

COURT ORDERED, CALENDAR CALL CONTINUED to Friday. All counsel acknowledged they

will be present at that time.  
CUSTODY (BOTH)  
CONTINUED TO 5/4/07 8:30 A.M.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 04, 2007

06C228460-2

The State of Nevada vs Jemar D Matthews

May 04, 2007

8:30 AM

Calendar Call

**CALENDAR CALL  
CONTINUED Court  
Clerk: Sharon Chun  
Reporter/Recorder:  
Richard Kangas  
Heard By: David  
Barker**

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

Bateman, Samuel G.

Attorney

Bunin, Daniel M.

Attorney

Figler, Dayvid J.

Attorney

Lewis, Linda Y.

Attorney

Matthews, Jemar D

Defendant

**JOURNAL ENTRIES**

- COURT ADVISED that jury selection will begin at 1:00 PM on Monday, May 7, 2007. Both parties confirmed they expected the trial to complete in five days, and, there may not be a penalty phase, that is still being discussed. Ms. Lewis noted the State has twenty witnesses with one from Texas. Mr. Figler moved to strike any expert witnesses disclosed within twenty-one days of this trial. Arguments ensued by Ms. Lewis and Mr. Figler; Ms. Lewis reiterated that she could not disclose the experts until she did because of continuances delays by Defense for the buccal swabs. She also noted she had filed the State's Notice of Witnesses on 4/25/07 and the Supplemental Notice of Witnesses filed on 5/2/07. Ms. Lewis reiterated that she needed the buccal swabs before the DNA testing could be performed and the DNA expert is coming in on Saturday to share the results. COURT STATED that issue of late disclosure of witnesses will be determined on a case-by-case basis at trial.

Mr. Figler renewed his argument that the DNA evidence is too late. COURT STATED it agrees with the State that the evidence can come in, but, ORDERED, it may not come in during the State's Case-In-Chief, it was not properly noticed.

Ms. Lewis stated she may need a couple of extra days before trial start so the Report can be prepared. She also requested any Motions in Limine to be submitted in writing, so as not to discuss the issues during trial. COURT STATED it will not limit Defendants. COURT ORDERED, trial to go forward as scheduled on Monday with a 1:00 P.M. start.

Mr. Figler noted that this case was transferred from Dept XXIII to this Department, but, Defense never received a formal findings or reasons why the case was transferred from one to the other. He also noted that this Judge was employed by the District Attorney's Office and he respectfully requests this Judge if he knows of any conflicts to disclose. COURT ADVISED that it reviewed every criminal file and has been recusing if there is a possible conflict. COURT STATED there is no potential conflict and this Court has no memory of this case, it was never on his "track". COURT ADVISED that Judge Bell is willing to try this case if counsel have any doubt as to potential conflicts. Mr. Figler stated he just wanted to make a record. COURT INQUIRED if either counsel had any information that this Judge was conferenced in this case.

Ms. Lewis interjected that she has been directly assigned this case and that the only one to help her was Mr. Bateman, and when this case was reassigned, and this Judge was never involved in this case. COURT DIRECTED counsel to advise the Court if they wanted to send this trial to Overflow, Judge Bell. Mr. Figler stated he will do so.

COURT REITERATED, TRIAL BEGINS Monday, 5/7/07 at 1:00 P.M.

CUSTODY (BOTH)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****May 07, 2007**

06C228460-2

The State of Nevada vs Jemar D Matthews

**May 07, 2007****1:00 PM****Jury Trial**

**TRIAL BY JURY**  
**Court Clerk: Sharon Chun**  
**Reporter/Recorder: Richard Kangas**  
**Heard By: Barker, David**

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

Bateman, Samuel G.

Attorney

Figler, Dayvid J.

Attorney

Lewis, Linda Y.

Attorney

Matthews, Jemar D

Defendant

**JOURNAL ENTRIES**

- TRIAL CONVENED before Jury Panel was seated.

Ms. Lewis stated that the Information should include Deft Jemar Matthews' name on page 1, Line 21, but, due to a clerical error it was not included. COURT ORDERED the INFORMATION INTERLINEATED to insert Jemar Matthews and the AMENDED INFORMATION was FILED IN OPEN COURT.

COURT NOTED there appeared to be issues re witnesses. Ms. Lewis explained that three or four names have been added to the State's Witnesses and Mr. Figler was given the names. Mr. Figler objected to any DNA evidence based on Notice requirements; no reports were submitted to Defense. Mr. Bateman noted the buccal swabs were tested and the State wants to include that information. COURT EXPRESSED concern re the Brady issue. Mr. Figler argued that any exculpatory evidence must be turned over by the State and inquired if there was a formalized document regarding the

Offer of Proof if it were to be admissible. No ruling yet made by the Court.

COURT INQUIRED of Mr. Figler about his concern that this Judge was with the District Attorney's Office prior to being appointed to the Bench and any possibility of conflict. Mr. Figler noted that Defense only received notice of the case transfer from Dept XXIII to this Department on the Friday prior to Calendar Call, and, there was no explanation given as to why Judge Halverson was not still on this case. He also stated that since he had an initial concern that this Judge was with the District Attorney's he made an Oral Motion for this Court to reveal any conflicts and a record made that this Court was not involved with this case. Mr. Figler stated that this Court has satisfied the requirements by Defense and there is no conflict; Defense is ready to proceed to trial. COURT REITERATED that it has no memory or knowledge of this case. Mr. Bateman interjected that all of Judge Halverson's criminal cases were transferred to this Court, not just this case.

COURT STATED that neither the location for the trial, nor the schedule is yet firm, but, counsel will be apprised on a day-to-day basis.

Discussion held regarding jury selection and alternates. COURT ADVISED that the SECRET ALTERNATES will be seated in Seat 13 & 14. COURT ALSO ORDERED, re the Peremptory Challenges for Alternates, the State will be allowed one challenge and the Defense will be allowed two between them.

Discussion held regarding potential penalty phase. Ms. Lewis stated that the State will waive the penalty phase and the Court may sentence Deft. Mr. Figler and Mr. Singer both stated they will also waive the penalty phase of the trial.

Mr. Figler requested that the State does not disclose statements as to gunshot discharging too soon. COURT ORDERED, that issue must wait for proper foundation.

JURY PANEL SEATED AT 2:00 P.M., the first fourteen members being seated in the jury box. COURT PRESENTED opening remarks and made introductions of the court staff and all counsel. Introductions made by Mr. Bateman, Mr. Figler, and Mr. Singer. ROLL CALL conducted by the Clerk. Following additional remarks by the Court, Jury Panel was administered the voir dire oath. General voir dire conducted by the Court with the COURT THANKING and EXCUSING Jury Panel members for cause. Individual panel members were further voir dired by counsel. Peremptory Challenges were conducted. COURT THANKED and EXCUSED additional Panel members for cause during the Challenges.

OUTSIDE PRESENCE OF JURORS: Stipulation and Order regarding the Penalty Hearing, FILED IN OPEN COURT. PANEL SEATED, all present per stipulation of counsel. Peremptory challenges concluded. COURT THANKED and EXCUSED those Panel Members not selected as final Jurors. FOURTEEN JURORS WERE PLACED UNDER OATH and SEATED.

COURT ADMONISHED JURORS and ORDERED them RECESSED until 10:00 A.M. tomorrow. There being nothing to come before the Court at this time, COURT ORDERED, EVENING RECESS; TRIAL CONTINUED TO 10:00 A.M. on 5/8/07.

CUSTODY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 08, 2007

06C228460-2

The State of Nevada vs Jemar D Matthews

May 08, 2007

10:00 AM

Jury Trial

**TRIAL BY JURY**  
**Court Clerk: Sharon Chun**  
**Reporter/Recorder: Richard Kangas**  
**Heard By: Barker, David**

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

Bateman, Samuel G.  
 Figler, Dayvid J.  
 Lewis, Linda Y.  
 Matthews, Jemar D

Attorney  
 Attorney  
 Attorney  
 Defendant

**JOURNAL ENTRIES**

**- JURY TRIAL - DAY 2**

**OUTSIDE PRESENCE OF JURY:** Both Mr. Singer and Mr. Figler mentioned that members of the jury had spoken to them outside the courtroom, and, although counsel told them they weren't allowed to speak to them, they suggested the Court give jurors the admonishment re conversations with officers of the Court. **COURT STATED** it will do so again this morning. All parties agreed that there was no other resolutions needed.

**FILED IN OPEN COURT:** Deft Jamar Matthews, **BENCH BRIEF.** Court **REVIEWED** and inquired if Mr. Figler were raising Motions in Limine at this late time? He responded that he is reiterating past issues of concern. Mr. Bateman confirmed the State will "do our best to avoid any references to gangs."

Mr. Figler again raised the question of foundation for the gunshot residue test and argued that no

discovery has been presented by the State per date and cited "notice violation." Ms. Lewis argued that the State is not required to provide discovery re an impound report and noted she had given Defense the names of every single person who will testify. However, when questioned who will testify as to the gunshot residue, she stated she was not sure, but, thought his name was Mr. McPhail. COURT DIRECTED Ms. Lewis to give a copy of any reports to Defense and ORDERED that Mr. McPhail is to be made available to Defense before he takes the stand to testify. Mr. Figler reiterated that the evidence was tested without a report and without impounding it, and, Mr. McPhail does not show up on the Pltf's Witness List. He also reiterated that the Notice was faxed to his office yesterday at 11:24 A.M. COURT STATED IT WILL RESERVE RULING on foundation, it goes to weight of admissibility and is okay for Pltf to use in their Opening. Ms. Lewis confirmed that Mr. McPhail was not referred to in other reports. Mr. Figler renewed his objection, citing a Discovery Rule Violation, further testing needs to be done before admission, there is no time frame, there is a transference issue re the gunshot residue, there is an absence of reports, and it is prejudicial to Defense. Plaintiff should not be allowed to reference the gunshot residue test in their opening. Ms. Lewis argued that the Pltf is now required to provide a report. COURT ORDERED, Plaintiff allowed to proceed with foundation, and is to provide to Deft any exhibits for examination. Mr. Figler cited "notice violation". COURT STATED there is sufficient information and notice for Deft to proceed. Mr. Singer stated he joins in Mr. Figler's objection. Mr. Figler inquired of Ms. Lewis if that was all the added witnesses; Ms. Lewis responded, yes.

JURORS SEATED AT 10:27 A.M. and all counsel stipulated to presence of all. COURT PRESENTED comments and admonishment to Jurors and the Information was read by the Clerk. COURT ADVISED JURORS re evidence and directed them as to any Juror questions.

During the Opening Statements made by Ms. Lewis, objections were raised by either Mr. Figler or Mr. Singer. COURT ORDERED, OBJECTIONS OVER-RULED. Mr. Figler presented his opening statement, followed by Mr. Singer.

State's first witness called forth, was sworn, and testified; exhibits presented. (Please see Witness List and Exhibit Lists.)

OUTSIDE PRESENCE OF JURORS a record was made of Defense's objections to photo(s) shown during the State's opening remarks. Mr. Figler stated the photos were prejudicial; Mr. Singer noted his client was shown in "shackles" and that Ms. Lewis misrepresented the charges. COURT STATED that Defense can raise those questions during closing arguments. Ms. Lewis stated there was no purposeful design, she only showed the photo because that's the only one available. Following a brief recess, Mr. Figler noted that he has the Report and Declaration now. COURT SO NOTED. JURORS SEATED, all present per stipulation of all counsel. Bench Conference held, wherein the Bailiff advised the Court that Juror #13's Juror Notebook could not be found after lunch. Another was provided temporarily. Later it was returned to Juror, the COURT EXPLAINED that during the lunch recess there was a meeting in the courtroom and one of the attendees had inadvertently picked it up and carried it off with him/her. Jurors confirmed everything in the notebook was as it was before.

State continued with additional witnesses and exhibits. Witnesses identified Deft(s) at various times during testimonies. Mr. Figler and Mr. Singer noted for the record that the witnesses identified the Defendants who were sitting next to their counsel during the trial.

COURT ORDERED, JURORS RECESSED at 5:14 P.M. and TRIAL NOTED TO CONTINUE

TOMORROW at 10:30 A.M. in Courtroom 15-B.

OUTSIDE JURORS: COURT DIRECTED counsel to confer about Jury Instructions so they can be addressed. Counsel so confirmed. Mr. Figler noted that one of the jurors, #2, was nodding off during trial.

Mr. Figler made an Oral Motion for Mistrial because Mr. Bateman's reference to Deft's "SCOPE" and that it was waived before the face of a witness as though an official document, and a witness could have seen it. He also stated that no cautionary instruction can remedy that. Mr. Bateman argued that "we can all have a SCOPE" and that it was not prejudicial. COURT ORDERED, UNDER ADVISEMENT, a ruling will be made tomorrow on this issue. COURT ORDERED, EVENING RECESS.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****May 09, 2007**

06C228460-2

The State of Nevada vs Jemar D Matthews

**May 09, 2007****9:30 AM****Jury Trial**

**TRIAL BY JURY**  
**Relief Clerk: Chanel**  
**West (1:05PM -**  
**2:05PM)**  
**Reporter/Recorder:**  
**Richard**  
**Kangas/Francesca**  
**Haak Heard By:**  
**Barker, David**

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

Bateman, Samuel G.  
 Bunin, Daniel M.  
 Figler, Dayvid J.  
 Lewis, Linda Y.  
 Matthews, Jemar D

Attorney  
 Attorney  
 Attorney  
 Attorney  
 Defendant

**JOURNAL ENTRIES****- DAY 3 OF TRIAL**

TRIAL RECONVENED, OUTSIDE PRESENCE OF JURORS. COURT ADDRESSED the Defts' Motions for Mistrial. COURT STATED it had researched the matter and DETERMINES that "SCOPE" is a neutral term and that is had minimum impact to jurors. COURT NOTED that the Deft does not want to have a curative instruction presented to jurors. COURT ORDERED, Motion For Mistrial, DENIED.

Mr. Figler renewed his argument that Defense had not received notice that a gunshot residue test had been performed until the day of trial and had not received the Evidence Impound Report until last

night. He argued that the results of the gunshot residue test failed to reveal the mix of three elements, and because only two were found and that admissibility is disallowed across the country. He requested he be allowed to voir dire Mr. McPhail and that the State is penalized by not allowing testing notice, "the Defense was sandbagged". Ms. Lewis argued that they noticed witnesses. COURT INQUIRED if the third person is an exculpatory witness? Ms. Lewis responded, no. COURT STATED IT DOES NOT FIND A BRADY VIOLATION. COURT FURTHER noted that this can be taken up further outside the jury during examination of Mr. McPhail.

JURORS SEATED, all present per stipulation of all counsel. Plaintiff called forth additional witnesses with testimonies under oath; exhibit presented. (Please see Witness and Exhibit Lists.) During identification of Deft by witness, Mr. Figler noted that both Defts are seated by their respective counsel.

JURY PRESENT: (CHANEL WEST-RELIEF CLERK at 1:05 P.M.) Testimony and exhibits presented (See worksheet.) Court excused the Jury for an afternoon recess.

OUTSIDE THE PRESENCE: Upon Court's inquiry, State advised the Court of the number of remaining witnesses and indicated they intend to rest tomorrow. Court requested Jury Instructions from counsel and Mr. Figler advised counsel is currently working on them. Court made reference to evidence previously not admitted in front of the Jury and STATED FINDINGS pursuant to statute that could possibly allow it's admission. Mr. Figler submitted objection. Ms. Lewis made request to re-move for it's submission in front of the Jury and COURT SO ORDERED. Further, COURT ADVISED, it is limiting this ruling. Colloquy regarding evidence. COURT STATED FURTHER FINDINGS and ADVISED it would reserve the ruling as to this evidence. Court noted the issue of the gun-shot residue and noted it's receipt of Points and Authorities and the State's opposition as to Motions in Limine. Mr. Phillips moved for Joinder to Motions in Limine. Testimony and exhibits continued (See worksheet.) Mr. Figler, Mr. Bunin, and Mr. Singer submitted an objection that they have never received a curriculum vitae and Mr. Figler requested the State provide a copy. Argument submitted by Mr. Bateman. Mr. Figler agreed to proceed with the trial and advised he would follow-up to ensure he receives the copies. Mr. Figler and Mr. Bunin submitted further objections that they have not received a full copy of the reports. Upon Court's inquiry, State advised they didn't have that information today. Court advised testimony would continue. During testimony, Mr. Figler submitted an objection as to the testimony and record referenced to by the witness.

(CLERK PRESENT at 2:25 P.M.) STILL OUTSIDE PRESENCE OF JURORS, voir dire of Crystina Vachon continued. When she was excused from the witness stand, Mr. Figler argued that Ms. Vachon is not an authority, has no scholarly works, and he could have brought in Ph.D. experts and scholars to testify had he known about this test. He reiterated that the documents were not provided to Defense before yesterday. And, he argued Mr. McPhail can provide no guarantees on non-contamination. Mr. Figler again requested a dismissal of the case because the evidence has major prejudicial impact. Or, in the alternative, Mr. Figler requested a trial continuance to "get our experts for the gunshot residue "experts".

COURT ORDERED, Mr. Figler's Motion for Dismissal of Trial With Prejudice, DENIED. COURT INQUIRED if Deft now wants to continue the trial two weeks? Mr. Figler stated he needs a continuance or he'll be ineffective because he didn't know that the gunshot residue test was done. Mr. Bateman argued that Defense is not prejudiced because "they didn't do their work, as of May 3 they had the results." He noted he has proof of the transmittal. Mr. Singer argued that a fax was sent

yesterday to their office, but, of course was not received because he was here in court yesterday. Mr. Singer also argued that he could have scheduled experts, had he known and argued that even Mr. McPhail stated that the original report was not found and the print-out was only received yesterday. Following additional arguments and colloquy, Mr. Figler referred the Court to the Plaintiff's reference to "firearms analysis", there was no mention of gunshot residue tests. All counsel noted a two week continuance would be possible. COURT STATED that a two-week continuance is appropriate. Mr. Figler stated that neither Deft has waived his right to a speedy trial. Following a brief recess. Ms. Lewis stated there is a stipulation that the State can proceed with mention of a residue examination of the black and red gloves, but, will make no mention of the hands being examined for residue. Mr. Figler confirmed there is to be no evidence re gunshot residue, only testimony about the gloves, and with that stipulation he withdraws his motion for continuance of the trial. Ms. Lewis stated she wants Mr. Figler to state that he is ready to cross-examine this witness based upon the agreement of gloves, and she reiterated that the State never saw the 180 page report until Ms. Vachon noted it. COURT ORDERED RECESS.

TRIAL RECONVENED, STILL OUTSIDE PRESENCE OF JURORS. Mr. Bateman stated that the State will not introduce the gunshot residue test on the hands of co-defendants, but, only will bring in the red and two black gloves, so Mr. McPhail will not need to testify. Mr. Figler confirmed he withdraws his motion to continue trial. Mr. Singer inquired if Defense can argue about the gloves. COURT RESPONDED, "yes."

JURORS SEATED, all present per stipulation of all counsel. State's next witnesses were placed under oath and testified; exhibits presented.

COURT ORDERED, EVENING RECESS; TRIAL CONTINUED tomorrow at 9:30 A.M.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 10, 2007

06C228460-2

The State of Nevada vs Jemar D Matthews

May 10, 2007

9:30 AM

Jury Trial

**TRIAL BY JURY**  
**Court Clerk: Sharon Chun**  
**Reporter/Recorder: Richard Kangas**  
**Heard By: Barker, David**

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

Bateman, Samuel G.

Attorney

Bunin, Daniel M.

Attorney

Figler, Dayvid J.

Attorney

Lewis, Linda Y.

Attorney

Matthews, Jemar D

Defendant

**JOURNAL ENTRIES**

**- DAY 4 OF TRIAL**

COURT RECONVENED OUTSIDE PRESENCE OF JURORS. COURT NOTED there is a stipulation regarding the evidence chain-of-custody from the victim to Det. Krylo, Exhibit #165. Also, State's Consolidated Opposition to Defendant's Motions In Limine, FILED IN OPEN COURT.

JURORS SEATED at 10:03 A.M., all present per stipulation of all counsel. The State called forth its next witness, designated as an expert. Mr. Singer objected to testimony regarding microscopic analysis; COURT NOTED he can cross-examine regarding that issue. The Questions from Jurors were brought to the attention of the Bench, counsel approached to discuss, and the Juror Questions were marked as Court's Exhibits. (Please see Court's Exhibit List.) Fred Boyd designated as expert witness and testified as to microscopic examination of the bullets.

OUTSIDE PRESENCE OF JURORS: Regarding Juror Question, marked as Court's Exhibit #2, Mr. Singer requested the Court to ask the Juror Question in a different manner than it was written. The Court presented the alternative which was approved by Mr. Singer before being asked of the witness. COURT CANVASSED DEFT MATTHEWS re his Fifth Amendment Rights. Deft Matthews stated he will not take the stand to testify. Mr. Figler requested a Jury Instruction given regarding fact that the Deft is not compelled to testify.

COURT ALSO CANVASSED DEFT JOSHLIN as to his Fifth Amendment Rights. Deft Joshlin stated he will not take the stand to testify. Mr. Singer also requested a Jury Instruction regarding the fact that the Deft is not compelled to testify.

Following a full recess, OUTSIDE PRESENCE OF JURY, Mr. Figler stated that several parties were present in the courtroom during the trial, and as they were leaving the court room they said, "they killed my baby." He requested the Court to admonish all present about comments made. COURT STATED it didn't hear the comments. At request of Plaintiff, Court's Exhibit #3 was marked.

JURORS SEATED, all present as before per stipulation of all counsel. THE STATE ANNOUNCED IT RESTED ITS CASE at 12:31 P.M. COURT ORDERED, Jurors recessed for lunch.

OUTSIDE PRESENCE OF JURORS, Mr. Singer made an Oral Motion to Dismiss Count 5 against Deft Joshlin, stating his argument on the record. The State argued in opposition. COURT ORDERED, DEFT JOSHLIN'S MOTION TO DISMISS COUNT 5, DENIED. Arguments re final Jury Instructions continued. Deft's Proposed Jury Instructions Not Used At Trial, FILED IN OPEN COURT.

JURORS SEATED at 1:24 P.M., all present per stipulation of all counsel. Mr. Figler presented the first Defense witness, who was sworn and testified; exhibits presented. (Please see Witness and Exhibit Lists.) COURT ORDERED, JURORS RECESSED at 6:00 P.M. and ORDERED to return tomorrow at 9:30 A.M.

OUTSIDE PRESENCE OF JURORS, discussion held regarding tomorrow's schedule. COURT ORDERED, EVENING RECESS

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****May 11, 2007**

06C228460-2

The State of Nevada vs Jemar D Matthews

**May 11, 2007****9:30 AM****Jury Trial**

**TRIAL BY JURY**  
**Court Clerk: Sharon Chun**  
**Reporter/Recorder: Richard Kangas**  
**Heard By: David Barker**

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

|                    |           |
|--------------------|-----------|
| Bateman, Samuel G. | Attorney  |
| Bunin, Daniel M.   | Attorney  |
| Figler, Dayvid J.  | Attorney  |
| Lewis, Linda Y.    | Attorney  |
| Matthews, Jemar D  | Defendant |

**JOURNAL ENTRIES**

**- DAY 5 OF TRIAL**

TRIAL RECONVENED OUTSIDE PRESENCE OF JURORS. Arguments re Jury Instructions continued on the record. Final Jury Instructions accepted and numbered by the Court. Deft's Jury Instructions Offered But Not Used, FILED IN OPEN COURT. All counsel stipulated to the reading of the Jury Instructions prior to closing arguments. The State confirmed it will call no rebuttal witnesses; Defense stated no sur-rebuttal witnesses will be called.

JURORS SEATED, all present per stipulation of all counsel. COURT READ Jury Instructions and Verdict forms to the Jurors, each provided their own copy.

Closing arguments made by all counsel. COURT ANNOUNCED the Alternate Jurors to be Jurors

#13 and #14. The Bailiff and Judicial Executive Assistant were sworn to take charge of the Jurors and Alternates. COURT ORDERED JURORS TO DELIBERATION AT 2:24 p.m.

VERDICT REACHED AT APPROXIMATELY 6:10 P.M.

TRIAL RECONVENED at 6:35 P.M. with all twelve jurors present per stipulation of all counsel.

FOREPERSON was announced to be Juror #8. At direction of the Court the Clerk announced the Verdicts, as follows:

VERDICT FOR DEFT PIERRE JOSHLIN: GUILTY OF COUNT 1 - CONSPIRACY TO COMMIT MURDER; COUNT 2 - FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON; COUNT 3 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (MYNIECE COOK); COURT 4 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (MICHEL-LE TOLEFREE); COUNT 5 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (MAURICE HICKMAN); COUNT 7 - CONSPIRACY TO COMMIT ROBBERY; COUNT 8 - ROBBERY WITH USE OF A DEADLY WEAPON (GEISHE M. ORDUNO); and COUNT 9 - ROBBERY WITH USE OF A DEADLY WEAPON (MELVIN BOLDEN).

VERDICT RE DEFT JEMAR MATTHEWS GUILTY OF: COUNT 1 - CONSPIRACY TO COMMIT MURDER; COUNT 2 - FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON; COUNT 3 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (MYNIECE COOK); COUNT 4 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (MICHEL-LE TOLEFREE); COUNT 5 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (MAURICE HICKMAN); COUNT 6 - POSSESSION OF SHORT BARRELED RIFLE; COUNT 7 - CONSPIRACY TO COMMIT ROBBERY; COUNT 8 - ROBBERY WITH USE OF A DEADLY WEAPON (GEISHE M. ORDUNO); COUNT 9 - ROBBERY WITH USE OF A DEADLY WEAPON (MELVIN BOLDEN); COUNT 10- ASSAULT WITH USE OF A DEADLY WEAPON (BRADLEY CUPP); and COUNT 11- ASSAULT WITH USE OF A DEADLY WEAPON (BRIAN WALTERS)

At request of Defense counsel, COURT ORDERED, JURORS POLLED as to if those were their verdicts as read. All twelve Jurors answer in the affirmative.

COURT THANKED AND EXCUSED JURORS.

OUTSIDE PRESENCE OF JURORS, COURT ORDERED, matter referred to the Division of Parole and Probation (P & P) for both defendants, and set for sentencing.

Mr. Figler made an Oral Motion for A New Trial Based On Cumulative Prosecutorial Misconduct.

COURT ORDERED, DENIED.

FILED IN OPEN COURT: Verdicts and Jury Instructions.

COURT ORDERED, JURY TRIAL ADJOURNED.

CUSTODY (BOTH)

6/18/07 8:30 AM SENTENCING (BOTH)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****June 04, 2007**

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06C228460-2

The State of Nevada vs Jemar D Matthews

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**June 04, 2007****8:30 AM****Motion for New Trial**

**DEFT'S MTN FOR  
NEW TRIAL /9 Court  
Clerk: Sharon Chun  
Reporter/Recorder:  
Richard Kangas  
Heard By: Barker,  
David**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:** Sharon Chun**RECORDER:** Richard Kangas**REPORTER:****PARTIES****PRESENT:**

Bawa, Ravindar N.

Attorney

Figler, Dayvid J.

Attorney

Matthews, Jemar D

Defendant

**JOURNAL ENTRIES**

- Upon stipulation of both counsel, COURT ORDERED, Motion CONTINUED.  
CUSTODY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****June 08, 2007**

06C228460-2

The State of Nevada vs Jemar D Matthews

**June 08, 2007****8:15 AM****Motion for New Trial**

**DEFT'S MTN FOR  
NEW TRIAL /9 Court  
Clerk: Sharon Chun  
Reporter/Recorder:  
Richard Kangas  
Heard By: Barker,  
David**

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

Figler, Dayvid J.

Attorney

Lewis, Linda Y.

Attorney

Matthews, Jemar D

Defendant

**JOURNAL ENTRIES**

- COURT STATED it read the Motion and reviewed the video-tape, but, requires more time to review in detail. COURT ORDERED, MOTION CONTINUED TO 7/2/07.

Mr. Figler requested additional transcripts prepared, including Bunin's closing and the rebuttal. Mr. Kangas advised they may possibly be back in a week, once ordered. COURT ORDERED, TRANSCRIPT TO BE PREPARED ON EXPEDITED BASIS.

COURT FURTHER ORDERED, the 6/18/07 Sentencing of both Joshlin & Matthews, CONTINUED to 7/2/07 as well.

CUSTODY

7/2/07 8:15 AM SENTENCING (JOSHLIN &amp; MATTHEWS)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 09, 2007

06C228460-2

The State of Nevada vs Jemar D Matthews

July 09, 2007

8:15 AM

All Pending Motions

**ALL PENDING  
MOTIONS (07-09-07)**  
**Relief Clerk: Carol  
Donahoo**  
**Reporter/Recorder:  
Richard Kangas**  
**Heard By: David  
Barker**

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

**PARTIES****PRESENT:**

Bunin, Daniel M.

Attorney

Figler, Dayvid J.

Attorney

Lewis, Linda Y.

Attorney

Matthews, Jemar D

Defendant

**JOURNAL ENTRIES**

- DEFT.'S MOTION FOR NEW TRIAL (MATTHEWS)...SENTENCING (JOSHLIN)...SENTENCING (MATTHEWS)

Deft.'s Reply to State's Opposition to Motion for New Trial FILED IN OPEN COURT. Court noted it reviewed the video tape of the trial. Arguments by counsel. Court stated its findings and ORDERED, Motion DENIED.

PIERRE JOSHLIN: Pursuant to the Jury's verdict, DEFT. JOSHLIN ADJUDGED GUILTY of COUNT 1 - CONSPIRACY TO COMMIT MURDER (F), COUNT 2 - FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON (F), COUNTS 3, 4, 5 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (F), COUNT 7 - CONSPIRACY TO COMMIT ROBBERY (F), and COUNTS 8, 9 - ROBBERY WITH USE OF A DEADLY WEAPON (F). Sworn statement by victim's mother, Cora Williams, and

victim's sister, Danielle Matison. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee and the \$150.00 DNA Analysis fee including testing to determine genetic markers and \$418.85 Restitution, as to COUNT 1, Deft. SENTENCED to a MINIMUM of TWENTY-SIX (26) MONTHS and a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS in the Nevada Department of Corrections (NDC); as to COUNT 2, Deft. SENTENCED to LIFE WITH the possibility of parole after TWENTY (20) YEARS, plus an equal and CONSECUTIVE term for use of a deadly weapon; as to COUNT 3, Deft. SENTENCED to a MINIMUM of FORTY-EIGHT (48) MONTHS and a MAXIMUM of TWO HUNDRED FORTY (240) MONTHS in the Nevada Department of Corrections (NDC), plus an equal and CONSECUTIVE MINIMUM OF FORTY-EIGHT (48) MONTHS and a MAXIMUM of TWO HUNDRED FORTY (240) MONTHS for use of a deadly weapon; as to COUNT 4, Deft. SENTENCED to a MINIMUM of FORTY-EIGHT (48) MONTHS and a MAXIMUM of TWO HUNDRED FORTY (240) MONTHS in the Nevada Department of Corrections (NDC), plus an equal and CONSECUTIVE MINIMUM OF FORTY-EIGHT (48) MONTHS and a MAXIMUM of TWO HUNDRED FORTY (240) MONTHS for use of a deadly weapon; as to COUNT 5, Deft. SENTENCED to a MINIMUM of FORTY-EIGHT (48) MONTHS and a MAXIMUM of TWO HUNDRED FORTY (240) MONTHS in the Nevada Department of Corrections (NDC), plus an equal and CONSECUTIVE MINIMUM OF FORTY-EIGHT (48) MONTHS and a MAXIMUM of TWO HUNDRED FORTY (240) MONTHS for use of a deadly weapon; as to COUNT 7, Deft. SENTENCED to a MINIMUM of TWELVE (12) MONTHS and a MAXIMUM of SEVENTY-TWO (72) MONTHS in the Nevada Department of Corrections (NDC); as to COUNT 8, Deft. SENTENCED to a MINIMUM of FORTY (40) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS in the Nevada Department of Corrections (NDC), plus an equal and CONSECUTIVE MINIMUM of FORTY (40) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS for use of a deadly weapon; as to COUNT 9, Deft. SENTENCED to a MINIMUM of FORTY (40) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS in the Nevada Department of Corrections (NDC), plus an equal and CONSECUTIVE MINIMUM of FORTY (40) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS for use of a deadly weapon; all COUNTS to run CONCURRENT with each other, with THREE HUNDRED (300) DAYS credit for time served; BOND, if any, EXONERATED.

JEMAR D. MATTHEWS: Pursuant to the Jury's verdict, DEFT. MATTHEWS ADJUDGED GUILTY of COUNT 1 - CONSPIRACY TO COMMIT MURDER (F), COUNT 2 - FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON (F), COUNTS 3, 4, 5 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (F), COUNT 6 - POSSESSION OF SHORT BARRELED RIFLE (F), COUNT 7 - CONSPIRACY TO COMMIT ROBBERY (F), COUNTS 8, 9 - ROBBERY WITH USE OF A DEADLY WEAPON (F), COUNTS 10, 11 - ASSAULT WITH USE OF A DEADLY WEAPON (F). Sworn statement by victim's mother, Cora Williams, and victim's sister, Danielle Matison. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee and the \$150.00 DNA Analysis fee including testing to determine genetic markers, as to COUNT 1, Deft. SENTENCED to a MINIMUM of TWENTY-SIX (26) MONTHS and a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS in the Nevada Department of Corrections (NDC); as to COUNT 2, Deft. SENTENCED to LIFE WITH the possibility of parole after TWENTY (20) YEARS, plus an equal and CONSECUTIVE term for use of a deadly weapon; as to COUNT 3, Deft. SENTENCED to a MINIMUM of FORTY-EIGHT (48) MONTHS and a MAXIMUM of TWO HUNDRED FORTY (240) MONTHS in the Nevada

Department of Corrections (NDC), plus an equal and CONSECUTIVE MINIMUM OF FORTY-EIGHT (48) MONTHS and a MAXIMUM of TWO HUNDRED FORTY (240) MONTHS for use of a deadly weapon; as to COUNT 4, Deft. SENTENCED to a MINIMUM of FORTY-EIGHT (48) MONTHS and a MAXIMUM of TWO HUNDRED FORTY (240) MONTHS in the Nevada Department of Corrections (NDC), plus an equal and CONSECUTIVE MINIMUM OF FORTY-EIGHT (48) MONTHS and a MAXIMUM of TWO HUNDRED FORTY (240) MONTHS for use of a deadly weapon; as to COUNT 5, Deft. SENTENCED to a MINIMUM of FORTY-EIGHT (48) MONTHS and a MAXIMUM of TWO HUNDRED FORTY (240) MONTHS in the Nevada Department of Corrections (NDC), plus an equal and CONSECUTIVE MINIMUM OF FORTY-EIGHT (48) MONTHS and a MAXIMUM of TWO HUNDRED FORTY (240) MONTHS for use of a deadly weapon; as to COUNT 6, Deft. SENTENCED to a MINIMUM of TWELVE (12) MONTHS and a MAXIMUM of FORTY-EIGHT (48) MONTHS in the Nevada Department of Corrections (NDC); as to COUNT 7, Deft. SENTENCED to a MINIMUM of TWELVE (12) MONTHS and a MAXIMUM of SEVENTY-TWO (72) MONTHS in the Nevada Department of Corrections (NDC); as to COUNT 8, Deft. SENTENCED to a MINIMUM of FORTY (40) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS in the Nevada Department of Corrections (NDC), plus an equal and CONSECUTIVE MINIMUM of FORTY (40) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS for use of a deadly weapon; as to COUNT 9, Deft. SENTENCED to a MINIMUM of FORTY (40) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS in the Nevada Department of Corrections (NDC), plus an equal and CONSECUTIVE MINIMUM of FORTY (40) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS for use of a deadly weapon; as to COUNT 10, Deft. SENTENCED to a MINIMUM of SIXTEEN (16) MONTHS and a MAXIMUM of SEVENTY-TWO (72) MONTHS in the Nevada Department of Corrections (NDC); as to COUNT 11, Deft. SENTENCED to a MINIMUM of SIXTEEN (16) MONTHS and a MAXIMUM of SEVENTY-TWO (72) MONTHS in the Nevada Department of Corrections (NDC); all COUNTS to run CONCURRENT with each other, with THREE HUNDRED (300) DAYS credit for time served; BOND, if any, EXONERATED.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****January 28, 2008**

06C228460-2

The State of Nevada vs Jemar D Matthews

**January 28, 2008****8:15 AM****Request**

**DEFT'S REQUEST  
STATUS CHECK:  
CUSTODY Relief  
Clerk: Tia Everett/te  
Reporter/Recorder:  
Richard Kangas  
Heard By: Barker,  
David**

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

Clowers, Shanon

Attorney

Figler, Dayvid J.

Attorney

Matthews, Jemar D

Defendant

**JOURNAL ENTRIES**

- Mr. Figler advised the Defendant has been sentenced in this case and a Judgment of Conviction has been signed by the Court; however, he has yet to be transported to the Nevada Department of Corrections. Court Directed State to look into this matter and COURT ORDERED, matter CONTINUED.  
CUSTODY

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****February 01, 2008**

06C228460-2

The State of Nevada vs Jemar D Matthews

**February 01, 2008****8:15 AM****Request****DEFT'S REQUEST  
STATUS CHECK:  
CUSTODY Relief  
Clerk: Tia Everett/te  
Reporter/Recorder:  
Richard Kangas  
Heard By: David  
Barker****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Bateman, Samuel G.  
Matthews, Jemar DAttorney  
Defendant**JOURNAL ENTRIES**

- Court noted, he has spoken with the Clark County Detention Center (CCDC) who has advised the Defendant has been placed on the correct list in order for him to be transported to Nevada Department of Corrections. COURT ORDERED, MATTER OFF CALENDAR.  
NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****March 26, 2008**

06C228460-2

The State of Nevada vs Jemar D Matthews

**March 26, 2008****8:15 AM****Request of Court**

**AT REQ OF  
SUPREME COURT:  
APPOINTMENT OF  
COUNSEL/14 Court  
Clerk: Sharon Chun  
Reporter/Recorder:  
Richard Kangas  
Heard By: David  
Barker**

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

Clowers, Shanon

Attorney

**JOURNAL ENTRIES**

- Deft incarcerated in NDC and not present. Mr. Singer appeared and stated he has not been appointed as counsel in this matter. COURT ORDERED, JOHN PARRIS APPOINTED as counsel and matter SET for status check on Friday. Deft so agreed.

NDC

3/28/08 8:15 AM STATUS CHECK: FURTHER PROCEEDINGS...STATUS CHECK:  
CONFIRMATION OF COUNSEL (JOHN PARRIS)

CLERK'S NOTE: Mr. Parris has been notified of the appointment via email this date.

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****March 28, 2008**

06C228460-2

The State of Nevada vs Jemar D Matthews

**March 28, 2008****8:00 AM****All Pending Motions****ALL PENDING  
MOTIONS 03-28-08  
Court Clerk: Sandra  
Anderson  
Reporter/Recorder:  
Richard Kangas  
Heard By: David  
Barker****HEARD BY:****COURTROOM:** No Location**COURT CLERK:** Sharon Chun**RECORDER:** Richard Kangas**REPORTER:****PARTIES****PRESENT:** Krusey, Amanda K. Attorney**JOURNAL ENTRIES**

- STATUS CHECK: FURTHER PROCEEDINGS...STATUS CHECK: CONFIRMATION OF COUNSEL COURT ORDERED, Mr. Parris confirmed as attorney of record. Mr. Parris advised the Court he would contact Mr. Singer for Discovery.

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****September 24, 2008**

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06C228460-2

The State of Nevada vs Jemar D Matthews

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**September 24, 2008****8:15 AM****Request of Court****SUPREME COURT  
REMAND: APPOINT  
NEW APPELLET  
COUNSEL/18 Court  
Clerk: Sharon Chun  
Relief Clerk: Carol  
Donahoo/cd  
Reporter/Recorder:  
Richard Kangas  
Heard By: David  
Barker****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Nance, Aaron M.

Attorney

**JOURNAL ENTRIES**

- Defendant/ Appellant Joshlin incarcerated in the Nevada Department of Corrections (NDC) and not present.

Court noted this matter has been remanded to District Court by the Supreme Court for the limited purpose of securing counsel for Appellant. Ms. Roys CONFIRMED as counsel of record on behalf of Karen Connolly, Esq.

NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 27, 2009

06C228460-2

The State of Nevada vs Jemar D Matthews

July 27, 2009

8:15 AM

Request

**DEFT'S PRO PER  
REQUEST FOR  
RECORDS/COURTC  
ASE/19 Relief Clerk:  
Tia Everett/te  
Reporter/Recorder:  
Richard Kangas  
Heard By: Barker,  
David**

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

Figler, Dayvid J.

Attorney

Matthews, Jemar D

Defendant

Ponticello, Frank M.

Attorney

**JOURNAL ENTRIES**

- Mr. Figler informed the Court although the Nevada Supreme Court has affirmed the prior conviction, counsel has filed a petition for re-hearing; however, should the motion be denied counsel will file for enbanc consideration and should all requests be denied then the Defendant will be in need of his file. Further, Mr. Figler requested the request be continued while counsel exhaust all of his options. COURT ORDERED, matter CONTINUED based on the state of appeal.  
NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 30, 2009

06C228460-2

The State of Nevada vs Jemar D Matthews

November 30, 2009

8:15 AM

Request

**DEFT'S PRO PER  
REQUEST FOR  
RECORDS/COURTC  
ASE/19 Court Clerk:  
Sharon Chun  
Reporter/Recorder:  
Richard Kangas  
Heard By: David  
Barker**

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

Figler, Dayvid J.  
Small, Shelly L.

Attorney  
Attorney

**JOURNAL ENTRIES**

- COURT NOTED THAT Deft is in custody at the Nevada Department of Corrections. Mr. Figler stated the final denial of appeal has been received and the Court should receive the Remittent any day now. Mr. Figler noted that he had sent two banker's boxes of records to Deft at NSP and all the Court Transcripts were sent to him also. Mr. Figler requested to be retained for any post-conviction relief and thinks there should be a stay until the remittitur.

COURT NOTED that Mr. Figler has confirmed that the full records have been sent to Deft; therefore, Deft's Request is MOOT. COURT IS WAITING for the Supreme Court Remittitur before further consideration of Mr. Figler's withdrawal.

NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 06, 2010

06C228460-2

The State of Nevada vs Jemar D Matthews

January 06, 2010

8:15 AM

All Pending Motions

**ALL PENDING  
MOTIONS OF 1/6/10  
Court Clerk: Sharon  
Chun  
Reporter/Recorder:  
Richard Kangas  
Heard By: David  
Barker**

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

**PARTIES****PRESENT:**

Botelho, Agnes M.  
Figler, Dayvid J.  
Kochevar, Brian J.

Attorney  
Attorney  
Attorney

**JOURNAL ENTRIES**

- DEFT'S PRO PER MOTION FOR THE APPOINTMENT OF COUNSEL AND REQUEST FOR EVIDENTIARY HEARING...DEFT'S PRO PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

COURT NOTED Deft is in custody at NDC and Deft needs to articulate the grounds for an appointment of counsel. Mr. Figler stated he received a copy of the NV Supreme Court's remittitur and Deft's issue is ineffective assistance of counsel, therefore, withdrawal would seem appropriate. COURT STATED that appointment of counsel will have to be assigned through Drew Christensen and SET status check for confirmation of counsel.

FOLLOWING CALENDAR, COURT ORDERED BOTH DEFT'S MOTIONS CONTINUED TO 1/15/10 as well.

NDC

1/15/10 8:15 AM STATUS CHECK: CONFIRMATION OF COUNSEL...DEFT'S PRO PER MOTION  
FOR THE APPOINTMENT OF COUNSEL AND REQUEST FOR EVIDENTIARY HEARING...DEFT'S  
PRO PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

cc: D. Figler, Esq.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****January 15, 2010**

06C228460-2

The State of Nevada vs Jemar D Matthews

**January 15, 2010****8:15 AM****All Pending Motions**

**ALL PENDING  
MOTIONS Relief  
Clerk: Shelly  
Landwehr/sl  
Reporter/Recorder:  
Richard Kangas  
Heard By: David  
Barker**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:** Sharon Chun**RECORDER:** Richard Kangas**REPORTER:****PARTIES****PRESENT:**

Ford, Christopher  
Matthews, Jemar D  
Thomas, Michelle L.

Attorney  
Defendant  
Attorney

**JOURNAL ENTRIES**

- DEFT'S PRO PER MOTION FOR THE APPOINTMENT OF COUNSEL AND REQUEST FOR EVIDENTIARY HEARING...DEFT'S PRO PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS...STATUS CHECK: CONFIRMATION OF APPOINTED COUNSEL

Chris Ford present on behalf of Luke Ciciliano. Colloquy regarding appointment of counsel to represent Deft. in these proceedings. Mr. Ford CONFIRMED as counsel. Colloquy regarding Deft's motions. COURT NOTED, Mr. Figler made a good record. Matter OFF CALENDAR.  
NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****May 12, 2010**

06C228460-2

The State of Nevada vs Jemar D Matthews

**May 12, 2010****8:15 AM****Motion**

**DEFT'S PRO PER  
MTN FOR  
APPOINTMENT OF  
COUNSEL AND  
REQUEST FOR  
EVIDENTIARY HRG  
Court Clerk: Sharon  
Chun  
Reporter/Recorder:  
Richard Kangas  
Heard By: David  
Barker**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:** Sharon Chun**RECORDER:** Richard Kangas**REPORTER:****PARTIES****PRESENT:** Kochevar, Brian J.

Attorney

**JOURNAL ENTRIES**

- Mr. Vitale appeared on behalf of K. Connolly, Esq. and stated his office represented Deft Joshlin through Appeal, but, new counsel needs to be appointed for him for this post-conviction request for relief. COURT NOTED that the Supreme Court gave direction that counsel should be appointed for claims of ineffective assistance of counsel, and, ORDERED. COUNSEL TO BE APPOINTED through Drew Christensen's Office. COURT FURTHER ORDERED, MATTER SET FOR STATUS CHECK RE CONFIRMATION.

NDC

5/28/10 8:15 AM STATUS CHECK: CONFIRMATION OF COUNSEL (THROUGH D. CHRISTENSEN'S OFFICE)...STATUS CHECK: SET EVID HEARING RE INEFFECTIVE

ASSISTANCE OF COUNSEL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****May 28, 2010**

06C228460-2

The State of Nevada vs Jemar D Matthews

**May 28, 2010****8:15 AM****All Pending Motions**

**ALL PENDING  
MOTIONS 5/28/10  
Court Clerk: Sharon  
Chun  
Reporter/Recorder:  
Richard Kangas  
Heard By: David  
Barker**

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

Graham, Stephanie

Attorney

**JOURNAL ENTRIES**

- STATUS CHECK: CONFIRMATION OF COUNSEL...STATUS CHECK: SET EVIDENTIARY  
HEARING RE INEFFECTIVE ASSISTANCE OF COUNSEL

COURT ADVISED that Michael Schwarz, Esq. was appointed counsel through Drew Christensen's  
Office, and ORDERED, STATUS CHECK CONTINUED re setting of the Post-Conviction claim of  
ineffective assistance of counsel. COURT NOTED that a Transport Order will be required for Deft's  
presence at that time.

NDC

7/16/10 8:15 AM STATUS CHECK: SET EVIDENTIARY HEARING RE INEFFECTIVE ASSISTANCE  
OF COUNSEL

CLERK'S NOTE: A copy of this minute order has been provided to Mr. Schwarz.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 16, 2010

06C228460-2

The State of Nevada vs Jemar D Matthews

July 16, 2010

8:15 AM

Status Check

**STATUS CK: SET  
EVID HRG RE  
DEFT'S POST-  
CONV CLAIM OF  
INEFFECTIVE ASSIS  
COUNSEL Relief  
Clerk: Billie Jo Craig  
Reporter/Recorder:  
Richard Kangas  
Heard By: David  
Barker**

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

Iskan, Ercan E  
Roger, David J.

Attorney  
Attorney

**JOURNAL ENTRIES**

- Court noted defendant had been transported and Mr. Schwarz was not present. Mr. Schwarz was to advise the Court if supplemental briefing was necessary. Court noted Mr. Schwarz not present. Court stated its findings, and ORDERED, matter CONTINUED for counsel to be present. Court advised defendant need not be present at the next Court date and a copy of the Minutes from the next Court date to be provided to the defendant.

NDC

CONTINUED TO: 7/21/10 8:15 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 21, 2010

06C228460-2

The State of Nevada vs Jemar D Matthews

July 21, 2010

8:15 AM

Status Check

**STATUS CHECK:**  
**SET EVID HRG RE**  
**DEFT'S POST-**  
**CONV CLAIM**  
**(FROM 7/16/10)**  
**Court Clerk: Sharon**  
**Chun Relief Clerk:**  
**Billie Jo Craig/bjc**  
**Reporter/Recorder:**  
**Richard Kangas**  
**Heard By: David**  
**Barker**

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

Graham, Stephanie  
 Roger, David J.

Attorney  
 Attorney

**JOURNAL ENTRIES**

- Colloquy regarding status of case. COURT ORDERED, a briefing schedule set as follows:  
 Defendant's Motion Due: 11/24/10 State's Response Due: 2/23/11 Defendant's Reply Due: 3/9/11  
 EVIDENTIARY HEARING: 3/23/10 10:00 AM  
 COURT ORDERED, matter SET for Evidentiary Hearing.  
 NDC  
 3/23/11 10:00 AM EVIDENTIARY HEARING

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****January 23, 2012**

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06C228460-2

The State of Nevada vs Jemar D Matthews

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**January 23, 2012****8:15 AM****Motion****HEARD BY:** Barker, David**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** April Watkins**RECORDER:** Cheryl Carpenter**REPORTER:****PARTIES****PRESENT:**Lavell, Maria  
State of NevadaAttorney  
Plaintiff**JOURNAL ENTRIES**

- Court noted conviction affirmed by Supreme Court, Mr. Ciciliano appointed to assist in any post conviction efforts, Mr. Ciciliano has indicated he cannot continue, Mr. Christensen contacted to no avail and COURT ORDERED, matter CONTINUED.

NDC

CONTINUED TO: 2/6/12 8:15 AM

CLERK'S NOTE: Mr. Christensen e-mailed and advised of the Court's order. 1/23/12 aw

CLERK'S NOTE: The above minute order has been distributed to: Jemar Matthews #1014654, WSCC, P.O. Box 7007, Carson City, NV 89702.

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****February 06, 2012**

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06C228460-2

The State of Nevada vs Jemar D Matthews

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**February 06, 2012****8:15 AM****Motion****Deft's Pro Per Motion  
for Appointment of  
Counsel Pursuant to  
NRS 34.750****HEARD BY:** Barker, David**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** April Watkins**RECORDER:** Cheryl Carpenter**REPORTER:****PARTIES****PRESENT:**Botelho, Agnes M.  
Colucci, Carmine J.  
State of NevadaAttorney  
Attorney  
Plaintiff**JOURNAL ENTRIES**

- Upon Court's inquiry, Mr. Colucci advised he will accept appointment. COURT ORDERED, motion GRANTED. Further, Mr. Colucci advised he has sent letter to previous counsel requesting discovery and requested a 120 day status check. FURTHER ORDERED, matter SET for status check.

NDC

6/11/12 8:15 AM STATUS CHECK: BRIEFING SCHEDULE

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****June 11, 2012**

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06C228460-2

The State of Nevada vs Jemar D Matthews

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**June 11, 2012****8:15 AM****Status Check****HEARD BY:** Barker, David**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** April Watkins**RECORDER:** Cheryl Carpenter**REPORTER:****PARTIES****PRESENT:**

Colucci, Carmine J.

Attorney

Lavell, Maria

Attorney

State of Nevada

Plaintiff

**JOURNAL ENTRIES**

- Upon Court's inquiry, Mr. Colucci stated he has reviewed entire file, will be filing supplemental to the petition and requested a briefing schedule be set. COURT ORDERED, the following briefing schedule: Deft's Supplemental brief due by July 9, 2012, State's Opposition due by September 10, 2012, Deft's Reply due by September 24, 2012, and matter SET thereafter for hearing.

NDC

10/12/12 9:00 AM HEARING

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****October 12, 2012**

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06C228460-2

The State of Nevada vs Jemar D Matthews

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**October 12, 2012****9:00 AM****Hearing****HEARD BY:** Barker, David**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** April Watkins**RECORDER:** Cheryl Carpenter**REPORTER:****PARTIES****PRESENT:**

Bateman, Samuel G.

Attorney

Colucci, Carmine J.

Attorney

Matthews, Jemar D

Defendant

State of Nevada

Plaintiff

**JOURNAL ENTRIES**

- Mr. Bateman stated just for clarification, Deft. argued motion to sever should of been filed, included legal reasons for a severance and the State believes this is a legal matter for the Court. The Court needs to decide legal reasons for severance motion, believes it is a matter of law and no need for hearing. Mr. Colucci stated there is a lot of other factors involved. Further, earlier in case, Mr. Figler filed bench brief indicating there may be Bruton issues and the purpose of closing arguments was to connect this Deft. with the other Deft. Additionally, State argued both Defts' acted in concert, not charged with conspiracy and wants to know if it was a strategic decision. Court noted on Order of Affirmance, there was a conspiracy charge. Mr. Colucci stated even with conspiracy issue, argued no evidence there was a conspiracy to commit murder.

Dayvid Figler, sworn and testified.

Mr. Colucci argued evidence against Deft. was not as strong as it was against the Co-Deft. Further, rebuttal argument was both Defts' together and by repeating the words "they and them", State lumped together with no distinction between the charges. Additionally, the spill over effect was huge, Deft's counsel knew both Defts' would be linked together, possible Bruton issues and motion to sever should of been filed. Mr. Bateman argued no red flag during trial in regards to Mr. Singer's

issues and actions. Further, no law presented that deficient performance by Co-Deft's counsel would be basis for severance. Additionally, Mr. Bateman argued evidence was sufficient, at no time was it brought up there was insufficient evidence against this Deft., no specific trial right precluded shown here, does not believe Deft's trial counsel fell to such a level to be deficient, prejudice prong not met and ineffective assistance of counsel not shown. Further argument by Mr. Colucci. Court stated issue addresses whether or not trial conduct of Deft's counsel was deficient. Further, Court FINDS issue of severance is a matter of law, if brought pre trial, it would of been denied based on theories presented. Additionally, the Court does not question Mr. Figler's efforts even with the spill over argument were met. Based upon that fact, anything seen, heard or briefed on would indicate his efforts were factually or legally deficient and ORDERED, petition DENIED. State to prepare findings of fact and conclusions of law.

NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****November 19, 2012**

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06C228460-2

The State of Nevada vs Jemar D Matthews

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**November 19, 2012 8:15 AM****Motion****Deft's Motion to  
Place on Calendar Re:  
Appointment of  
Appellant Counsel****HEARD BY:** Barker, David**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** April Watkins**RECORDER:** Cheryl Carpenter**REPORTER:****PARTIES**

|                 |                     |           |
|-----------------|---------------------|-----------|
| <b>PRESENT:</b> | Burns, J Patrick    | Attorney  |
|                 | Colucci, Carmine J. | Attorney  |
|                 | State of Nevada     | Plaintiff |

**JOURNAL ENTRIES**

- Court noted there seems to be some conflict as to the findings of facts and conclusions of law. Mr. Colucci advised all that has been worked out with the State. Further, Mr. Colucci stated Deft. needs new counsel and not him. Court further noted this is the third level of post conviction, needs reason and factual basis stated, Deft. does not have right to counsel and ORDERED, motion DENIED. Mr. Colucci requested to withdraw as counsel without prejudice. COURT SO ORDERED.

NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****January 16, 2013**

06C228460-2

The State of Nevada vs Jemar D Matthews

**January 16, 2013****8:15 AM****Appointment of Counsel****Appointment of  
Counsel per Supreme  
Court Remand****HEARD BY:** Barker, David**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** April Watkins**RECORDER:** Cheryl Carpenter**REPORTER:****PARTIES****PRESENT:**State of Nevada  
Trippiedi, HagarPlaintiff  
Attorney**JOURNAL ENTRIES**

- Court noted per Mr. Christensen, Mr. Gamage will be appointed as counsel but could not be present today. Colloquy. COURT ORDERED, William Gamage, Esq., APPOINTED as COUNSEL and matter SET for status check.

NDC

2/13/13 8:15 AM STATUS CHECK: SETTING OF BRIEFING SCHEDULE

CLERK'S NOTE: Logan with Mr. Gamage's office advised of appointment and status check date. aw  
1/16/13

CLERK'S NOTE: The above minute order has been distributed to: Jemar Matthews #1014654, P.O.  
Box 650, Indian Springs, NV 89070. aw

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****February 13, 2013**

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06C228460-2

The State of Nevada vs Jemar D Matthews

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**February 13, 2013****8:15 AM****Status Check****HEARD BY:** Barker, David**COURTROOM:** RJC Courtroom 11B**COURT CLERK:**

April Watkins

**RECORDER:** Cheryl Carpenter**REPORTER:****PARTIES****PRESENT:**Gamage, William H.  
State of Nevada  
Trippiedi, HagarAttorney  
Plaintiff  
Attorney**JOURNAL ENTRIES**

- Mr. Gamage requested matter be continued sixty days, advised he just received a lot of records and he will be submitting ex parte request for investigator. COURT ORDERED, matter CONTINUED.

NDC

CONTINUED TO: 4/17/13 8:15 AM

CLERK'S NOTE: This matter remanded for the limited purpose of securing appellate counsel and April 17, 2013, date VACATED. aw 3/5/13

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****August 25, 2014**

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06C228460-2

The State of Nevada vs Jemar D Matthews

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**August 25, 2014****8:15 AM****All Pending Motions****HEARD BY:** Barker, David**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** April Watkins**RECORDER:** Cheryl Carpenter**REPORTER:****PARTIES****PRESENT:**Jobe, Michelle Y.  
State of NevadaAttorney  
Plaintiff**JOURNAL ENTRIES**

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

Court noted long procedurally history of case. Judgment of Conviction (JOC) filed as a function of jury verdict convicting Deft. of 11 Counts including assault, attempt murder, first degree murder with use of a deadly weapon and conspiracy. A direct appeal was taken as a function of that verdict on the JOC and the Supreme Court sustained the conviction and granted remittitur in 2009. First step in the post-conviction began on or about November or December 2009. Mr. Colucci represented Deft. in first post-conviction habeas was heard and denied in October 12, 2012. Deft. filed pro per notice of appeal of that decision and requested counsel which was denied. There was a limited remand by the Nevada Supreme Court to appoint appellate counsel and Mr. Gamage was appointed to do that. On February 10, 2014, remittitur was issued by the Supreme Court affirming the denial of Deft's post-conviction petition. Court FINDS this is a successive petition. Further, the Court notes State stands in opposition in response to this new petition and filed a motion indicating this petition is time barred under NRS 34.726, over one year has passed, no allegations of good cause sufficient to overcome that procedural bar and ORDERED, Deft's petition DENIED on procedural grounds. FURTHER ORDERED, State's Motion GRANTED also on those grounds. State to prepare findings of fact and conclusion of law.

NDC

CLERK'S NOTE: The above minute order has been distributed to: Jemar Matthews, aka Jemar Demon Matthews #1014654, High Desert State Prison, P.O. Box 650, Indian Springs, NV 89018. aw

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**June 12, 2017**

06C228460-2

The State of Nevada vs Jemar D Matthews

**June 12, 2017**

**8:30 AM**

**Motion**

**HEARD BY:** Kephart, William D.

**COURTROOM:** RJC Courtroom 03E

**COURT CLERK:** Tia Everett

**RECORDER:** Christine Erickson

**REPORTER:**

**PARTIES**

**PRESENT:**

Gamage, William H.

Attorney

Giordani, John

Attorney

Matthews, Jemar D

Defendant

State of Nevada

Plaintiff

**JOURNAL ENTRIES**

- Mr. Giordani advised this case was reversed approximately ten (10) years after trial and the State intends to precede with trial. Mt. Gamage advised Defendant is requesting to invoke his right to a speedy trial. COURT ORDERED, matter SET for trial within 60 days; although, based on the Court's scheduling the date will be approximately three (3) weeks outside the 60 day date. Mr. Giordani objected and stated the Defendant is no longer entitled to a speedy trial and requested a date in ordinary course.

NDC

8/02/2017 8:30 AM PRE TRIAL CONFERENCE

8/30/2017 8:30 AM CALENDAR CALL

9/05/2017 10:00 AM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 21, 2017

06C228460-2

The State of Nevada vs Jemar D Matthews

July 21, 2017

9:00 AM

Status Check

HEARD BY: Herndon, Douglas W.

COURTROOM: RJC Courtroom 16C

COURT CLERK: Deborah Miller

RECORDER: Sara Richardson

REPORTER:

**PARTIES****PRESENT:**

Giordani, John

Attorney

State of Nevada

Plaintiff

Tanasi, Richard E.

Attorney

**JOURNAL ENTRIES**

- Defendant not present, in custody with the Nevada Department of Corrections. Upon Court's inquiry, Mr. Giordani stated defendant invoked his right to speedy trial in front of Judge Kephart, noting he believes defendant previously waived. Court stated case was reversed at the Federal level, noting Todd Leventhal and Richard Tanasi were appointed upon remand to state court. Mr. Giordani stated that Mr. Leventhal indicated that he will be in another trial for the next eight weeks, therefore, will not be ready for trial on September 5, 2017. Court stated defendant originally invoked, however, trial was continued which would have caused the defendant to waive. Discussion regarding caseload transfer. Counsel to speak with defendant regarding trial dates. COURT ORDERED, Pre-Trial Conference and Trial VACATED, matter SET for Status Check to discuss trial setting. Matter RECALLED. Same parties present. Mr. Giordani noted a concern that defendant may have been released. Court stated he is still in custody with Nevada Department of Corrections. COURT FURTHER ORDERED, Defendant REMANDED TO CCDC WITHOUT BAIL. State to prepare an order to transport. Court stated matter will remain in this department for now.

NDC

8/22/17 9:00 AM STATUS CHECK: TRIAL SETTING/ CASE REASSIGNMENT

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****August 22, 2017**

06C228460-2

The State of Nevada vs Jemar D Matthews

**August 22, 2017****9:00 AM****Status Check****HEARD BY:** Herndon, Douglas W.**COURTROOM:** RJC Courtroom 16C**COURT CLERK:** Deborah Miller**RECORDER:** Sara Richardson**REPORTER:****PARTIES****PRESENT:**

Giordani, John

Attorney

Kochevar, Brian J.

Attorney

Leventhal, Todd M.

Attorney

Matthews, Jemar D

Defendant

State of Nevada

Plaintiff

Tanasi, Richard E.

Attorney

**JOURNAL ENTRIES**

- Court stated matter was previously on calendar for trial setting, however, Mr. Leventhal was in trial. Parties indicated they are ready to set a trial date. Pursuant to EDCR 1.30 and 1.31 this court ORDERS the case REASSIGNED to Department 20, matter SET for Status Check. Mr. Leventhal stated defendant is still being held in Nevada Department of Corrections. Court stated defendant will be remanded to the Clark County Detention Center since he is no longer under imprisonment. Matter RECALLED. Mr. Kochevar now present. Mr. Leventhal advised he spoke to Mr. Giordani who does not have an issue if the defendant returns to Nevada Department of Corrections. Upon Court's inquiry, Mr. Leventhal stated case was reversed at the federal level four months ago. Court stated the prison will wait until they receive an order reversing the conviction and the District Court remands the defendant to the Clark County Detention Center. Mr. Leventhal requested defendant be allowed to return to prison prior to being remanded to the detention center. Court stated he will not remand the defendant at this time, however, parties need to discuss with Department 20 at the next hearing. State to prepare an order to transport for the defendant for the next hearing.

**CUSTODY**

PRINT DATE: 03/02/2022

Page 56 of 114

Minutes Date: December 11, 2006

9/05/17 8:30 AM STATUS CHECK: TRIAL SETTING (DEPT. 20)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****September 05, 2017**

06C228460-2

The State of Nevada vs Jemar D Matthews

**September 05, 2017 8:30 AM****Status Check: Trial Setting****HEARD BY:** Johnson, Eric**COURTROOM:** RJC Courtroom 12A**COURT CLERK:** Linda Skinner**RECORDER:** Angie Calvillo**REPORTER:****PARTIES****PRESENT:**

Giordani, John  
Leventhal, Todd M.  
Matthews, Jemar D  
State of Nevada  
Tanasi, Richard E.

Attorney  
Attorney  
Defendant  
Plaintiff  
Attorney

**JOURNAL ENTRIES**

- Mr. Leventhall advised this is a 10 year old case and requested a trial date in April. Upon Court's inquiry, Mr. Leventhall advised there are no discovery issues at this time. Following colloquy, COURT ORDERED, trial SET in April with a status check in November.

**CUSTODY**

11/2/17 8:30 AM STATUS CHECK: HOMICIDE TRIAL

4/24/18 8:30 AM CALENDAR CALL

4/30/18 9:00 AM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****November 02, 2017**

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06C228460-2

The State of Nevada vs Jemar D Matthews

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**November 02, 2017     8:30 AM     Status Check****HEARD BY:** Johnson, Eric**COURTROOM:** RJC Courtroom 12A**COURT CLERK:** Linda Skinner**RECORDER:** Angie Calvillo**REPORTER:****PARTIES****PRESENT:**Giordani, John  
Matthews, Jemar D  
State of Nevada  
Tanasi, Richard E.Attorney  
Defendant  
Plaintiff  
Attorney**JOURNAL ENTRIES**

- Mr. Tanasi appeared for Mr. Leventhal. Upon Court's inquiry, counsel advised there are no discovery issues and they are on track for trial in April. Mr. Giordani advised this is a re-trial and they have everything they need. Following colloquy, COURT ORDERED, matter CONTINUED to February status checks.

**CUSTODY**

... CONTINUED 2/1/18 8:30 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****February 01, 2018**

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06C228460-2

The State of Nevada vs Jemar D Matthews

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**February 01, 2018****8:30 AM****Status Check****HEARD BY:** Johnson, Eric**COURTROOM:** RJC Courtroom 12A**COURT CLERK:** Linda Skinner**RECORDER:** Angie Calvillo**REPORTER:****PARTIES****PRESENT:**

Matthews, Jemar D

Defendant

State of Nevada

Plaintiff

Tanasi, Richard E.

Attorney

Thomson, Megan

Attorney

**JOURNAL ENTRIES**

- Mr. Tanasi appeared for Mr. Leventhal. Upon Court's inquiry, Mr. Tanasi advised an offer has been extended that they need to discuss with Defendant and that there are no issues as to discovery. Following colloquy, COURT ORDERED, matter CONTINUED to March.

CUSTODY (COC-NDC)

... CONTINUED 3/20/18 8:30 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****March 20, 2018**

06C228460-2

The State of Nevada vs Jemar D Matthews

**March 20, 2018****8:30 AM****Status Check****HEARD BY:** Johnson, Eric**COURTROOM:** RJC Courtroom 12A**COURT CLERK:** Linda Skinner**RECORDER:** Patti Slattery**REPORTER:****PARTIES****PRESENT:**

Leventhal, Todd M.

Attorney

Matthews, Jemar D

Defendant

Merback, William J.

Attorney

State of Nevada

Plaintiff

Tanasi, Richard E.

Attorney

**JOURNAL ENTRIES**

- Mr. Leventhal advised they are going to be asking for a continuance of the trial, however, requested this matter be continued one week as Mr. Giordani is not present today. Mr. Merback concurred. Mr. Leventhal stated the reason for the continuance is his experts need to review the file and the mitigation experts have just started. Mr. Merback concurred. COURT ORDERED, matter CONTINUED ONE (1) WEEK.

CUSTODY (COC-NDC)

... CONTINUED 3/27/18 8:30 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****March 27, 2018**

06C228460-2

The State of Nevada vs Jemar D Matthews

**March 27, 2018****8:30 AM****Status Check****HEARD BY:** Johnson, Eric**COURTROOM:** RJC Courtroom 12A**COURT CLERK:** Linda Skinner**RECORDER:** Angie Calvillo**REPORTER:****PARTIES****PRESENT:**

Giordani, John

Attorney

Leventhal, Todd M.

Attorney

Matthews, Jemar D

Defendant

State of Nevada

Plaintiff

Tanasi, Richard E.

Attorney

**JOURNAL ENTRIES**

- Upon Court's inquiry, Mr. Leventhal advised they have identified their experts and they are on board but, we need a little more time and requested the trial be reset to August. Mr. Giordani concurred and had no objection. At this point, Mr. Leventhal advised there are no discovery issues. COURT ORDERED, trial date VACATED and RESET with a status check in June.

As to the Motions set on 4/5, Mr. Leventhal advised these are for CPS records. Upon Court's inquiry, Mr. Giordani advised the State is not taking a position. There being no opposition, COURT ORDERED, Defendant's Motion for CPS records, etc is GRANTED and taken OFF CALENDAR. Mr. Tanasi advised there were proposed Orders attached to the Motion set for 4/5. Mr. Giordani to review the Orders, notify chambers if there a problem by Thursday and if there are no problems, Court will sign the Orders.

CUSTODY (COC-NDC)

6/7/18 8:30 AM STATUS CHECK: HOMICIDE TRIAL

**06C228460-2**

7/24/18 8:30 AM CALENDAR CALL

8/6/18 9:00 AM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****June 07, 2018**

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06C228460-2

The State of Nevada vs Jemar D Matthews

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**June 07, 2018****8:30 AM****Status Check****HEARD BY:** Johnson, Eric**COURTROOM:** RJC Courtroom 12A**COURT CLERK:** Linda Skinner**RECORDER:** Angie Calvillo**REPORTER:****PARTIES****PRESENT:**Giordani, John  
Matthews, Jemar D  
State of Nevada  
Tanasi, Richard E.Attorney  
Defendant  
Plaintiff  
Attorney**JOURNAL ENTRIES**

- Mr. Tanasi advised Mr. Leventhal is in Federal Court this morning. Upon Court's inquiry, Mr. Tanasi advised there are no discovery issues. Mr. Giordani advised he has conveyed an amended offer that contemplates they can argue for a minimum of twenty (20) years and advised the offer is only open until next status check. COURT ORDERED, matter CONTINUED.

CUSTODY (COC-NDC)

... CONTINUED 6/28/18 9:00 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 28, 2018

06C228460-2

The State of Nevada vs Jemar D Matthews

June 28, 2018

9:00 AM

Status Check

HEARD BY: Johnson, Eric

COURTROOM: RJC Courtroom 12A

COURT CLERK: Linda Skinner

RECORDER: Angie Calvillo

REPORTER:

**PARTIES****PRESENT:**

Giordani, John  
Leventhal, Todd M.  
Matthews, Jemar D  
State of Nevada

Attorney  
Attorney  
Defendant  
Plaintiff

**JOURNAL ENTRIES**

- Upon Court's inquiry, Mr. Leventhal advised he has no issues as to discovery and is ready for trial. Mr. Giordani advised he does not have the CPS records. Mr. Leventhal stated they would not be used in their case-in-chief but in penalty. Mr. Giordani explained the offer that was extended as First Degree Murder no use, pleading to the rest of the charges, State retaining the right to argue consecutive or concurrent. However, that offer is now off the table as Defendant rejected it. Mr. Leventhal advised they had a counter offer that was not accepted and is now withdrawn as well. There being no issues and calendar call around the next status check date, COURT ORDERED, matter OFF CALENDAR as no further date is necessary.

CUSTODY (COC-NDC)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**September 04, 2018**

06C228460-2

The State of Nevada vs Jemar D Matthews

**September 04, 2018 8:30 AM**

**Motion**

**HEARD BY:** Leavitt, Michelle

**COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Susan Botzenhart

**RECORDER:** Kristine Santi

**REPORTER:**

**PARTIES**

**PRESENT:**

Leventhal, Todd M.  
State of Nevada

Attorney  
Plaintiff

**JOURNAL ENTRIES**

- Deft. not present; was not transported from Nevada Department of Corrections (NDC).

Chief Deputy District Attorney Agnes Lexis, Esq., is present on behalf of State of Nevada.

Mr. Leventhal informed the Court defense takes no position on having the transcript admitted, if the witness is not available. COURT ORDERED, Motion GRANTED. State to prepare the order.

CUSTODY (COC-NDC)

9/18/18 8:30 A.M. CALENDAR CALL

9/25/18 10:30 A.M. TRIAL BY JURY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****September 18, 2018**

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06C228460-2

The State of Nevada vs Jemar D Matthews

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**September 18, 2018      8:30 AM              Motion****HEARD BY:** Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Alice Jacobson**RECORDER:** Kristine Santi**REPORTER:****PARTIES****PRESENT:**

Botelho, Agnes M.

Attorney

Attorney

Matthews, Jemar D

Defendant

State of Nevada

Plaintiff

Tanasi, Richard E.

Attorney

**JOURNAL ENTRIES**

- There being no opposition, COURT ORDERED motion GRANTED.

Counsel announced ready for trial, estimated 7 days with 26 witnesses. Trial date set 9/24/18 10:30am. COURT ORDERED, Defendant to be remanded into custody for the trial.

CUSTODY (COC NDC)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****September 18, 2018**

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06C228460-2

The State of Nevada vs Jemar D Matthews

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**September 18, 2018     8:30 AM****All Pending Motions****HEARD BY:** Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Alice Jacobson**RECORDER:** Kristine Santi**REPORTER:****PARTIES****PRESENT:**

Botelho, Agnes M.

Attorney

Attorney

Matthews, Jemar D

Defendant

State of Nevada

Plaintiff

Tanasi, Richard E.

Attorney

**JOURNAL ENTRIES**

- State's Notice of Motion and Motion to Admit Transcript of Prior Jury Trial Testimony of Victim Myniece Cook

Calendar Call

There being no opposition, COURT ORDERED motion GRANTED.

Counsel announced ready for trial, estimated 7 days with 26 witnesses. Trial date set 9/24/18 10:30am. COURT ORDERED, Defendant to be remanded into custody for the trial.

CUSTODY (COC NDC)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****September 24, 2018**

06C228460-2

The State of Nevada vs Jemar D Matthews

**September 24, 2018      10:30 AM      Jury Trial****HEARD BY:** Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Susan Botzenhart**RECORDER:** Kristine Santi**REPORTER:****PARTIES**

|                 |                    |           |
|-----------------|--------------------|-----------|
| <b>PRESENT:</b> | Botelho, Agnes M.  | Attorney  |
|                 |                    | Attorney  |
|                 | Giordani, John     | Attorney  |
|                 | Leventhal, Todd M. | Attorney  |
|                 | Matthews, Jemar D  | Defendant |
|                 | State of Nevada    | Plaintiff |
|                 | Tanasi, Richard E. | Attorney  |

**JOURNAL ENTRIES**

- OUTSIDE PRESENCE OF PROSPECTIVE JURY PANEL: Mr. Leventhal informed the Court defense has an expert witness being Dr. Mark Chambers, who is out of town and also in another trial planning to testify there; and defense would request Court to allow the expert to testify in this trial Friday, September 28, 2018. State made no objection. COURT SO ORDERED. Mr. Leventhal apologized to the Court, for what happened during a courtroom incident having occurred at time of Calendar Call, between Court Services and himself.

PROSPECTIVE JURY PANEL PRESENT: Introductory statements by Court and by counsel. Clerk called roll. PROSPECTIVE JURY PANEL SWORN. Voir Dire commenced.

Lunch recess.

OUTSIDE PRESENCE OF PROSPECTIVE JURY PANEL: Mr. Giordani informed the Court this case went to trial back in 2007, the case was reversed many years later, and parties cannot reference in any

way about the other trial. Court stated it will not allow counsel to make any reference about the other trial, and the prior trial would be called "prior proceedings". Mr. Giordani advised there were officers in the area of the murder, as there was a murder the night before that was gang related, discovery on this was provided to defense, and the State is staying away from referencing about the prior murder and gang affiliation. Mr. Leventhal argued as to relevancy on why the police were there in the area. Discussions as to police having been there in plain clothes, and there having been gang retaliation in the neighborhood. Mr. Giordani argued State would have to explain *res gestae*, and why the police were there. Court stated police can be there, they were doing their jobs, Court is not sure why State would have to explain why the police were there, the State can explain in general terms, and parties do not want the jury to think the police being at the area working on another event, was related to this case. Thereafter, Court asked why the jury has to be told about the specific reason why the police were there. Mr. Leventhal noted he is not sure how relevant this is, or how State would get into Co-Deft. and appeal status of Co-Deft's case, about the relief having been denied, and this should not be there. Mr. Giordani argued Deft. and Co-Deft. committed the crime together, and State is not going further on this, other than the police being there on another incident. Mr. Leventhal argued as to the question by State going into the previous trial, and relevancy of Co-Deft. having gotten caught. Following discussions, Court stated none of the information about why the Co-Deft. is not here, is relevant, parties can talk about the facts, just not the reason why the Co-Deft. is not here, or where the Co-Deft. is currently at; whether the Co-Deft. got relief or not from the appellate court is not relevant, and what the Co-Deft. may have done at time of incident is relevant.

PROSPECTIVE JURY PANEL PRESENT: Voir Dire commenced further.

OUTSIDE PRESENCE OF PROSPECTIVE JURY PANEL: Mr. Tanasi inquired if defense can voir dire the jury panel about the penalty portion; and Court stated yes. Discussions as to Juror with Badge No. 0414 having commented during Voir Dire about his heart rate and medical condition, Juror with Badge No. 0356 not understanding proceedings due to possible language barrier, and defense counsel's concerns. Court advised counsel if parties want to stipulate to having the juror removed, that is fine, or if counsel wants to further voir dire jurors, that is fine too. Mr. Giordani advised State does not believe it matters as to Juror No. 0356, and State agrees with the Court as to the other juror, being Badge No. 0414. Court stated Badge No. 0414 wanted to stay, and parties can revisit later on this. Mr. Tanasi advised defense is going to split the voir dire up. SO NOTED.

PROSPECTIVE JURY PANEL PRESENT: Voir dire commenced further. Court admonished and excused the Jury for a break; and Court asked Juror with Badge No. 0370 to remain in the courtroom.

OUTSIDE PRESENCE OF PROSPECTIVE JURY PANEL: Juror with Badge No. 0370 is present. Court canvassed the juror regarding comments this juror made earlier about having concerns due to the case having been opened in 2006, and the lapse of time on the case now going to trial. The juror stated he did not feel comfortable about the lapse of time or making a decision on a case from 2006 regardless of what the evidence is, based on the passage of time. The Marshal informed the Court there is another juror who made the same comment earlier. Court advised the juror he would be permitted to take into consideration on the lapse of time. Following further colloquy, COURT

ORDERED, Badge No. 0370 EXCUSED by Court for cause. Juror exited the Courtroom. Additional juror is present; and told the Court about the same concerns on absence of time; and stated however, the case coming to trial now is not a concern. Following colloquy between the juror and Court, the juror made a comment about being able to be a fair and an impartial juror for this trial. Court thanked the juror for being here; and reminded the juror not to discuss this courtroom conversation with the fellow jurors. Juror acknowledged; and exited the Courtroom to wait outside with the panel for further instructions.

Ms. Botelho made a challenge for cause for Juror with Badge No. 0376. Court stated it would like the parties to make the challenges to the Court, when they have such challenges during Voir Dire, and defense has had no chance to do Voir Dire yet, or do follow up. Thereafter, Court stated it will question the juror further, and have the remaining jury panel return tomorrow morning. Juror with Badge No. 0376 is present; and stated he has a question about the case being from 2006 and asked how somebody can believe some one today on something that happened 12 years ago. Colloquy between the juror and the Court. Court told the Juror he would be able to consider that the case was long ago. Juror was satisfied with this; and was not excused for cause. Court directed the juror to wait outside with the fellow jurors; and reminded the juror not to discuss the courtroom conversation with the fellow jurors. Juror with Badge No. 0376 not present.

Mr. Giordani advised State has three additional challenges for cause to make. Mr. Leventhal requested Court to give a curative instruction to the Jury about the lapse of time, due to the State's question to the jurors earlier possibly causing confusion. Colloquy. Court stated it can tell the Jury tomorrow about the case having been filed in 2006, and State can follow up and make any challenges for cause at that time. Court directed the Marshal to excuse the jury panel, to return tomorrow morning. Mr. Giordani advised he has four cases in Department 3 he needs to handle tomorrow, the criminal calendar there is starting at 10:30 a.m.; and he would request trial here to start tomorrow at 11:00 a.m. COURT SO ORDERED. Court directed the Marshal to have all of the jurors return tomorrow morning at 11:00 a.m.

Evening recess. TRIAL CONTINUES.

CUSTODY

9/25/18 8:30 A.M. TRIAL BY JURY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****September 25, 2018**

06C228460-2

The State of Nevada vs Jemar D Matthews

**September 25, 2018    11:00 AM    Jury Trial****HEARD BY:** Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Susan Botzenhart**RECORDER:** Kristine Santi**REPORTER:****PARTIES**

|                 |                    |           |
|-----------------|--------------------|-----------|
| <b>PRESENT:</b> | Botelho, Agnes M.  | Attorney  |
|                 |                    | Attorney  |
|                 | Giordani, John     | Attorney  |
|                 | Leventhal, Todd M. | Attorney  |
|                 | Matthews, Jemar D  | Defendant |
|                 | State of Nevada    | Plaintiff |
|                 | Tanasi, Richard E. | Attorney  |

**JOURNAL ENTRIES**

- OUTSIDE PRESENCE OF PROSPECTIVE JURY PANEL: Court advised both sides Juror with Badge No. 0357 notified the Court earlier about medical issues, and Court made the decision to have the juror excused, to allow the juror to seek medical attention. Court stated it will replace this juror and the juror excused yesterday; and provided the names of the new jurors replacing those seats. Parties made no objection. Mr. Tanasi advised the parties have to re-address the challenges. Colloquy regarding Juror No. 0356, and Court seeking to give the jury an instruction about the passage of time issue. Mr. Giordani advised there were some jurors saying hello to the State earlier, outside the courtroom. Court stated it will remind the jurors about the no communication rule.

PROSPECTIVE JURY PANEL PRESENT: Court reminded the Jury about the parties and the Court not being permitted to communicate with the Jury outside the courtroom, due to the parties and the Court needing to maintain ethical obligations and the jury system. Court also instructed the jury about the lapse of time and when the event took place; and stated the Jury will be able to consider the passage of time, if selected for trial. Voir dire commenced. CONFERENCE AT BENCH. State

made challenges for cause during the Bench conference. Follow up was done by defense. Voir Dire commenced further.

Lunch recess.

PROSPECTIVE JURY PANEL PRESENT: Voir dire commenced further. Both sides exercised peremptory challenges. During peremptory challenges, defense made a Batson challenge due to make up on the number of African Americans on the panel of 32. Following arguments by parties, Court OVERRULED defense counsel's objections. Court Exhibit ADMITTED (See Worksheets.). Parties exercised peremptory challenges. JURY SELECTED. Court thanked and excused the remaining prospective jury panel members. Court admonished and excused the Jury for the evening, to return tomorrow morning at 10:00 a.m.

Evening recess. TRIAL CONTINUES.

CUSTODY

9/26/18 10:00 A.M. TRIAL BY JURY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****September 26, 2018**

06C228460-2

The State of Nevada vs Jemar D Matthews

**September 26, 2018    10:00 AM    Jury Trial****HEARD BY:** Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Susan Botzenhart**RECORDER:** Kristine Santi**REPORTER:****PARTIES**

|                 |                    |           |
|-----------------|--------------------|-----------|
| <b>PRESENT:</b> | Botelho, Agnes M.  | Attorney  |
|                 |                    | Attorney  |
|                 | Giordani, John     | Attorney  |
|                 | Leventhal, Todd M. | Attorney  |
|                 | Matthews, Jemar D  | Defendant |
|                 | State of Nevada    | Plaintiff |
|                 | Tanasi, Richard E. | Attorney  |

**JOURNAL ENTRIES**

- OUTSIDE PRESENCE OF JURY: Discussions regarding technical issues in the courtroom.

JURY PRESENT and SWORN by Clerk. Court instructed the Jury. Clerk read Amended Information; and stated the plea thereof. Further instructions were provided to Jury by Court. Opening statements by Ms. Botelho and Mr. Tanasi.

OUTSIDE PRESENCE OF JURY: Parties stipulated to admitting State's proposed Exhibit No.'s 1 through 451. COURT SO ORDERED. Mr. Giordani informed the Court State's witnesses were reminded earlier about the Court's ruling on not referencing on the gang affiliation and unrelated incident when testifying; and noted the defense needs to be careful not to reference any of this as well, on cross examination of those witnesses. Court reminded both sides to use "prior proceedings" when referencing anything from the first trial. Upon inquiry by Mr. Leventhal, Court advised parties they are permitted to reference the Preliminary Hearing proceedings, when referencing about the transcript, however, the Court will have a problem if the prior trial is referenced in those words.

Further colloquy regarding Court's ruling and when State references Maurice being the intended target, without getting into gang affiliation or retaliation; and further colloquy regarding defense seeking to ask one of State's witness about height comparison. Mr. Tanasi advised he is trying to keep the witness and Deft. as far as possible; and defense would request Deft. be allowed to stand up during testimony, when defense needs to have the height established on cross examination. Court stated it will not allow the Deft. and the witness to be close to each other, however, it would not have a problem with the witness telling the jury how tall she is. Mr. Tanasi requested Deft. be permitted to stand back to back with the witness. Court advised defense counsel Deft. can stand and the jury can observe, when the witness is coming and out of the courtroom, while Deft. is standing up; and defense can ask the witness how tall she is during cross, without putting Deft. up there by the witness, the Court is not comfortable with the witness and Deft. being near each other, and the Court does not want the witness to feel uncomfortable or intimidated. Mr. Tanasi asked whether Deft. can stand up after the witness testifies. Court stated defense can have Deft. stand up during testimony. Upon Court's inquiry, Mr. Giordani confirmed State provided the witness line up for today to defense.

JURY PRESENT: Testimony and Exhibits presented (See Worksheets.). During testimony, State's Exhibit 452 was published to the Jury in open Court, and the Exhibit No. was referenced incorrectly.

OUTSIDE PRESENCE OF JURY: Court stated the Clerk notified the Court about a problem with the exhibits; and reminded both sides not to reference prior exhibit numbers listed on the exhibits, from the first trial. Clerk clarified the correct number is State's Exhibit No. 452, and not 97. Ms. Botelho apologized to the Court and Clerk.

JURY PRESENT: Further testimony and Exhibits presented (See Worksheets.).

Evening recess. TRIAL CONTINUES.

CUSTODY

9/27/18 10:30 A.M. TRIAL BY JURY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 27, 2018

06C228460-2

The State of Nevada vs Jemar D Matthews

September 27, 2018      10:30 AM      Jury Trial

HEARD BY: Leavitt, Michelle

COURTROOM: RJC Courtroom 14D

COURT CLERK: Susan Botzenhart

RECORDER: Kristine Santi

REPORTER:

**PARTIES**

|                 |                    |           |
|-----------------|--------------------|-----------|
| <b>PRESENT:</b> | Botelho, Agnes M.  | Attorney  |
|                 |                    | Attorney  |
|                 | Giordani, John     | Attorney  |
|                 | Leventhal, Todd M. | Attorney  |
|                 | Matthews, Jemar D  | Defendant |
|                 | State of Nevada    | Plaintiff |
|                 | Tanasi, Richard E. | Attorney  |

**JOURNAL ENTRIES**

- OUTSIDE PRESENCE OF JURY: Mr. Giordani advised news cameras were present in Court during opening statements; and State has concerns due to seeing something on the news last night, there were two printed articles about this case that was broadcast on the news, which infer a wrongful conviction and innocence claims, the State cannot control what the news does, however, the Jury may have seen the "wrongful conviction" flash on the camera in the Courtroom, for the broadcast yesterday. Mr. Giordani inquired if the Court can give an admonishment, or inquire whether the jurors have seen anything from the news broadcast. Court stated it has done trials with media present before, and the jurors can notify the Court on something; the Court is not comfortable asking the jurors here about the broadcast, as the Court does not want to draw more attention to jurors about the media coverage. Colloquy. Ms. Botelho advised the media went into more detail about the prior trial. Mr. Leventhal advised he was in a federal trial recently with a lot of media coverage being there. Mr. Giordani inquired whether the Court can tell the jury to report things to the Court if they see or hear something. Further colloquy as to Court's admonishments to the Jury, and the articles from the Las Vegas Review Journal. Mr. Giordani noted this is a unique situation. Court

stated the jurors can see the cameras in the courtroom, and the jury knows the media is covering the trial. Discussions as to trial schedule for the week, status of jury instructions, and witness line up.

JURY PRESENT: Testimony and Exhibits presented (See Worksheets.).

Evening recess. TRIAL CONTINUES.

CUSTODY

9/28/18 11:00 A.M. TRIAL BY JURY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****September 28, 2018**

06C228460-2

The State of Nevada vs Jemar D Matthews

**September 28, 2018    11:00 AM    Jury Trial****HEARD BY:** Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Susan Botzenhart**RECORDER:** Kristine Santi**REPORTER:****PARTIES**

|                 |                    |           |
|-----------------|--------------------|-----------|
| <b>PRESENT:</b> | Botelho, Agnes M.  | Attorney  |
|                 |                    | Attorney  |
|                 | Giordani, John     | Attorney  |
|                 | Leventhal, Todd M. | Attorney  |
|                 | Matthews, Jemar D  | Defendant |
|                 | State of Nevada    | Plaintiff |
|                 | Tanasi, Richard E. | Attorney  |

**JOURNAL ENTRIES**

- JURY PRESENT: Court advised the Jury defense is calling one of their witnesses out of order, and after the witness testifies, the State will go back to their case and present their witnesses. Testimony and Exhibits presented (See Worksheets.).

OUTSIDE PRESENCE OF JURY: Both sides stipulated to replacing two photos of maps in the exhibits with clearer photos; and COURT SO ORDERED.

JURY PRESENT: Further testimony an Exhibits presented (See Worksheets.). Deputy District Attorney K. Nick Portz, Esq., was present and sworn by Clerk. The deposition of James Krylo was read into the record by Mr. Portz, Esq. Court admonished and excused the Jury for the weekend, to return Monday, October 1, 2018 at 11:00 a.m.

OUTSIDE PRESENCE OF JURY: Parties stipulated to additional exhibits, and State's Exhibit No.'s 459 and 460 being withdrawn and returned to counsel. COURT SO ORDERED.

Evening recess. TRIAL CONTINUES.

CUSTODY

10/01/18 11:00 A.M. TRIAL BY JURY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****October 01, 2018**

06C228460-2

The State of Nevada vs Jemar D Matthews

**October 01, 2018****11:00 AM****Jury Trial****HEARD BY:** Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Susan Botzenhart**RECORDER:** Kristine Santi**REPORTER:****PARTIES****PRESENT:**

Botelho, Agnes M.

Attorney

Attorney

Giordani, John

Attorney

Leventhal, Todd M.

Attorney

Matthews, Jemar D

Defendant

State of Nevada

Plaintiff

Tanasi, Richard E.

Attorney

**JOURNAL ENTRIES**

- OUTSIDE PRESENCE OF JURY: Mr. Leventhal informed the Court he had notified Deft's mother over the weekend, to ask her whether she had remembered what happened during the alleged incident, she had told him Deft. was living with a sister and his prior girlfriend Jomeesha Gilchrist around that time frame, Deft's child's mother had a temporary protective order (TPO) against Deft, further noting defense located Ms. Gilchrist who moved out of state, defense spoke to the sister and spoke to Ms. Gilchrist last night, she said when she saw Deft. for the last time, he was on his way over to see his baby and the baby's mother, Ms. Gilchrist did not remember whether there was a TPO violation, and she did not remember what Deft. wore that night, however, she did remember Deft. saying he was going to see his baby. Mr. Leventhal added Ms. Gilchrist is in California, she just had a baby and cannot appear to testify at trial in person due to breastfeeding, however, defense can facilitate something to have her testify, now defense is trying to locate the Deft's baby's mother, the investigator could not locate her, and since defense had found Deft's prior girlfriend, the defense sent two text messages to her, with no response, and defense does not know how willing Ms. Gilchrist is to be here. Mr. Leventhal stated if he does get a hold of Ms. Gilchrist, defense can be heard further

on this issue. Mr. Giordani informed the Court State provided the proposed jury instructions to the Court, State will be resting after their last witness testifies this morning, and defense has an expert scheduled to testify this afternoon or close to tomorrow. Mr. Leventhal stated defense has a gunshot residue expert today and possibly the prior girlfriend from California, if defense does get a hold of her again. Colloquy as to trial schedule for today and tomorrow, and jury instructions to be discussed and finalized. Mr. Giordani advised their last witness was admonished about the Court's order, on the prior incident in the neighborhood and gang affiliation retaliation allegation.

JURY PRESENT: Testimony and Exhibits presented (See Worksheets.). State's Exhibit No. 13 was PUBLISHED to the Jury in open Court.

OUTSIDE PRESENCE OF JURY: Mr. Giordani reminded the Court the Carter instruction was included in State's proposed instructions to the Court. Deft. was admonished by Court on his rights to testify and not testify. Upon Court's inquiry, Deft. acknowledged; and confirmed he will not be testifying. Court advised Deft. to let the Court know if he changes his mind about not testifying, as there is an additional witness that will be called. Mr. Leventhal stated he spoke with the State about defense's possible witness from California. the State believes the statement by witness would be hearsay; and defense believes the statement can come in with the hearsay exception, if the witness does come and testify. Arguments by parties as to relevancy, NRS 51.345, proper notice not having been given to the State, this being unfair to the State as to defense dropping the witness on the State's lap on sixth day of trial, hearsay rules, and the State not having any idea when the statement was made or when Deft. was going to his baby's mother's house. Mr. Giordani argued this is a trial by ambush, State has an issue with the statement itself and sudden recollection, and State will leave it up to the Court at this point. Court stated it does not know if it is being asked to do anything, the Court does not have the witness here, and the Court does not know if defense is seeking any relief from the Court. Mr. Leventhal clarified the Court is right, as defense has not asked the Court for anything, and he will just let the Court know whether he hears back from the out-of-state witness. Mr. Tanasi requested a written stipulation about the TPO be read to the Jury on the record, during Deft's case in chief. COURT SO ORDERED. Thereafter, parties stipulated to admitting Deft's Exhibits E and F, and having Exhibits A through D withdrawn. COURT SO ORDERED.

JURY PRESENT: State rested. Testimony and Exhibits presented (See Worksheets.).  
CONFERENCE AT BENCH. Defense read stipulation regarding the TPO order from 2006 to the Jury on the record. Jury was admonished and excused by Court for the evening, to return tomorrow morning, at 10:30 a.m.

OUTSIDE PRESENCE OF JURY: Discussions as to defense seeking to have the out-of-state witness testify tomorrow, if or when the witness arrives. Mr. Leventhal advised the witness told him last night she was unable to come and testify today, due to breastfeeding her new baby, however, maybe on Tuesday, October 2, 2018, or Wednesday, October 3, 2018 she may. Mr. Leventhal added he asked the witness to call him back and confirm, and received no response, and this is where defense is at. Discussions as to proposed jury instructions from defense having been provided to the State, and not to the Court. Both sides exited the Courtroom to discuss jury instructions with the Court in

Chambers. MATTER TRAILED.

CASE RECALLED. JURY INSTRUCTIONS SETTLED, and VERDICT FORM APPROVED. No further instructions were proposed, and parties had no objections for the Court regarding the settled instructions. Court asked defense counsel to provide an update about the out-of-state witness tomorrow, and the Court will instruct the Jury after defense rests.

Evening recess. TRIAL CONTINUES.

CUSTODY

10/02/18 10:30 A.M. TRIAL BY JURY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****October 02, 2018**

06C228460-2

The State of Nevada vs Jemar D Matthews

**October 02, 2018****10:30 AM****Jury Trial****HEARD BY:** Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Susan Botzenhart**RECORDER:** Kristine Santi**REPORTER:****PARTIES****PRESENT:**

Botelho, Agnes M.

Attorney

Attorney

Giordani, John

Attorney

Leventhal, Todd M.

Attorney

Matthews, Jemar D

Defendant

State of Nevada

Plaintiff

Tanasi, Richard E.

Attorney

**JOURNAL ENTRIES**

- OUTSIDE PRESENCE OF JURY: Court advised both sides there were problems with the conspiracy instruction in the finalized jury instructions, and the parties need to settle the instructions again with the Court before proceeding. Court TRAILED and RECALLED matter for the instructions and copies of instructions to be corrected.

JURY INSTRUCTIONS 1-43 SETTLED. VERDICT FORM APPROVED. State made no objections. Mr. Tanasi objected to Instruction No. 27 being given. Mr. Giordani argued in support of the instruction; and further argued as to Walker and Palmer case law. Court OVERRULED defense counsel's objection. Mr. Tanasi informed the Court he confirmed with Ms. Gilchrist about testifying, and if she is unavailable due to child care issues, defense would request the witness be allowed to testify on the same substance that was discussed earlier, as to her testimony, and to allow the witness to testify by phone. Discussion as to defense being aware of the notice issue. Arguments by counsel as to NRS 51.115 and NRS 51.345, and the testimony not being hearsay. Mr. Giordani objected; and argued as to no alibi notice having been given to State, notice being required,

and there being a whole slew of issues surrounding the alleged statement. Further arguments by counsel. Mr. Giordani argued the statement is hearsay and Deft. can testify on where he went that evening. Court SUSTAINED State's objection on defense having the out-of-state witness appear to testify, due to lack of notice. Court reminded Deft. regarding his right to testify and not testify. Deft. requested time to speak to his attorneys; and COURT SO ORDERED. Deft. conversed with his attorneys privately in open Court. Thereafter, Deft. finished speaking with counsel; and confirmed to Court he will not be testifying. SO NOTED.

JURY PRESENT: Defense rested. State rested. Court instructed the Jury on the law. Closing arguments by Ms. Botelho and Mr. Leventhal. Court admonished and excused the Jury for a lunch recess.

OUTSIDE PRESENCE OF JURY: CONFERENCE AT BENCH. Due to typographical error discovered by Court on Instruction No. 3 of the Jury Instructions, both sides made no objections to Court amending Instruction No. 3, to include the correct year of the alleged offense, as being 2006 and not 2016.

Lunch recess.

OUTSIDE PRESENCE OF JURY: Mr. Tanasi informed the Court Deft. brought to his attention that during closing arguments, some of the family members of the decedent, were making noises and comments, and he just wanted to let the Court know. The Marshal stated the noises and comments were coming from both sides of the courtroom earlier. Mr. Giordani stated the witness advocate from his office has been here and had overheard the Deft. having concerns, the victim advocate confirmed to the State that the victim's family was holding back tears.

JURY PRESENT: Rebuttal arguments by Mr. Giordani. Marshal and Matron were SWORN by Clerk to take charge of the Jury. Alternate jurors were identified and further instructed by Court. At the hour of 4:01 P.M., the Jury retired to deliberate.

Jury deliberating.

Evening recess. TRIAL CONTINUES.

CUSTODY

10/03/18 8:30 A.M. TRIAL BY JURY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****October 03, 2018**

06C228460-2

The State of Nevada vs Jemar D Matthews

**October 03, 2018****8:30 AM****Jury Trial****HEARD BY:** Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Susan Botzenhart**RECORDER:** Kristine Santi**REPORTER:****PARTIES****PRESENT:**

Botelho, Agnes M.

Attorney

Attorney

Giordani, John

Attorney

Leventhal, Todd M.

Attorney

Matthews, Jemar D

Defendant

State of Nevada

Plaintiff

Tanasi, Richard E.

Attorney

**JOURNAL ENTRIES**

- Jury deliberating.

10:27 A.M. -- Court reconvened with all parties present from before. JURY RETURNED VERDICTS AS FOLLOWS:

COUNT 1 - GUILTY OF CONSPIRACY TO COMMIT MURDER (F);

COUNT 2 - GUILTY OF FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON (F);

COUNT 3 - GUILTY OF ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (F);

COUNT 4 - GUILTY OF ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (F);

COUNT 5 - GUILTY OF ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (F);

COUNT 6 - GUILTY OF POSSESSION OF SHORT BARRELED RIFLE (F);

COUNT 7 - GUILTY OF CONSPIRACY TO COMMIT ROBBERY (F);

COUNT 8 - GUILTY OF ROBBERY WITH USE OF A DEADLY WEAPON (F);

COUNT 9 - GUILTY OF ROBBERY WITH USE OF A DEADLY WEAPON (F);

COUNT 10 - GUILTY OF ASSAULT WITH A DEADLY WEAPON (F); and,  
COUNT 11 - GUILTY OF ASSAULT WITH A DEADLY WEAPON (F).

Jury was polled by Clerk at request of defense counsel. CONFERENCE AT BENCH. Court admonished and excused the Jury from the courtroom, to return to the deliberation room and wait for further instructions by the Court.

OUTSIDE PRESENCE OF JURY: At request of parties, Court cleared the Courtroom, and TRAILED the matter to allow both sides to discuss a possible stipulation, and for defense to speak with Deft. further.

CASE RECALLED. Both parties stipulated to waive a penalty hearing. Counsel stated based upon the Jury's findings, all parties agreed to a sentence of life with possibility of parole after twenty years being imposed on the first degree murder charge, and parties further agreed to have the trial judge sentence Deft. on all remaining counts. Court canvassed Deft. on the written waiver. Upon Court's inquiry, Deft. acknowledged; and confirmed he understood the waiver, including the sentencing agreement on the first degree murder offense, the penalty hearing being waived, and sentencing being up to the Court on remaining counts. SO NOTED.

Stipulation And Waiver Of Penalty Hearing FILED IN OPEN COURT.

JURY PRESENT: Court advised the Jury on parties stipulating to waiving the penalty hearing; and further stated the jurors will not be proceeding forward. Court extended thanks and gratitude to the Jury for their willingness to be here and serve as jurors. Thereafter, Court DISCHARGED and EXCUSED the Jury from trial proceedings.

OUTSIDE PRESENCE OF JURY: COURT ORDERED, matter REFERRED to the Division of Parole and Probation (P&P), and SET for sentencing. Mr. Giordani requested Deft. be remanded without bail, based on the Verdict returned from the Jury. Deft. stated he is in prison already. Defense submitted. COURT FURTHER ORDERED, Deft. REMANDED INTO CUSTODY without bail, pending sentencing. Deft. to be transported back to his housing in the Nevada Department of Corrections (NDC), pending sentencing date.

Court adjourned. TRIAL ENDS.

CUSTODY

12/05/18 8:30 A.M. SENTENCING (JURY VERDICT)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

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

06C228460-2

The State of Nevada vs Jemar D Matthews

**December 05, 2018      8:30 AM      Sentencing****HEARD BY:** Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Susan Botzenhart**RECORDER:** Kristine Santi**REPORTER:****PARTIES**

|                 |                    |           |
|-----------------|--------------------|-----------|
| <b>PRESENT:</b> | Botelho, Agnes M.  | Attorney  |
|                 |                    | Attorney  |
|                 | Giordani, John     | Attorney  |
|                 | Leventhal, Todd M. | Attorney  |
|                 | Matthews, Jemar D  | Defendant |
|                 | State of Nevada    | Plaintiff |
|                 | Tanasi, Richard E. | Attorney  |

**JOURNAL ENTRIES**

- Deft. present in custody. Mr. Leventhal apologized to the Court; and stated defense filed a lengthy Sentencing Memorandum last night, and defense is ready to proceed with sentencing, further noting defense also spoke with State about whether the Court will continue the matter, if the Court has not had ample time to review the Sentencing Memorandum, and if that is the case, parties would agree to a continuance. Court stated it did have an opportunity to review the Sentencing Memorandum, and is ready to proceed with sentencing.

By virtue of Jury Verdict returned in this matter, DEFT. JEMAR D. MATTHEWS ADJUDGED GUILTY of COUNT 1 - CONSPIRACY TO COMMIT MURDER (F); COUNT 2 - FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON (F); COUNT 3 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (F); COUNT 4 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (F); COUNT 5 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (F); COUNT 6 - POSSESSION OF SHORT BARRELED RIFLE (F); COUNT 7 - CONSPIRACY TO COMMIT ROBBERY (F); COUNT 8 - ROBBERY WITH USE OF A DEADLY WEAPON (F); COUNT 9 -

ROBBERY WITH USE OF A DEADLY WEAPON (F); COUNT 10 - ASSAULT WITH A DEADLY WEAPON (F); AND COUNT 11 - ASSAULT WITH A DEADLY WEAPON (F). Arguments by Mr. Giordani. Mr. Giordani requested the victim speakers to address the Court last. Deft. made statements to the victims seated in the gallery, and additional statements to the Court. Mr. Leventhal argued regarding NRS 193.165 and information contained in the Sentencing Memorandum. Mr. Tanasi also made arguments to the Court on Deft's behalf. Two Victim Speakers provided sworn testimony.

COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, \$150.00 DNA Analysis fee including testing to determine genetic markers, and \$3.00 DNA Collection fee, Deft. SENTENCED as follows:

COUNT 1 - to a MINIMUM of TWENTY SIX (26) MONTHS and a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS in the Nevada Department of Corrections (NDC);

COUNT 2 - LIFE with the possibility of parole after a MINIMUM of TWENTY (20) YEARS is served in the Nevada Department of Corrections (NDC), plus a CONSECUTIVE term of LIFE with the possibility of parole after a MINIMUM of TWENTY (20) YEARS is served in the Nevada Department of Corrections (NDC), for use of the deadly weapon; COUNT 2 to run CONCURRENT to COUNT 1;

COUNT 3 - a MINIMUM of FORTY EIGHT (48) MONTHS and a MAXIMUM of TWO HUNDRED FORTY (240) MONTHS in the Nevada Department of Corrections (NDC), plus a CONSECUTIVE term of a MINIMUM of FORTY EIGHT (48) MONTHS and a MAXIMUM of TWO HUNDRED FORTY (240) MONTHS in the Nevada Department of Corrections (NDC), for use of the deadly weapon; COUNT 3 to run CONCURRENT to COUNT 2;

COUNT 4 - a MINIMUM of FORTY EIGHT (48) MONTHS and a MAXIMUM of TWO HUNDRED FORTY (240) MONTHS in the Nevada Department of Corrections (NDC), plus a CONSECUTIVE term of a MINIMUM of FORTY EIGHT (48) MONTHS and a MAXIMUM of TWO HUNDRED FORTY (240) MONTHS in the Nevada Department of Corrections (NDC), for use of the deadly weapon; COUNT 4 to run CONCURRENT to COUNT 3;

COUNT 5 - a MINIMUM of FORTY EIGHT (48) MONTHS and a MAXIMUM of TWO HUNDRED FORTY (240) MONTHS in the Nevada Department of Corrections (NDC), plus a CONSECUTIVE term of a MINIMUM of FORTY EIGHT (48) MONTHS and a MAXIMUM of TWO HUNDRED FORTY (240) MONTHS in the Nevada Department of Corrections (NDC), for use of the deadly weapon; COUNT 5 to run CONCURRENT to COUNT 4;

COUNT 6 - a MINIMUM of TWELVE (12) MONTHS and a MAXIMUM of FORTY EIGHT (48) MONTHS in the Nevada Department of Corrections (NDC); COUNT 6 to run CONCURRENT to COUNT 5;

COUNT 7 - a MINIMUM of TWELVE (12) MONTHS and a MAXIMUM of SEVENTY TWO (72)

MONTHS in the Nevada Department of Corrections (NDC); COUNT 7 to run CONCURRENT to COUNT 6;

COUNT 8 - a MINIMUM of FORTY (40) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS in the Nevada Department of Corrections (NDC), plus a CONSECUTIVE term of a MINIMUM of FORTY (40) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS in the Nevada Department of Corrections (NDC), for use of the deadly weapon; COUNT 8 to run CONCURRENT to COUNT 7;

COUNT 9 - a MINIMUM of FORTY (40) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS in the Nevada Department of Corrections (NDC), plus a CONSECUTIVE term of a MINIMUM of FORTY (40) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS in the Nevada Department of Corrections (NDC), for use of the deadly weapon; COUNT 9 to run CONCURRENT to COUNT 8;

COUNT 10 - a MINIMUM of SIXTEEN (16) MONTHS and a MAXIMUM of SEVENTY TWO (72) MONTHS in the Nevada Department of Corrections (NDC); COUNT 10 to run CONCURRENT to COUNT 9; and,

COUNT 11 - a MINIMUM of SIXTEEN (16) MONTHS and a MAXIMUM of SEVENTY TWO (72) MONTHS in the Nevada Department of Corrections (NDC); COUNT 11 to run CONCURRENT to COUNT 10, with FOUR THOUSAND FOUR HUNDRED FIFTY (4,450) DAYS CREDIT FOR TIME SERVED.

All Counts to run CONCURRENT to COUNT 2.

TOTAL AGGREGATE SENTENCE is FORTY (40) YEARS to LIFE in the Nevada Department of Corrections (NDC).

BOND, if any, EXONERATED.

NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**September 17, 2019**

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06C228460-2

The State of Nevada vs Jemar D Matthews

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**September 17, 2019    3:15 PM**

**Minute Order**

**HEARD BY:** Leavitt, Michelle

**COURTROOM:** Chambers

**COURT CLERK:** Haly Pannullo

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- COURT ORDERED, Judgment of Conviction is to be AMENDED removing the aggregate total.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****July 30, 2020**

06C228460-2

The State of Nevada vs Jemar D Matthews

**July 30, 2020****12:00 AM**

**Motion for Own  
Recognizance  
Release/Setting Reasonable  
Bail**

**Defendant's Motion  
for Own  
Recognizance  
Release**

**HEARD BY:** Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Haly Pannullo**RECORDER:** Christine Erickson**REPORTER:****PARTIES**

|                 |                    |           |
|-----------------|--------------------|-----------|
| <b>PRESENT:</b> | Giordani, John     | Attorney  |
|                 | Leventhal, Todd M. | Attorney  |
|                 | State of Nevada    | Plaintiff |

**JOURNAL ENTRIES**

- Defendant not present. Mr. Leventhal argued as to the Motion for Release. Statement by Victim Speaker, Mrs. Williams. Argument by the State. COURT FINDS the proof is evident and the presumption is great and ORDERED, Motion DENIED; Defendant HELD WITHOUT BAIL pending trial. Colloquy regarding trial dates. COURT FURTHER ORDERED, trial dates SET; matter SET for Status Check regarding trial readiness.

NDC

11/04/20 8:30 AM OR 11/06/20 12:00 PM (DEPENDING ON PANDEMIC) STATUS CHECK: TRIAL READINESS

04/27/21 8:30 AM CALENDAR CALL

05/03/21 10:30 AM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****November 06, 2020**

06C228460-2

The State of Nevada vs Jemar D Matthews

**November 06, 2020     12:00 AM****Status Check: Trial  
Readiness****HEARD BY:** Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Haly Pannullo**RECORDER:** Sara Richardson**REPORTER:****PARTIES**

|                 |                    |           |
|-----------------|--------------------|-----------|
| <b>PRESENT:</b> | Giordani, John     | Attorney  |
|                 | Leventhal, Todd M. | Attorney  |
|                 | Matthews, Jemar    | Defendant |
|                 | State of Nevada    | Plaintiff |
|                 | Tanasi, Richard E. | Attorney  |

**JOURNAL ENTRIES**

- State announced the anticipation to be ready for trial. Mr. Leventhal confirmed there are no outstanding discovery issues or requests and the Defense anticipates being ready for trial. COURT SO NOTED and ORDERED, matter CONTINUED.

**CUSTODY**

CONTINUED TO: 02/03/21 8:30 AM OR 02/05/21 12:00 PM (DEPENDING ON PANDEMIC)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****April 09, 2021**

06C228460-2

The State of Nevada vs Jemar D Matthews

**April 09, 2021****11:00 AM****Status Check: Trial  
Readiness****HEARD BY:** Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Haly Pannullo**RECORDER:** Sara Richardson**REPORTER:****PARTIES****PRESENT:**

Giordani, John  
Matthews, Jemar  
State of Nevada  
Tanasi, Richard E.

Attorney  
Defendant  
Plaintiff  
Attorney

**JOURNAL ENTRIES**

- Mr. Tanasi noted there is a settlement conference set. COURT STATED this matter cannot go forward with trial at this time and ORDERED, trial dates VACATED and RESET; matter SET for Status Check regarding trial readiness.

**CUSTODY**

07/07/21 8:30 AM OR 07/09/21 11:00 AM (DEPENDING ON PANDEMIC) STATUS CHECK:  
TRIAL READINESS

09/21/21 8:30 AM OR 11:00 AM (DEPENDING ON PANDEMIC) CALENDAR CALL

09/27/21 10:30 AM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**June 04, 2021**

06C228460-2

The State of Nevada vs Jemar D Matthews

**June 04, 2021**

**1:30 PM**

**Settlement Conference**

**HEARD BY:** Cherry, Michael A.

**COURTROOM:** RJC Lower Level Arraignment

**COURT CLERK:**

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- Parties participated in a settlement conference with Senior Judge Cherry where a settlement was not reached.

CLERK'S NOTE: This Minute Order was electronically served to all registered parties for Odyssey File & Serve. // yo 06/07/21

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****July 09, 2021**

06C228460-2

The State of Nevada vs Jemar D Matthews

**July 09, 2021****11:00 AM****Status Check: Trial  
Readiness****HEARD BY:** Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Kathryn Hansen-McDowell**RECORDER:** Sara Richardson**REPORTER:****PARTIES****PRESENT:**

Giordani, John  
Leventhal, Todd M.  
Matthews, Jemar  
State of Nevada

Attorney  
Attorney  
Defendant  
Plaintiff

**JOURNAL ENTRIES**

- Upon Court's inquiry, Mr. Giordani anticipates the State would be ready to try the case for the current trial date and noted the victim's family was present for this hearing. Mr. Leventhal advised the parties had a senior judge settlement conference that did not work out and believed they needed to set a trial date. Court noted a trial date was already set for September 27, 2021 and inquired if there were any outstanding motions or issues. Mr. Leventhal stated he did not think there was anything outstanding as this was the third time they've tried this case. Mr. Giordani agreed; however he did note at the prior trial they had to file motions to admit prior testimony and was unsure if they would have to file any this time but stated it would be within the time frame. COURT ORDERED, matter CONTINUED to the calendar call.

**CUSTODY**

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****September 09, 2021**

06C228460-2

The State of Nevada vs Jemar D Matthews

**September 09, 2021    11:00 AM    Pre Trial Conference****HEARD BY:** Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Haly Pannullo**RECORDER:** Sara Richardson**REPORTER:****PARTIES****PRESENT:**

Giordani, John  
Matthews, Jemar  
State of Nevada  
Tanasi, Richard E.

Attorney  
Defendant  
Plaintiff  
Attorney

**JOURNAL ENTRIES**

- Colloquy regarding trial setting. There being no objection by the State, COURT ORDERED, Defense Motion to Continue Trial GRANTED; trial dates VACATED and RESET.

**CUSTODY**

10/08/21 8:30 AM OR 11:00 AM (DEPENDING ON PANDEMIC) PRE-TRIAL CONFERENCE

10/26/21 8:30 AM OR 11:00 AM (DEPENDING ON PANDEMIC) CALENDAR CALL

11/01/21 10:30 AM (DEPENDING ON PANDEMIC) JURY TRIAL

CLERK'S NOTE: Subsequent to Court and based upon parties agreement, trial dates RESET to the following week; Minute Order amended to include accurate trial setting. All parties and victim's family notified of new dates.

The above minute order has been distributed to:

John Giordani <John.Giordani@clarkcountyda.com>; Richard Tanasi <rtanasi@tanasilaw.com>;

'Leventhal and Associates' <leventhalandassociates@gmail.com> hvp/9/13/21

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****October 08, 2021**

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06C228460-2

The State of Nevada vs Jemar D Matthews

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**October 08, 2021****11:00 AM****Pre Trial Conference****HEARD BY:** Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Haly Pannullo**RECORDER:** Sara Richardson**REPORTER:****PARTIES****PRESENT:**

Hamner, Christopher S.

Attorney

Leventhal, Todd M.

Attorney

Matthews, Jemar

Defendant

State of Nevada

Plaintiff

Tanasi, Richard E.

Attorney

**JOURNAL ENTRIES**

- Parties announced ready for trial and agreed trial will take two weeks. State noted Mr. Giordani is trial counsel and is not sure of the amount of witnesses. Mr. Leventhal noted the last trial had 15 witnesses with none of the witnesses being out of State. COURT SO NOTED.

**CUSTODY**

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****October 21, 2021**

06C228460-2

The State of Nevada vs Jemar D Matthews

**October 21, 2021****11:00 AM****All Pending Motions****HEARD BY:** Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Haly Pannullo**RECORDER:** Sara Richardson**REPORTER:****PARTIES****PRESENT:**

Lexis, Agnes

Attorney

Attorney

Matthews, Jemar

Defendant

State of Nevada

Plaintiff

**JOURNAL ENTRIES****- MOTION TO ADMIT TRANSCRIPTS OF PRIOR TESTIMONY CALENDAR CALL**

State confirmed 15 to 20 witnesses for trial and 6 to 7 days for the duration. State noted this matter will be tried with Mr. Giordani. Mr. Tanasi advised the Defense is still looking for witnesses. There being no opposition from the Defense, COURT ORDERED, Motion to Admit Transcripts as to James Krylo and Amy Nemcik GRANTED. COURT FURTHER ORDERED, matter REFERRED to Central Calendar Call and SET for Hearing.

**CUSTODY**

10/27/21 2:00 PM CENTRAL CALENDAR CALL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****October 27, 2021**

06C228460-2

The State of Nevada vs Jemar D Matthews

**October 27, 2021****2:00 PM****Central Calendar Call****HEARD BY:** Bluth, Jacqueline M.**COURTROOM:** RJC Lower Level Arraignment**COURT CLERK:** Kristen Brown**RECORDER:** De'Awna Takas**REPORTER:****PARTIES****PRESENT:**

Leventhal, Todd M.

Attorney

Matthews, Jemar

Defendant

State of Nevada

Plaintiff

Tanasi, Richard E.

Attorney

Weckerly, Pamela C

Attorney

**JOURNAL ENTRIES**

- Upon Court's inquiry, counsel stated they are ready to proceed to trial. Mr. Leventhal advised the Court that this is a re-trial which will take a week and a half with 6-7 witnesses. COURT ORDERED, Trial date SET.

**CUSTODY**

11/04/21 9:30 AM JURY TRIAL (DEPT. 12)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****November 04, 2021**

06C228460-2

The State of Nevada vs Jemar D Matthews

**November 04, 2021 9:30 AM****All Pending Motions****HEARD BY:** Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Haly Pannullo**RECORDER:** Sara Richardson**REPORTER:****PARTIES****PRESENT:**

|                    |           |
|--------------------|-----------|
| Giordani, John     | Attorney  |
| Leventhal, Todd M. | Attorney  |
| Lexis, Agnes       | Attorney  |
|                    | Attorney  |
| Matthews, Jemar    | Defendant |
| State of Nevada    | Plaintiff |
| Tanasi, Richard E. | Attorney  |

**JOURNAL ENTRIES**

- JURY TRIAL ... FORMAL WRITTEN OBJECTION TO INADMISSIBLE TRIAL EVIDENCE REGARDING GANG REFERENCES AND MOTION FOR PRE-TRIAL RULING ON THE INADMISSIBILITY OF IMPROPER TRIAL EVIDENCE

Intern, Samantha Goett, also present with the State of Nevada.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURORS:

Stipulation and Order to Waive Penalty FILED IN OPEN COURT.

As to the Motion to Pre-trial Ruling, State advised they intend not to elicit any gang or gang affiliation and made record of witnesses. COURT STATED the parties are not going to talk about gang affiliation and ORDERED, Defendant's Motion GRANTED.

PROSPECTIVE JURORS PRESENT:

Voir Dire.

COURT ORDERED, trial CONTINUED.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****November 05, 2021**

06C228460-2

The State of Nevada vs Jemar D Matthews

**November 05, 2021 9:00 AM****Jury Trial****HEARD BY:** Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Haly Pannullo**RECORDER:** Sara Richardson**REPORTER:****PARTIES****PRESENT:**

Giordani, John  
Leventhal, Todd M.  
Lexis, Agnes

Attorney  
Attorney  
Attorney  
Attorney  
Defendant  
Plaintiff  
Attorney

Matthews, Jemar  
State of Nevada  
Tanasi, Richard E.

**JOURNAL ENTRIES**

- Intern, Samantha Goett, also present with the State.

**PROSPECTIVE JURORS PRESENT:**

Voir Dire.

**OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURORS:**

Defense raised a Batson challenge exercised by the State. Arguments by counsel. COURT STATED FINDINGS and ORDERED, Batson Challenge DENIED.

**PROSPECTIVE JURORS PRESENT:**

Jury Selected, not yet sworn.

COURT ORDERED, trial CONTINUED.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****November 08, 2021**

06C228460-2

The State of Nevada vs Jemar D Matthews

**November 08, 2021     9:00 AM****Jury Trial****HEARD BY:** Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Haly Pannullo**RECORDER:** Sara Richardson**REPORTER:****PARTIES****PRESENT:**

Giordani, John  
Leventhal, Todd M.  
Lexis, Agnes

Attorney

Attorney

Attorney

Attorney

Matthews, Jemar

Defendant

State of Nevada

Plaintiff

Tanasi, Richard E.

Attorney

**JOURNAL ENTRIES**

- Intern, Samantha Goett, also present with the State.

**JURY PRESENT:**

Jury sworn.

Opening statements by counsel.

Testimony and exhibits presented. (See worksheets)

COURT ORDERED, trial CONTINUED.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****November 09, 2021**

06C228460-2

The State of Nevada vs Jemar D Matthews

**November 09, 2021      10:00 AM      Jury Trial****HEARD BY:** Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Haly Pannullo**RECORDER:** Sara Richardson**REPORTER:****PARTIES**

|                 |                    |           |
|-----------------|--------------------|-----------|
| <b>PRESENT:</b> | Giordani, John     | Attorney  |
|                 | Leventhal, Todd M. | Attorney  |
|                 | Lexis, Agnes       | Attorney  |
|                 |                    | Attorney  |
|                 | Matthews, Jemar    | Defendant |
|                 | State of Nevada    | Plaintiff |
|                 | Tanasi, Richard E. | Attorney  |

**JOURNAL ENTRIES****- JURY PRESENT:**

Testimony and exhibits presented. (See worksheets)

COURT ORDERED, trial CONTINUED.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****November 10, 2021**

06C228460-2

The State of Nevada vs Jemar D Matthews

**November 10, 2021 9:00 AM****Jury Trial****HEARD BY:** Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Haly Pannullo**RECORDER:** Sara Richardson**REPORTER:****PARTIES****PRESENT:**

Giordani, John  
Leventhal, Todd M.  
Lexis, Agnes

Attorney  
Attorney  
Attorney  
Attorney  
Defendant  
Plaintiff  
Attorney

Matthews, Jemar  
State of Nevada  
Tanasi, Richard E.

**JOURNAL ENTRIES**

- Intern, Samantha Goett, also present with the State.

**OUTSIDE THE PRESENCE OF THE JURY:**

Parties argued as to witness Nicolas Owens. COURT ORDERED, Nicolas Owens is allowed to testify, State is to be careful about the witness does not talk about gang affiliation or monikers.

**JURY PRESENT:**

Testimony and exhibits presented. (See worksheets.)

COURT ORDERED, trial CONTINUED.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****November 12, 2021**

06C228460-2

The State of Nevada vs Jemar D Matthews

**November 12, 2021 9:00 AM****Jury Trial****HEARD BY:** Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Haly Pannullo**RECORDER:** Sara Richardson**REPORTER:****PARTIES****PRESENT:**

Giordani, John  
Leventhal, Todd M.  
Lexis, Agnes

Attorney  
Attorney  
Attorney  
Attorney  
Defendant  
Plaintiff  
Attorney

Matthews, Jemar  
State of Nevada  
Tanasi, Richard E.

**JOURNAL ENTRIES**

- Intern, Samantha Goett, also present with the State.

**JURY PRESENT:**

Testimony and exhibits presented. (See worksheets)

**OUTSIDE THE PRESENCE OF THE JURY:**

Defendant advised of his right not to testify.

**OUTSIDE THE PRESENCE OF THE JURY:**

Parties agree to release Juror No. 10.

JURY PRESENT:

Court instructed the jury.

Closing arguments.

At the hour of 5:12 PM, the jury retired to deliberate.

COURT ORDERED, trial CONTINUED.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****November 15, 2021**

06C228460-2

The State of Nevada vs Jemar D Matthews

**November 15, 2021 9:00 AM****Jury Trial****HEARD BY:** Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Haly Pannullo**RECORDER:** Sara Richardson**REPORTER:****PARTIES****PRESENT:**

Giordani, John  
Leventhal, Todd M.  
Lexis, Agnes

Attorney  
Attorney  
Attorney  
Attorney  
Defendant  
Plaintiff  
Attorney

Matthews, Jemar  
State of Nevada  
Tanasi, Richard E.

**JOURNAL ENTRIES**

- Intern, Samantha Goett, also present with the State.

At the hour of 9:00 am, the jury returned to deliberate.

**JURY PRESENT:**

At the hour of 2:25 PM, the jury returned with a verdict of GUILTY OF COUNT 1 - CONSPIRACY TO COMMIT MURDER, GUILTY OF - COUNT 2 - MURDER (FIRST DEGREE) WITH USE OF A DEADLY WEAPON, GUILTY OF COUNTS 3-5 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON, GUILTY OF COUNT 6 - POSSESSION OF SHORT BARRELED RIFLE, GUILTY OF COUNT 7 - CONSPIRACY TO COMMIT ROBBERY, GUILTY OF COUNTS 8 and 9 - ROBBERY WITH USE OF A DEADLY WEAPON and GUILTY OF COUNTS 10 and 11- ASSAULT WITH A DEADLY WEAPON.

Court thanked and excused the jury.

OUTSIDE THE PRESENCE OF THE JURY:

COURT ORDERED, matter referred to the Division of Parole and Probation (P & P) and SET for sentencing.

02/04/22 SENTENCING

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****February 04, 2022**

06C228460-2

The State of Nevada vs Jemar D Matthews

**February 04, 2022****11:00 AM****Sentencing****HEARD BY:** Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Haly Pannullo**RECORDER:** Sara Richardson**REPORTER:****PARTIES****PRESENT:**

Giordani, John  
Leventhal, Todd M.  
Matthews, Jemar  
State of Nevada  
Tanasi, Richard E.

Attorney  
Attorney  
Defendant  
Plaintiff  
Attorney

**JOURNAL ENTRIES**

- Counsel made record as to the Pre-Sentencing Investigation Report. DEFT. MATTHEWS ADJUDGED GUILTY OF COUNT 1 - CONSPIRACY TO COMMIT MURDER (F); COUNT 2 - FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON (F); COUNTS 3, 4 and 5 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (F); COUNT 6 - POSSESSION OF SHORT BARRELED RIFLE (F); COUNT 7 - CONSPIRACY TO COMMIT ROBBERY (F); COUNTS 8 and 9 - ROBBERY WITH USE OF A DEADLY WEAPON (F); and COUNTS 10 and 11 - ASSAULT WITH A DEADLY WEAPON (F). Argument by counsel and statement by Defendant. Victim speakers SWORN and TESTIFIED (see Worksheet). COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, a \$150.00 DNA Analysis fee, including testing to determine genetic markers and a \$3.00 DNA Collection fee; Deft. SENTENCED to the following:

COUNT 1 - to a MINIMUM of TWENTY-SIX (26) MONTHS and a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS;

COUNT 2 - to a MAXIMUM of LIFE with a MINIMUM PAROLE ELIGIBILITY after TWENTY (20) YEARS plus a CONSECUTIVE term of a MINIMUM TWENTY (20) YEARS to LIFE in the Nevada

Department of Corrections (NDC) for use of a deadly weapon;

COUNT 3 - to a MINIMUM of FORTY-EIGHT (48) MONTHS and a MAXIMUM of TWO HUNDRED FORTY (240) MONTHS plus a CONSECUTIVE term of a MINIMUM of FORTY-EIGHT (48) MONTHS and a MAXIMUM of TWO HUNDRED FORTY (240) MONTHS in NDC for use of a deadly weapon;

COUNT 4 - to a MINIMUM of FORTY-EIGHT (48) MONTHS and a MAXIMUM of TWO HUNDRED FORTY (240) MONTHS plus a CONSECUTIVE term of a MINIMUM of FORTY-EIGHT (48) MONTHS and a MAXIMUM of TWO HUNDRED FORTY (240) MONTHS in NDC for use of a deadly weapon;

COUNT 5 - to a MINIMUM of FORTY-EIGHT (48) MONTHS and a MAXIMUM of TWO HUNDRED FORTY (240) MONTHS plus a CONSECUTIVE term of a MINIMUM of FORTY-EIGHT (48) MONTHS and a MAXIMUM of TWO HUNDRED FORTY (240) MONTHS in NDC for use of a deadly weapon;

COUNT 6 - to a MINIMUM of TWELVE (12) MONTHS and a MAXIMUM of FORTY-EIGHT (48) MONTHS in NDC;

COUNT 7 - to a MINIMUM of TWELVE (12) MONTHS and a MAXIMUM of SEVENTY-TWO (72) MONTHS in NDC;

COUNT 8 - to a MINIMUM of FORTY (40) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS plus a CONSECUTIVE term of a MINIMUM of FORTY (40) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS in NDC for use of a deadly weapon;

COUNT 9 - to a MINIMUM of FORTY (40) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS plus a CONSECUTIVE term of a MINIMUM of FORTY (40) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS in NDC for use of a deadly weapon;

COUNT 10 - to a MINIMUM of SIXTEEN (16) MONTHS and a MAXIMUM of SEVENTY-TWO (72) MONTHS in NDC;

COUNT 11 - to a MINIMUM of SIXTEEN (16) MONTHS and a MAXIMUM of SEVENTY-TWO (72) MONTHS in NDC;

ALL COUNTS CONCURRENT WITH COUNT 2 with FIVE THOUSAND SIX HUNDRED SEVEN (5,607) DAYS credit for time served.

BOND, if any, EXONERATED.

NDC



**State of Nevada v. Pierre Joshlin & Jemar Matthews**  
**C228460 Department 18**

| #   | Description of the Exhibit                                        | Offered    | Admitted   |
|-----|-------------------------------------------------------------------|------------|------------|
| 1   | Package 5223-1 (.45 cartridges in package)                        | 5-8-07 No  | 5-8-07     |
| 1a  | 9mm casings - Item 1&2                                            | 5-10-07 No | 5-10-07    |
| 1b  | .45 casing - Item 3 (Too badly damaged for comparison)            | 5-10-07 No | 5-10-07    |
| 1c  | .45 casings - Items 4-13 (Match to Glock)                         | 5-10-07 No | 5-10-07    |
| 1d  | .45 casings - Items 14-15 (Live bullets)                          | 5-10-07 No | 5-10-07    |
| 2   | Package 5223-2 (.22 casings in package)                           | 5-8-07 No  | 5-8-07     |
| 2a  | .22 casings - Items 16-29                                         | 5-10-07 No | 5-10-07    |
| 3   | Package 5223-3 (.22 casings in package)                           | 5-8-07 No  | 5-8-07     |
| 3a  | .22 casings - Items 30-40                                         | 5-10-07 No | 5-10-07    |
| 3b  | .45 casing - Item 41                                              | 5-10-07 No | 5-10-07    |
| 3c  | Bullets and bullet fragments - Item 42 & 44 (damaged)             | 5-10-07 No | 5-10-07    |
| 3d  | Bullets and bullet fragments - Item 43, 45 & 47 (matched .22)     | 5-10-07 No | 5-10-07    |
| 4   | Package 6650-1 (Speer .45 casings)                                | 5-9-07 No  | 5-9-07     |
| 4a  | Speer .45 casings - Items 1-3                                     |            |            |
| 5   | Package 6650-2 - Box with .22 Ruger                               | 5-9-07 No  | 5-9-07     |
| 5a  | .22 Ruger Rifle - Item 4                                          | 5-10-07 No | 5-10-07    |
| 6   | Package 6650-3 (Magazine and cartridge)                           | 5-9-07 No  | 5-9-07     |
| 6a  | Magazine from .22 Ruger Rifle - Item 5                            | 5-10-07 No | 5-10-07    |
| 6b  | Cartridge from chamber of .22 Ruger Rifle                         | 5-10-07 No | 5-10-07    |
| 7   | Package 6650-5 (red glove from 1200 Eleanor) <i>T, A, B</i>       | 5-9-07 No  | 5-9-07 ALL |
| 7a  | Red glove                                                         | 5-9-07 No  | 5-9-07     |
| 8   | Package 6650-6 - Box with .45 Colt from floorboard                | 5-9-07 No  | 5-9-07     |
| 8a  | .45 Colt                                                          | 5-10-07 No | 5-10-07    |
| 9   | Package 6650-7 (.45 Colt magazine and cartridge)                  | 5-9-07 No  | 5-9-07     |
| 9a  | .45 cartridge jammed in gun - Item 10                             | 5-10-07 No | 5-10-07    |
| 9b  | Magazine from .45 Colt                                            | 5-10-07 No | 5-10-07    |
| 9c  | .45 cartridges from magazine                                      | 5-10-07 No | 5-10-07    |
| 10  | Package 6650-8 - Box with Glock from dumpster                     | 5-9-07     | 5-9-07     |
| 10a | Glock                                                             | 5-10-07    | 5-10-07    |
| 11  | Package 6650-9 - Contents of Glock <i>A-B-C (all admitted)</i>    | 5-9-07 No  | 5-9-07     |
| 11a | Cartridge from chamber of Glock - Item 14                         | 5-10-07 No | 5-10-07    |
| 11b | Magazine from Glock - Item 15                                     | 5-10-07 No | 5-10-07    |
| 11c | Cartridges from magazine - Item 16                                | 5-10-07 No | 5-10-07    |
| 12  | Package 6650-10 (Black Nike gloves from dumpster) <i>12 A,B,C</i> | 5-9-07 No  | 5-9-07 ALL |
| 12a | Black gloves + A, B, C                                            | 5-9-07     | 5-9-07 ALL |
| 13  | Diagram of Bldg + Surrounding area                                | 5-8-07     | 5-8-07     |
| 14  | Photographs                                                       | 5-8-07     | 5-8-07     |
| 15  |                                                                   |            | 5-8-07     |
| 16  |                                                                   |            | 5-8-07     |
| 17  |                                                                   |            | 5-8-07     |
| 18  |                                                                   |            | 5-8-07     |
| 19  |                                                                   |            | 5-8-07     |
| 20  |                                                                   |            | 5-8-07     |
| 21  |                                                                   |            | 5-8-07     |

\* 12-A gloves  
 12-B  
 12-C  
 ADMITTED 5/9/07  
 5-7-07 Juel Start

ORIGINAL  
 MAY - 8 2007

State of Nevada v. Pierre Joshlin & Jemar Matthews

C228460 Department 18

Offered 5-8-07 / No Admitted 5-8-07

|    |            |             |              |
|----|------------|-------------|--------------|
| 22 | Photograph |             |              |
| 23 |            |             |              |
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| 62 |            |             |              |
| 63 |            | 5/8         | Noisy 5-8-07 |
| 64 | Photograph | 5/8 (Noisy) | 5-8-07       |
| 65 |            | 5/8         | 5-8-07       |
| 66 |            | 5/8         | 5-8-07       |

State of Nevada v. Pierre Joshlin & Jemar Matthews

C228460 Department 18

|     |                       | Offered | No  | Adm.    |
|-----|-----------------------|---------|-----|---------|
| 67  | Photograph            | 5-8-07  | Yes | 5-8-07  |
| 68  |                       |         |     | 5-8-07  |
| 69  |                       |         | "   | 5-8-07  |
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| 91  |                       |         | "   | 5-8-07  |
| 92  |                       | 5-8-07  | No  | 5-8-07  |
| 93  |                       |         |     |         |
| 94  | Photograph            | 5-8     | No  | 5-8-07  |
| 95  |                       | 5-8     | No  | 5-8-07  |
| 96  | Photo -               | 5-8     | No  | 5-8-07  |
| 97  | Photo                 | 5-8     | No  | 5-8-07  |
| 98  | Photo - Coroner's Tag | 5-10-07 | No  | 5-10-07 |
| 99  | Photo                 |         |     |         |
| 100 |                       |         |     |         |
| 101 |                       |         |     |         |
| 102 |                       | 5-10-07 | No  | 5-10-07 |
| 103 |                       |         |     |         |
| 104 |                       |         |     |         |
| 105 |                       |         |     |         |
| 106 | Photo                 | 5-9     | No  | 5-9-07  |
| 107 |                       | 5-9     | No  | 5-9-07  |
| 108 |                       | 5-9     | No  | 5-9-07  |
| 109 |                       | 5-9     | No  | 5-9-07  |
| 110 |                       | 5-9     | No  | 5-9-07  |
| 111 |                       | 5-9     | No  | 5-9-07  |

State of Nevada v. Pierre Joshlin & Jemar Matthews  
C228460 Department 18

|     |             |         |     |         |           |
|-----|-------------|---------|-----|---------|-----------|
| 112 | Photos      | 5-9-07  | No  | 5-9-07  | Schmitter |
| 113 |             |         |     |         |           |
| 114 |             |         |     |         |           |
| 115 |             |         |     |         |           |
| 116 |             |         |     |         |           |
| 117 |             |         |     |         | Schmitter |
| 118 |             |         |     |         |           |
| 119 | Photos      | 5/8/07  | N/O | 5-8-07  |           |
| 120 |             | 5/8/07  | N/O | 5-8-07  |           |
| 121 |             | 5/8/07  | N/O | 5-8-07  |           |
| 122 |             | 5/8/07  | N/O | 5-8-07  | Schmitter |
| 123 |             | 5/8/07  | N/O | 5-8-07  |           |
| 124 |             | 5/8/07  | N/O | 5-8-07  |           |
| 125 |             | 5/8/07  | N/O | 5-8-07  |           |
| 126 |             | 5/8/07  | N/O | 5-8-07  |           |
| 127 |             | 5/8     | N/O | 5-8-07  | Schmitter |
| 128 |             | 5/8     | N/O | 5-8-07  |           |
| 129 |             | 5/8/07  | N/O | 5-8-07  |           |
| 130 |             | 5/8/07  | N/O | 5-8-07  |           |
| 131 |             | 5/8/07  | N/O | 5-8-07  |           |
| 132 |             | 5/9/07  | N/O | 5-9-07  | Schmitter |
| 133 | Photo       | 5/9/07  | N/O | 5-9-07  |           |
| 134 |             | 5/9/07  | N/O | 5-9-07  |           |
| 135 |             | 5/9/07  | N/O | 5-9-07  |           |
| 136 |             | 5/9/07  | N/O | 5-9-07  |           |
| 137 |             | 5/9/07  | N/O | 5-9-07  | Schmitter |
| 138 |             | 5/9/07  | N/O | 5-9-07  |           |
| 139 |             | 5/9/07  | N/O | 5-9-07  |           |
| 140 |             | 5/9/07  | N/O | 5-9-07  |           |
| 141 |             | 5/9/07  | N/O | 5-9-07  |           |
| 142 |             | 5/9/07  | N/O | 5-9-07  | Schmitter |
| 143 |             | 5/8/07  | N/O | 5-8-07  |           |
| 144 |             | 5/8/07  | N/O | 5-8-07  |           |
| 145 |             | 5/8/07  | N/O | 5-8-07  |           |
| 146 |             | 5/8/07  | N/O | 5-8-07  |           |
| 147 |             | 5/8/07  | N/O | 5-8-07  | Schmitter |
| 148 |             | 5/8/07  | N/O | 5-8-07  |           |
| 149 |             | 5/9/07  | N/O | 5-9-07  |           |
| 150 |             | 5/8/07  | N/O | 5-8-07  |           |
| 151 |             | 5/8/07  | N/O | 5-8-07  |           |
| 152 |             | 5/8     | N/O | 5-8-07  | Schmitter |
| 153 |             | 5/8     | N/O | 5-8-07  |           |
| 154 | Aerial View | 5/8/07  | N/O | 5-8-07  |           |
| 155 | Aerial View | 5/8/07  | N/O | 5-8-07  |           |
| 156 | Photo gun   | 5-10-07 | N/O | 5-10-07 |           |

Arm + Hand in handcuff

State of Nevada v. Pierre Joshlin & Jemar Matthews  
C228460 Department 18

|      |                                                                                |         |              |
|------|--------------------------------------------------------------------------------|---------|--------------|
| 157  | Photo                                                                          | 5/8/07  | 5/8/07       |
| 158  | "                                                                              | 5/8/07  | 5/8/07       |
| 159  | Photo - legs                                                                   | 5/8     | 5-8-07       |
| 160  | Photo                                                                          | 5/8     | 5-8-07       |
| 161  | Photo - chamber of gun enlarged                                                |         |              |
| 162  | Aerial View                                                                    | 5/8/07  | No 5-8-07    |
| 163  | Certified Document - Event Search                                              | 5/9/07  | OBT          |
| 164  | Bag                                                                            | 5/9/07  |              |
|      | a) Gunshot residue kit from Δ Joshlin                                          | 5/9/07  |              |
|      | b) Gunshot residue kit from Δ Matthews                                         | 5/9/07  |              |
|      | c) Gunshot residue kit from Trevin Jones                                       | 5/9/07  |              |
| 165  | Envelope w/Content                                                             | 5-10    | No 5-10-07 ✓ |
| 165A | Bullet fragments                                                               | 5-10    | No 5-10-07   |
| 166  | Photo - microscopic comparison of bullets                                      | 5-10-07 | No 5-10-07   |
| 167  | Plastic Bag with Varnish<br>2 exhibits (To be identified<br>@ later date (pc)) |         |              |

CASE NO. C 228460

Exhibit Sheet 5-01/jh



## EXHIBIT(S) LIST

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Case No.: 06C228460-2

State of Nevada vs. Jemar D. Matthews

State's EXHIBITS

| Exhibit Number | Exhibit Description                | Date Offered | Objection | Date Admitted |    |
|----------------|------------------------------------|--------------|-----------|---------------|----|
| 6a.            | Magazine in Bag                    | 9-26-18      | Stip      | 9-26-18       | BS |
| 6b.            | Cartridge in Bag                   | 9-26-18      | Stip      | 9-26-18       | BS |
| 7.             | Package                            | 9-26-18      | Stip      | 9-26-18       | BS |
| 7a.            | Red Glove and envelope             | 9-26-18      | Stip      | 9-26-18       | BS |
| 7b.            | Envelope of Samples                | 9-26-18      | Stip      | 9-26-18       | BS |
| 8.             | Package - box                      | 9-26-18      | Stip      | 9-26-18       | BS |
| 8a.            | .45 Colt                           | 9-26-18      | Stip      | 9-26-18       | BS |
| 9.             | Package                            | 9-26-18      | Stip      | 9-26-18       | BS |
| 9a.            | .45 cartridge jammed in gun        | 9-26-18      | Stip      | 9-26-18       | BS |
| 9b.            | Magazine from .45 Colt             | 9-26-18      | Stip      | 9-26-18       | BS |
| 9c.            | .45 cartridges from magazine       | 9-26-18      | Stip      | 9-26-18       | BS |
| 10.            | Package - box                      | 9-26-18      | Stip      | 9-26-18       | BS |
| 10a.           | Glock                              | 9-26-18      | Stip      | 9-26-18       | BS |
| 11.            | Package                            | 9-26-18      | Stip      | 9-26-18       | BS |
| 11a.           | Cartridge from Chamber             | 9-26-18      | Stip      | 9-26-18       | BS |
| 11b.           | Magazine from Glock                | 9-26-18      | Stip      | 9-26-18       | BS |
| 11c.           | Cartridges from magazine (Fifteen) | 9-26-18      | Stip      | 9-26-18       | BS |
| 12.            | Package                            | 9-26-18      | Stip      | 9-26-18       | BS |
| 12a.           | Black Gloves in Bag                | 9-26-18      | Stip      | 9-26-18       | BS |
| 12b.           | Left Black Glove Area in envelope  | 9-26-18      | Stip      | 9-26-18       | BS |
| 12c.           | Envelope of Black Glove Samples    | 9-26-18      | Stip      | 9-26-18       | BS |
| 13.            | CD-video                           | 9-26-18      | Stip      | 9-26-18       | BS |
| 14.            | Bag                                | 9-26-18      | Stip      | 9-26-18       | BS |
| 14a.           | Gunshot Residue Kit                | 9-26-18      | Stip      | 9-26-18       | BS |
| 14b.           | Gunshot Residue Kit                | 9-26-18      | Stip      | 9-26-18       | BS |

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Case No.: 00C228460-2

State of Nevada

vs.

Jemar D. MatthewsState's EXHIBITS

| Exhibit Number | Exhibit Description | Date Offered | Objection | Date Admitted |    |
|----------------|---------------------|--------------|-----------|---------------|----|
| 14C.           | Ganshot residue kit | 9-26-18      | Stip      | 9-26-18       | AS |
| 15.            | Envelope            | 9-26-18      | Stip      | 9-26-18       | AS |
| 15a.           | Bullet fragments    | 9-26-18      | Stip      | 9-26-18       | AS |
| 16.            | photo               | 9-26-18      | Stip      | 9-26-18       | AS |
| 17.            | photo               | 9-26-18      | Stip      | 9-26-18       | AS |
| 18.            | Diagram             | 9-26-18      | Stip      | 9-26-18       | AS |
| 19.            | Diagram             | 9-26-18      | Stip      | 9-26-18       | AS |
| 20.            | Diagram             | 9-26-18      | Stip      | 9-26-18       | AS |
| 21.            | map                 | 9-26-18      | Stip      | 9-26-18       | AS |
| 22.            | map                 | 9-26-18      | Stip      | 9-26-18       | AS |
| 23.            | map                 | 9-26-18      | Stip      | 9-26-18       | AS |
| 24.            | map                 | 9-26-18      | Stip      | 9-26-18       | AS |
| 25.            | map                 | 9-26-18      | Stip      | 9-26-18       | AS |
| 26.            | map                 | 9-26-18      | Stip      | 9-26-18       | AS |
| 27.            | photo               | 9-26-18      | Stip      | 9-26-18       | AS |
| 28.            | photo               | 9-26-18      | Stip      | 9-26-18       | AS |
| 29.            | photo               | 9-26-18      | Stip      | 9-26-18       | AS |
| 30.            | photo               | 9-26-18      | Stip      | 9-26-18       | AS |
| 31.            | photo               | 9-26-18      | Stip      | 9-26-18       | AS |
| 32.            | photo               | 9-26-18      | Stip      | 9-26-18       | AS |
| 33.            | photo               | 9-26-18      | Stip      | 9-26-18       | AS |
| 34.            | photo               | 9-26-18      | Stip      | 9-26-18       | AS |
| 35.            | photo               | 9-26-18      | Stip      | 9-26-18       | AS |
| 36.            | photo               | 9-26-18      | Stip      | 9-26-18       | AS |
| 37.            | photo               | 9-26-18      | Stip      | 9-26-18       | AS |

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Case No.: 06C228460-2

State of Nevada

vs.

Jemarr D. Matthews

State's EXHIBITS

| Exhibit Number | Exhibit Description | Date Offered | Objection | Date Admitted |    |
|----------------|---------------------|--------------|-----------|---------------|----|
| 38.            | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 39.            | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 40.            | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 41.            | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 42.            | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 43.            | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 44.            | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 45.            | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 46.            | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 47.            | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 48.            | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 49.            | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 50.            | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 51.            | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 52.            | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 53.            | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 54.            | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 55.            | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 56.            | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 57.            | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 58.            | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 59.            | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 60.            | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 61.            | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 62.            | photo               | 9-26-18      | Stip      | 9-26-18       | MS |

## EXHIBIT(S) LIST

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Case No.: 06C228460-2

State of Nevada

vs.

Jemar D. Matthews

State's EXHIBITS

| Exhibit Number | Exhibit Description | Date Offered | Objection | Date Admitted |    |
|----------------|---------------------|--------------|-----------|---------------|----|
| 63.            | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 64.            | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 65.            | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 66.            | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 67.            | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 68.            | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 69.            | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 70.            | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 71.            | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 72.            | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 73.            | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 74.            | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 75.            | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 76.            | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 77.            | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 78.            | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 79.            | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 80.            | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 81.            | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 82.            | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 83.            | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 84.            | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 85.            | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 86.            | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 87.            | photo               | 9-26-18      | Stip      | 9-26-18       | MS |

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Case No.:

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State of Nevada

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Jemar D. Matthews

State's

## EXHIBITS

| Exhibit Number | Exhibit Description | Date Offered | Objection | Date Admitted |    |
|----------------|---------------------|--------------|-----------|---------------|----|
| 88.            | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 89.            | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 90.            | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 91.            | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 92.            | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 93.            | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 94.            | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 95.            | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 96.            | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 97.            | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 98.            | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 99.            | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 100.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 101.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 102.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 103.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 104.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 105.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 106.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 107.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 108.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 109.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 110.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 111.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 112.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |

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State of Nevada

vs.

Jemar D. Matthews

State's EXHIBITS

| Exhibit Number | Exhibit Description | Date Offered | Objection | Date Admitted |    |
|----------------|---------------------|--------------|-----------|---------------|----|
| 113.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 114.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 115.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 116.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 117.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 118.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 119.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 120.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 121.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 122.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 123.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 124.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 125.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 126.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 127.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 128.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 129.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 130.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 131.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 132.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 133.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 134.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 135.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 136.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 137.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |

## EXHIBIT(S) LIST

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Case No.: 06C228460-2

State of Nevada

vs.

Jemar D. Matthews

State's EXHIBITS

| Exhibit Number | Exhibit Description | Date Offered | Objection | Date Admitted |    |
|----------------|---------------------|--------------|-----------|---------------|----|
| 138.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 139.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 140.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 141.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 142.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 143.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 144.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 145.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 146.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 147.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 148.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 149.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 150.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 151.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 152.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 153.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 154.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 155.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 156.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 157.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 158.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 159.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 160.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 161.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 162.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |

## EXHIBIT(S) LIST

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Case No.: 06C228460-2

State of Nevada  
state's EXHIBITS

vs.

Jemar D. Matthews

| Exhibit Number | Exhibit Description | Date Offered | Objection | Date Admitted |    |
|----------------|---------------------|--------------|-----------|---------------|----|
| 163.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 164.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 165.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 166.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 167.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 168.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 169.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 170.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 171.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 172.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 173.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 174.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 175.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 176.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 177.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 178.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 179.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 180.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 181.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 182.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 183.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 184.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 185.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 186.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 187.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |

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State of Nevada

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| Exhibit Number | Exhibit Description | Date Offered | Objection | Date Admitted |    |
|----------------|---------------------|--------------|-----------|---------------|----|
| 188.           | photo-              | 9-26-18      | Stip      | 9-26-18       | 21 |
| 189.           | photo               | 9-26-18      | Stip      | 9-26-18       | 22 |
| 190.           | photo               | 9-26-18      | Stip      | 9-26-18       | 23 |
| 191.           | photo               | 9-26-18      | Stip      | 9-26-18       | 24 |
| 192.           | photo               | 9-26-18      | Stip      | 9-26-18       | 25 |
| 193.           | photo               | 9-26-18      | Stip      | 9-26-18       | 26 |
| 194.           | photo               | 9-26-18      | Stip      | 9-26-18       | 27 |
| 195.           | photo               | 9-26-18      | Stip      | 9-26-18       | 28 |
| 196.           | photo               | 9-26-18      | Stip      | 9-26-18       | 29 |
| 197.           | photo               | 9-26-18      | Stip      | 9-26-18       | 30 |
| 198.           | photo               | 9-26-18      | Stip      | 9-26-18       | 31 |
| 199.           | photo               | 9-26-18      | Stip      | 9-26-18       | 32 |
| 200.           | photo               | 9-26-18      | Stip      | 9-26-18       | 33 |
| 201.           | photo               | 9-26-18      | Stip      | 9-26-18       | 34 |
| 202.           | photo               | 9-26-18      | Stip      | 9-26-18       | 35 |
| 203.           | photo               | 9-26-18      | Stip      | 9-26-18       | 36 |
| 204.           | photo               | 9-26-18      | Stip      | 9-26-18       | 37 |
| 205.           | photo               | 9-26-18      | Stip      | 9-26-18       | 38 |
| 206.           | photo               | 9-26-18      | Stip      | 9-26-18       | 39 |
| 207.           | photo               | 9-26-18      | Stip      | 9-26-18       | 40 |
| 208.           | photo               | 9-26-18      | Stip      | 9-26-18       | 41 |
| 209.           | photo               | 9-26-18      | Stip      | 9-26-18       | 42 |
| 210.           | photo               | 9-26-18      | Stip      | 9-26-18       | 43 |
| 211.           | photo               | 9-26-18      | Stip      | 9-26-18       | 44 |
| 212.           | photo               | 9-26-18      | Stip      | 9-26-18       | 45 |

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State of Nevada

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State's EXHIBITS

| Exhibit Number | Exhibit Description | Date Offered | Objection | Date Admitted |    |
|----------------|---------------------|--------------|-----------|---------------|----|
| 213.           | photo               | 9-26-18      | Stip      | 9-26-18       | ms |
| 214.           | photo               | 9-26-18      | Stip      | 9-26-18       | ms |
| 215.           | photo               | 9-26-18      | Stip      | 9-26-18       | ms |
| 216.           | photo               | 9-26-18      | Stip      | 9-26-18       | ms |
| 217.           | photo               | 9-26-18      | Stip      | 9-26-18       | ms |
| 218.           | photo               | 9-26-18      | Stip      | 9-26-18       | ms |
| 219.           | photo               | 9-26-18      | Stip      | 9-26-18       | ms |
| 220.           | photo               | 9-26-18      | Stip      | 9-26-18       | ms |
| 221.           | photo               | 9-26-18      | Stip      | 9-26-18       | ms |
| 222.           | photo               | 9-26-18      | Stip      | 9-26-18       | ms |
| 223.           | photo               | 9-26-18      | Stip      | 9-26-18       | ms |
| 224.           | photo               | 9-26-18      | Stip      | 9-26-18       | ms |
| 225.           | photo               | 9-26-18      | Stip      | 9-26-18       | ms |
| 226.           | photo               | 9-26-18      | Stip      | 9-26-18       | ms |
| 227.           | photo               | 9-26-18      | Stip      | 9-26-18       | ms |
| 228.           | photo               | 9-26-18      | Stip      | 9-26-18       | ms |
| 229.           | photo               | 9-26-18      | Stip      | 9-26-18       | ms |
| 230.           | photo               | 9-26-18      | Stip      | 9-26-18       | ms |
| 231.           | photo               | 9-26-18      | Stip      | 9-26-18       | ms |
| 232.           | photo               | 9-26-18      | Stip      | 9-26-18       | ms |
| 233.           | photo               | 9-26-18      | Stip      | 9-26-18       | ms |
| 234.           | photo               | 9-26-18      | Stip      | 9-26-18       | ms |
| 235.           | photo               | 9-26-18      | Stip      | 9-26-18       | ms |
| 236.           | photo               | 9-26-18      | Stip      | 9-26-18       | ms |
| 237.           | photo               | 9-26-18      | Stip      | 9-26-18       | ms |

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State of Nevada

vs.

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State's EXHIBITS

| Exhibit Number | Exhibit Description | Date Offered | Objection | Date Admitted |    |
|----------------|---------------------|--------------|-----------|---------------|----|
| 238.           | photo               | 9-26-18      | Stip      | 9-26-18       | my |
| 239.           | photo               | 9-26-18      | Stip      | 9-26-18       | my |
| 240.           | photo               | 9-26-18      | Stip      | 9-26-18       | my |
| 241.           | photo               | 9-26-18      | Stip      | 9-26-18       | my |
| 242.           | photo               | 9-26-18      | Stip      | 9-26-18       | my |
| 243.           | photo               | 9-26-18      | Stip      | 9-26-18       | my |
| 244.           | photo               | 9-26-18      | Stip      | 9-26-18       | my |
| 245.           | photo               | 9-26-18      | Stip      | 9-26-18       | my |
| 246.           | photo               | 9-26-18      | Stip      | 9-26-18       | my |
| 247.           | photo               | 9-26-18      | Stip      | 9-26-18       | my |
| 248.           | photo               | 9-26-18      | Stip      | 9-26-18       | my |
| 249.           | photo               | 9-26-18      | Stip      | 9-26-18       | my |
| 250.           | photo               | 9-26-18      | Stip      | 9-26-18       | my |
| 251.           | photo               | 9-26-18      | Stip      | 9-26-18       | my |
| 252.           | photo               | 9-26-18      | Stip      | 9-26-18       | my |
| 253.           | photo               | 9-26-18      | Stip      | 9-26-18       | my |
| 254.           | photo               | 9-26-18      | Stip      | 9-26-18       | my |
| 255.           | photo               | 9-26-18      | Stip      | 9-26-18       | my |
| 256.           | photo               | 9-26-18      | Stip      | 9-26-18       | my |
| 257.           | photo               | 9-26-18      | Stip      | 9-26-18       | my |
| 258.           | photo               | 9-26-18      | Stip      | 9-26-18       | my |
| 259.           | photo               | 9-26-18      | Stip      | 9-26-18       | my |
| 260.           | photo               | 9-26-18      | Stip      | 9-26-18       | my |
| 261.           | photo               | 9-26-18      | Stip      | 9-26-18       | my |
| 262.           | photo               | 9-26-18      | Stip      | 9-26-18       | my |

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| Exhibit Number | Exhibit Description | Date Offered | Objection | Date Admitted |    |
|----------------|---------------------|--------------|-----------|---------------|----|
| 263.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 264.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 265.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 266.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 267.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 268.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 269.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 270.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 271.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 272.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 273.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 274.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 275.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 276.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 277.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 278.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 279.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 280.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 281.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 282.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 283.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 284.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 285.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 286.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 287.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |

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| Exhibit Number | Exhibit Description | Date Offered | Objection | Date Admitted |    |
|----------------|---------------------|--------------|-----------|---------------|----|
| 288.           | photo               | 9-26-18      | Stip      | 9-26-18       | PS |
| 289.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 290.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 291.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 292.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 293.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 294.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 295.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 296.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 297.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 298.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 299.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 300.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 301.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 302.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 303.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 304.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 305.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 306.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 307.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 308.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 309.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 310.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 311.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 312.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |

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Jemar D. Matthews

## EXHIBITS

| Exhibit Number | Exhibit Description | Date Offered | Objection | Date Admitted |    |
|----------------|---------------------|--------------|-----------|---------------|----|
| 313.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 314.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 315.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 316.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 317.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 318.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 319.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 320.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 321.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 322.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 323.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 324.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 325.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 326.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 327.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 328.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 329.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 330.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 331.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 332.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 333.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 334.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 335.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 336.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 337.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |

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State of Nevada

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| Exhibit Number | Exhibit Description | Date Offered | Objection | Date Admitted |    |
|----------------|---------------------|--------------|-----------|---------------|----|
| 338.           | photo               | 9-26-18      | Stip      | 9-26-18       | M  |
| 339.           | photo               | 9-26-18      | Stip      | 9-26-18       | PH |
| 340.           | photo               | 9-26-18      | Stip      | 9-26-18       | mm |
| 341.           | photo               | 9-26-18      | Stip      | 9-26-18       | ML |
| 342.           | photo               | 9-26-18      | Stip      | 9-26-18       | ML |
| 343.           | photo               | 9-26-18      | Stip      | 9-26-18       | PH |
| 344.           | photo               | 9-26-18      | Stip      | 9-26-18       | PH |
| 345.           | photo               | 9-26-18      | Stip      | 9-26-18       | PH |
| 346.           | photo               | 9-26-18      | Stip      | 9-26-18       | PH |
| 347.           | photo               | 9-26-18      | Stip      | 9-26-18       | M  |
| 348.           | photo               | 9-26-18      | Stip      | 9-26-18       | PH |
| 349.           | photo               | 9-26-18      | Stip      | 9-26-18       | PH |
| 350.           | photo               | 9-26-18      | Stip      | 9-26-18       | PH |
| 351.           | photo               | 9-26-18      | Stip      | 9-26-18       | PH |
| 352.           | photo               | 9-26-18      | Stip      | 9-26-18       | PH |
| 353.           | photo               | 9-26-18      | Stip      | 9-26-18       | PH |
| 354.           | photo               | 9-26-18      | Stip      | 9-26-18       | PH |
| 355.           | photo               | 9-26-18      | Stip      | 9-26-18       | PH |
| 356.           | photo               | 9-26-18      | Stip      | 9-26-18       | PH |
| 357.           | photo               | 9-26-18      | Stip      | 9-26-18       | PH |
| 358.           | photo               | 9-26-18      | Stip      | 9-26-18       | PH |
| 359.           | photo               | 9-26-18      | Stip      | 9-26-18       | PH |
| 360.           | photo               | 9-26-18      | Stip      | 9-26-18       | PH |
| 361.           | photo               | 9-26-18      | Stip      | 9-26-18       | PH |
| 362.           | photo               | 9-26-18      | Stip      | 9-26-18       | PH |

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State's EXHIBITS

| Exhibit Number | Exhibit Description | Date Offered | Objection | Date Admitted |    |
|----------------|---------------------|--------------|-----------|---------------|----|
| 363.           | photo               | 9-26-18      | Stip      | 9-26-18       | ph |
| 364.           | photo               | 9-26-18      | Stip      | 9-26-18       | ph |
| 365.           | photo               | 9-26-18      | Stip      | 9-26-18       | ph |
| 366.           | photo               | 9-26-18      | Stip      | 9-26-18       | ph |
| 367.           | photo               | 9-26-18      | Stip      | 9-26-18       | ph |
| 368.           | photo               | 9-26-18      | Stip      | 9-26-18       | ph |
| 369.           | photo               | 9-26-18      | Stip      | 9-26-18       | ph |
| 370.           | photo               | 9-26-18      | Stip      | 9-26-18       | ph |
| 371.           | photo               | 9-26-18      | Stip      | 9-26-18       | ph |
| 372.           | photo               | 9-26-18      | Stip      | 9-26-18       | ph |
| 373.           | photo               | 9-26-18      | Stip      | 9-26-18       | ph |
| 374.           | photo               | 9-26-18      | Stip      | 9-26-18       | ph |
| 375.           | photo               | 9-26-18      | Stip      | 9-26-18       | ph |
| 376.           | photo               | 9-26-18      | Stip      | 9-26-18       | ph |
| 377.           | photo               | 9-26-18      | Stip      | 9-26-18       | ph |
| 378.           | photo               | 9-26-18      | Stip      | 9-26-18       | ph |
| 379.           | photo               | 9-26-18      | Stip      | 9-26-18       | ph |
| 380.           | photo               | 9-26-18      | Stip      | 9-26-18       | ph |
| 381.           | photo               | 9-26-18      | Stip      | 9-26-18       | ph |
| 382.           | photo               | 9-26-18      | Stip      | 9-26-18       | ph |
| 383.           | photo               | 9-26-18      | Stip      | 9-26-18       | ph |
| 384.           | photo               | 9-26-18      | Stip      | 9-26-18       | ph |
| 385.           | photo               | 9-26-18      | Stip      | 9-26-18       | ph |
| 386.           | photo               | 9-26-18      | Stip      | 9-26-18       | ph |
| 387.           | photo               | 9-26-18      | Stip      | 9-26-18       | ph |

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| Exhibit Number | Exhibit Description | Date Offered | Objection | Date Admitted |    |
|----------------|---------------------|--------------|-----------|---------------|----|
| 388.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 389.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 390.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 391.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 392.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 393.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 394.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 395.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 396.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 397.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 398.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 399.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 400.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 401.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 402.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 403.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 404.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 405.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 406.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 407.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 408.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 409.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 410.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 411.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 412.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |

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| Exhibit Number | Exhibit Description | Date Offered | Objection | Date Admitted |    |
|----------------|---------------------|--------------|-----------|---------------|----|
| 413.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 414.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 415.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 416.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 417.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 418.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 419.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 420.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 421.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 422.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 423.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 424.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 425.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 426.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 427.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 428.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 429.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 430.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 431.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 432.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 433.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 434.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 435.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 436.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |
| 437.           | photo               | 9-26-18      | Stip      | 9-26-18       | MS |

## EXHIBIT(S) LIST

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Case No.: 06C228460-2

State of Nevada

vs.

Jernar D. Matthews

State's EXHIBITS

| Exhibit Number | Exhibit Description         | Date Offered            | Objection | Date Admitted |    |
|----------------|-----------------------------|-------------------------|-----------|---------------|----|
| 438.           | photo                       | 9-26-18                 | Stip      | 9-26-18       | MS |
| 439.           | photo                       | 9-26-18                 | Stip      | 9-26-18       | MS |
| 440.           | photo                       | 9-26-18                 | Stip      | 9-26-18       | MS |
| 441.           | photo                       | 9-26-18                 | Stip      | 9-26-18       | MS |
| 442.           | photo                       | 9-26-18                 | Stip      | 9-26-18       | MS |
| 443.           | photo                       | 9-26-18                 | Stip      | 9-26-18       | MS |
| 444.           | photo                       | 9-26-18                 | Stip      | 9-26-18       | MS |
| 445.           | photo                       | 9-26-18                 | Stip      | 9-26-18       | MS |
| 446.           | photo                       | 9-26-18                 | Stip      | 9-26-18       | MS |
| 447.           | photo                       | 9-26-18                 | Stip      | 9-26-18       | MS |
| 448.           | photo                       | 9-26-18                 | Stip      | 9-26-18       | MS |
| 449.           | photo                       | 9-26-18                 | Stip      | 9-26-18       | MS |
| 450.           | photo                       | 9-26-18                 | Stip      | 9-26-18       | MS |
| 451.           | photo                       | 9-26-18                 | Stip      | 9-26-18       | MS |
| 452.           | photo                       | 9-26-18                 | Stip      | 9-26-18       | MS |
| 453.           | photo - from Autopsy        | 9-26-18                 | Stip      | 9-26-18       | MS |
| 454.           | photo - from Autopsy        | 9-26-18                 | Stip      | 9-26-18       | MS |
| 455.           | photo - from Autopsy        | 9-26-18                 | Stip      | 9-26-18       | MS |
| 456.           | photo - from Autopsy        | 9-26-18                 | Stip      | 9-26-18       | MS |
| 457.           | photo - from Autopsy        | 9-26-18                 | Stip      | 9-26-18       | MS |
| 458.           | map                         | 9-27-18                 | Stip      | 9-27-18       | MS |
| 459.           | photo (Returned to Counsel) | withdrawn; not admitted |           |               | MS |
| 460.           | photo (Returned to Counsel) | withdrawn; not admitted |           |               | MS |
| 461.           | Diagram                     | 9-28-18                 | Stip      | 9-28-18       | MS |
| 462.           | Diagram                     | 9-28-18                 | Stip      | 9-28-18       | MS |

## EXHIBIT(S) LIST

Case No.: 00C228460-2

State of Nevada

**vs.**

Jemar D. Matthews

State's EXHIBITS

[illegible]

## EXHIBIT(S) LIST

Case No.: 06C228460-2

State of Nevada

**VS.**

Jemar D. Matthews

## Defendant's EXHIBITS

[illegible]



# EXHIBIT(S) LIST

Case No.: C228460-2

Hearing / Trial Date: 11/04/21

Dept. No.: XII

Judge: MICHELLE LEAVITT

Plaintiff: STATE OF NEVADA

Court Clerk: HALY PANNULLO

Recorder / Reporter: SARA RICHARDSON

Counsel for Plaintiff: JOHN GIORDANI &

AGNES BOTELHO

Defendant: JEMAR MATTHEWS

Counsel for Defendant: TODD LEVENTHAL &

RICHARD TANASI

vs.

## HEARING / TRIAL BEFORE THE COURT

### STATE'S EXHIBITS

| Exhibit Number | Exhibit Description            | Date Offered | Objection | Date Admitted |    |
|----------------|--------------------------------|--------------|-----------|---------------|----|
| 1              | evidence bag                   | 11.8.21      | STIP      | 11.8.21       | WA |
| 1a.            | casings (2)                    | 11.8.21      | STIP      | 11.8.21       | WA |
| 1b.            | casings (1)                    | ↓            | ↓         | ↓             | WA |
| 1c.            | casings (10)                   | ↓            | ↓         | ↓             | WA |
| 1d.            | casings (2)                    | 11.8.21      | STIP      | 11.8.21       | WA |
| 2              | evidence bag                   | 11.8.21      | STIP      | 11.8.21       | WA |
| 2a.            | casings (14)                   | ↓            | ↓         | ↓             | WA |
| 3              | evidence bag                   | 11.8.21      | STIP      | 11.8.21       | WA |
| 3a.            | casings (11)                   | ↓            | ↓         | ↓             | WA |
| 3b.            | casing (1)                     | ↓            | ↓         | ↓             | WA |
| 3c.            | bullets + fragments            | ↓            | ↓         | ↓             | WA |
| 3d.            | bullets + fragments            | ↓            | ↓         | ↓             | WA |
| 4              | evidence envelope - not opened | 11.8.21      | STIP      | 11.8.21       | WA |
| —              | intentionally left blank       | —            | —         | —             |    |
| 5              | evidence box                   | 11.8.21      | STIP      | 11.8.21       | WA |
| 5a.            | short barreled rifle           | ↓            | ↓         | ↓             | WA |
| 6              | evidence bag                   | 11.8.21      | STIP      | 11.8.21       | WA |

# EXHIBIT(S) LIST

Case No: C228460-2

STATE OF NEVADA

VS.

JEMAR MATTHEWS

STATE'S EXHIBITS

| Exhibit Number | Exhibit Description                           | Date Offered | Objection | Date Admitted |    |
|----------------|-----------------------------------------------|--------------|-----------|---------------|----|
| 6a.            | Magazine                                      | 11-8-21      | Stip      | 11-8-21       | WA |
| 6b.            | Cartridge                                     | ↓            | ↓         | ↓             | WA |
| 7              | evidence envelope                             | 11-8-21      | Stip      | 11-8-21       | WA |
| 7a.            | #1 Plastic bag containing red glove           | ↓            | ↓         | ↓             | WA |
| 7b.            | evidence envelope - samples from red glove    | ↓            | ↓         | ↓             | WA |
| 8              | evidence box                                  | 11-8-21      | Stip      | 11-8-21       | WA |
| 8a.            | Hand # gun                                    | 11-8-21      | Stip      | 11-8-21       | WA |
| 9              | evidence bag                                  | 11-8-21      | Stip      | 11-8-21       | WA |
| 9a.            | .45 Cartridge jammed                          | ↓            | ↓         | ↓             | WA |
| 9b.            | magazine                                      | ↓            | ↓         | ↓             | WA |
| 9c.            | Cartridges                                    | ↓            | ↓         | ↓             | WA |
| 10             | evidence box                                  | 11-8-21      | Stip      | 11-8-21       | WA |
| 10a.           | Hand gun                                      | ↓            | ↓         | ↓             | WA |
| 11             | evidence envelope                             | 11-8-21      | Stip      | 11-8-21       | WA |
| 11a.           | evidence ziplock holding cartridge/ammo       | ↓            | ↓         | ↓             | WA |
| 11b.           | evidence ziplock bag holding magazine         | ↓            | ↓         | ↓             | WA |
| 11c.           | evidence ziplock bag holding 15 cartridges    | ↓            | ↓         | ↓             | WA |
| 12             | evidence envelope - opened                    | 11-8-21      | Stip      | 11-8-21       | WA |
| 12a.           | evidence ziplock bag holding black gloves     | ↓            | ↓         | ↓             | WA |
| 12b.           | evidence envelope - left black glove envelope | ↓            | ↓         | ↓             | WA |
| 12c.           | evidence envelope - right black glove sample  | ↓            | ↓         | ↓             | WA |
| 13             | CD - video                                    | 11-8-21      | Stip      | 11-8-21       | WA |
| 14             | evidence bag                                  | 11-8-21      | Stip      | 11-8-21       | WA |
| 14a.           | gunshot residue kit                           | ↓            | ↓         | ↓             | WA |
| 14b.           | gunshot residue kit                           | 11-8-21      | Stip      | 11-8-21       | WA |

# EXHIBIT(S) LIST

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STATE OF NEVADA

VS.

JEMAR MATTHEWS

STATE'S EXHIBITS

| Exhibit Number | Exhibit Description                          | Date Offered | Objection | Date Admitted |    |
|----------------|----------------------------------------------|--------------|-----------|---------------|----|
| 14c.           | gunshot residue kit                          | 11-8-21      | Stip      | 11-8-21       | WA |
| - 15           | evidence bag                                 | 11-8-21      | Stip      | 11-8-21       | WA |
| 15a.           | bullet fragments + ziplock bag               | ↓            | ↓         | ↓             | WA |
| 16             | photo - male - jeans + black shirt           | 11-8-21      | Stip      | 11-8-21       | WA |
| 17             | photo - different male - jeans + black shirt |              |           |               | WA |
| 18             | Diagram                                      |              |           |               | WA |
| 19             | Diagram                                      |              |           |               | WA |
| 20             | Diagram                                      |              |           |               | WA |
| 21             | map                                          |              |           |               | WA |
| 22             | map                                          |              |           |               | WA |
| 23             | map                                          |              |           |               | WA |
| 24             | map                                          |              |           |               | WA |
| 25             | map                                          |              |           |               | WA |
| 26             | map                                          |              |           |               | WA |
| 27             | photo - 1271 mail box                        |              |           |               | WA |
| 28             | photo - street view - crime scene            |              |           |               | WA |
| 29             | photo - crime scene                          |              |           |               | WA |
| 30             | photo - crime scene                          |              |           |               | WA |
| 31             | photo - crime scene - front yard             |              |           |               | WA |
| 32             | photo - car in front yard - crime scene      |              |           |               | WA |
| 33             | photo - crime scene - street view            |              |           |               | WA |
| 34             | photo - blue trash can - front yard          |              |           |               | WA |
| 35             | photo - blue trash can - side yard           |              |           |               | WA |
| 36             | photo - gravel + red substance               | ↓            | ↓         | ↓             | WA |
| 37             | photo - arrow + B marker on wall of house    | 11-8-21      | Stip      | 11-8-21       | WA |



# EXHIBIT(S) LIST

Case No: C228460-2

STATE OF NEVADA

VS.

JEMAR MATTHEWS

STATE'S EXHIBITS

| Exhibit Number | Exhibit Description                           | Date Offered | Objection | Date Admitted |    |
|----------------|-----------------------------------------------|--------------|-----------|---------------|----|
| 63             | Photo - Crime Scene - Street View             | 11-8-21      | Stip      | 11-8-21       | WA |
| 64             | Photo - " " " "                               |              |           |               | WA |
| 65             | Photo - " " " "                               |              |           |               | WA |
| 66             | Photo - " " " "                               |              |           |               | WA |
| 67             | Photo - " " " "                               |              |           |               | WA |
| 68             | Photo - Crime Scene - Gray Vehicle            |              |           |               | WA |
| 69             | Photo - Crime Scene - 2 cars - orange cones   |              |           |               | WA |
| 70             | Photo - Cars in yard - Crime Scene            |              |           |               | WA |
| 71             | Photo - Car in drive way + yard - Crime Scene |              |           |               | WA |
| 72             | Photo - yard - 15 orange cones                |              |           |               | WA |
| 73             | Photo - 5 orange cones - Crime Scene          |              |           |               | WA |
| 74             | Photo - 18 orange cones - Crime Scene         |              |           |               | WA |
| 75             | Photo - Crime Scene - Street View - Vehicle   |              |           |               | WA |
| 76             | Photo - Lumina APV Van                        |              |           |               | WA |
| 77             | Photo - Metro Express Van + Gray Car          |              |           |               | WA |
| 78             | Photo - front hood of Van open                |              |           |               | WA |
| 79             | Photo - bullet note in white Chevy Van        |              |           |               | WA |
| 80             | Photo - Metro Express Van                     |              |           |               | WA |
| 81             | Photo - White Object w/ No. 42                |              |           |               | WA |
| 82             | Photo - 1271 Mail Box                         |              |           |               | WA |
| 83             | Photo - open white mail box                   |              |           |               | WA |
| 84             | Photo - Substance - down arrow + marker A     |              |           |               | WA |
| 85             | Photo - white vehicle on street               |              |           |               | WA |
| 86             | Photo - Crime Scene - Street View             | 11-8-21      | Stip      | 11-8-21       | WA |
| 87             | Photo - Crime Scene                           | 11-8-21      | Stip      | 11-8-21       | WA |

# EXHIBIT(S) LIST

Case No: C228460-2

STATE OF NEVADA

VS.

JEMAR MATTHEWS

STATE'S EXHIBITS

| Exhibit Number | Exhibit Description                          | Date Offered | Objection | Date Admitted |    |
|----------------|----------------------------------------------|--------------|-----------|---------------|----|
| 88             | Photo - Street view - Police car             | 11-8-21      | Stip      | 11-8-21       | WA |
| 89             | Photo - Crime scene - Street view            |              |           |               | WA |
| 90             | Photo - No. 3-21 markers (yellow)            |              |           |               | WA |
| 91             | Photo - orange cone - No 3-21 yellow markers |              |           |               | WA |
| 92             | Photo - No. 3-21 yellow markers              |              |           |               | WA |
| 93             | Photo - Yellow markers Nos. 3-7 + 9          |              |           |               | WA |
| 94             | Photo - Yellow markers No 3-23               |              |           |               | WA |
| 95             | Photo - " " No. 3-29                         |              |           |               | WA |
| 96             | Photo - " " No. 3-24                         |              |           |               | WA |
| 97             | Photo - " " No. 3-31                         |              |           |               | WA |
| 98             | Photo - " " No. 30-40                        |              |           |               | WA |
| 99             | Photo - Yellow markers - No. 34-40           |              |           |               | WA |
| 100            | Photo - " " - Nos. 36, 38, 39, 40            |              |           |               | WA |
| 101            | Photo - " " - Nos. 30-40                     |              |           |               | WA |
| 102            | Photo - Yellow marker No 1 + shell           |              |           |               | WA |
| 103            | Photo - " " " " - Close up                   |              |           |               | WA |
| 104            | Photo - " " " " " "                          |              |           |               | WA |
| 105            | Photo - Yellow marker No. 2 + shell          |              |           |               | WA |
| 106            | Photo - " " " " - shell                      |              |           |               | WA |
| 107            | Photo - " " " " - shell                      |              |           |               | WA |
| 108            | Photo - " " No. 3 + shell                    |              |           |               | WA |
| 109            | Photo - " " No. 4 + shell                    |              |           |               | WA |
| 110            | Photo - " " No. 5 - shell                    |              |           |               | WA |
| "              | Photo - Yellow marker No. 6 + shell          | 11-8-21      | Stip      | 11-8-21       | WA |
| 111            | Photo - Yellow marker No. 7 + shell          | 11-8-21      | Stip      | 11-8-21       | WA |

# EXHIBIT(S) LIST

Case No: C228460-2

STATE OF NEVADA

VS.

JEMAR MATTHEWS

STATE'S EXHIBITS

| Exhibit Number | Exhibit Description                          | Date Offered | Objection | Date Admitted |    |
|----------------|----------------------------------------------|--------------|-----------|---------------|----|
| 112            | Photo - yellow marker No. 7 + shell          | 11-8-21      | Stip      | 11-8-21       | WA |
| 113            | Photo - " " - No. 8 + shell                  |              |           |               | WA |
| 114            | Photo - yellow marker No. 9 + shell          |              |           |               | WA |
| 115            | Photo - yellow marker No. 10 + shell         |              |           |               | WA |
| 116            | Photo - yellow marker No. 11 + shell         |              |           |               | WA |
| 117            | Photo - " " No. 12 + shell                   |              |           |               | WA |
| 118            | Photo - " " No. 13 + shell                   |              |           |               | WA |
| 119            | Photo - yellow marker No. 14 + shell         |              |           |               | WA |
| 120            | Photo - " " No. 15 + shell                   |              |           |               | WA |
| 121            | Photo - " " No. 16 + shell                   |              |           |               | WA |
| 122            | Photo - " " No. 17 + shell                   |              |           |               | WA |
| 123            | Photo - " " No. 18 + shell                   |              |           |               | WA |
| 124            | Photo - " " No. 19 + shell                   |              |           |               | WA |
| 125            | Photo - " " No. 20 + shell                   |              |           |               | WA |
| 126            | Photo - " " No. 21 + shell                   |              |           |               | WA |
| 127            | Photo - " " No. 22 + shell                   |              |           |               | WA |
| 128            | Photo - " " No. 23 + shell                   |              |           |               | WA |
| 129            | Photo - " " No. 24 + shell                   |              |           |               | WA |
| 130            | Photo - " " No. 25 + shell                   |              |           |               | WA |
| 131            | Photo - " " No. 26 + shell                   |              |           |               | WA |
| 132            | Photo - " " No. 27 + shell                   |              |           |               | WA |
| 133            | Photo - " " No. 28 + shell                   |              |           |               | WA |
| 134            | Photo - " " No. 29 + shell + <del>rock</del> |              |           |               | WA |
| 135            | Photo - " " No. 30 + shell + rock            |              |           |               | WA |
| 136            | Photo - " " No. 31 + shell                   | 11-8-21      | Stip      | 11-8-21       | WA |

# EXHIBIT(S) LIST

Case No: C228460-2

STATE OF NEVADA

VS.

JEMAR MATTHEWS

STATE'S EXHIBITS

| Exhibit Number | Exhibit Description                       | Date Offered | Objection | Date Admitted |    |
|----------------|-------------------------------------------|--------------|-----------|---------------|----|
| 137            | Photo-yellow marker No. 32 + shell        | 11-8-21      | Stip      | 11-8-21       | WA |
| 138            | Photo-yellow marker - No. 33 + shell      |              |           |               | WA |
| 139            | Photo-yellow marker No. 34 + shell        |              |           |               | WA |
| 140            | Photo - " " - No. 35 + shell              |              |           |               | WA |
| 141            | Photo - " " - No. 36 + shell              |              |           |               | WA |
| 142            | Photo - " " - No. 37 + shell              |              |           |               | WA |
| 143            | Photo - " " - No. 38 + shell              |              |           |               | WA |
| 144            | Photo - " " - No. 39 + shell              |              |           |               | WA |
| 145            | Photo - yellow marker No. 40 + shell      |              |           |               | WA |
| 146            | Photo-orange cone + white No. 41 marker   |              |           |               | WA |
| 147            | Photo-white No. 41 marker + shell         |              |           |               | WA |
| 148            | Photo-white marker No. 46 + orange cone   |              |           |               | WA |
| 149            | Photo-white marker No. 46 + shell         |              |           |               | WA |
| 150            | Photo-side of blue car                    |              |           |               | WA |
| 151            | Photo-front of blue car + white item      |              |           |               | WA |
| 152            | Photo-front side of blue car + white item |              |           |               | WA |
| 153            | Photo-windshield + license plate          |              |           |               | WA |
| 154            | Photo-hood of blue car / white item       |              |           |               | WA |
| 155            | Photo - " " " " " "                       |              |           |               | WA |
| 156            | Photo-white clothing on blue car          |              |           |               | WA |
| 157            | Photo-broken windshield - license plate   |              |           |               | WA |
| 158            | Photo-white ruler on car                  |              |           |               | WA |
| 159            | Photo-broken windshield                   |              |           |               | WA |
| 160            | Photo-back of blue car                    |              |           |               | WA |
| 161            | Photo-right back window of blue car       | 11-8-21      | Stip      | 11-8-21       | WA |

# EXHIBIT(S) LIST

Case No: C228460-2

STATE OF NEVADA

VS.

JEMAR MATTHEWS

STATE'S EXHIBITS

| Exhibit Number | Exhibit Description                          | Date Offered | Objection | Date Admitted |    |
|----------------|----------------------------------------------|--------------|-----------|---------------|----|
| 1162           | Photo - Gray Vehicle - side                  | 11-8-21      | Stip      | 11-8-21       | WA |
| 1163           | Photo - back of gray car                     |              |           |               | WA |
| 1164           | Photo - front of teal car                    |              |           |               | WA |
| 1165           | Photo - side of teal car                     |              |           |               | WA |
| 1166           | Photo - front of teal car + crime scene tape |              |           |               | WA |
| 1167           | Photo - back of teal car                     |              |           |               | WA |
| 1168           | Photo - back of gray car                     |              |           |               | WA |
| 1169           | Photo - side of gray car                     |              |           |               | WA |
| 1170           | Photo - front of gray car                    |              |           |               | WA |
| 1171           | Photo - side of white car                    |              |           |               | WA |
| 1172           | Photo - front of gray & car                  |              |           |               | WA |
| 1173           | Photo - back of white car                    |              |           |               | WA |
| 1174           | Photo - side of silver car                   |              |           |               | WA |
| 1175           | Photo - front of silver car                  |              |           |               | WA |
| 1176           | Photo - doorway - outside view               |              |           |               | WA |
| 1177           | Photo - front of blue car + sidewalk         |              |           |               | WA |
| 1178           | Photo - window + yellow markers              |              |           |               | WA |
| 1179           | Photo - " " "                                |              |           |               | WA |
| 1180           | Photo - " " "                                |              |           |               | WA |
| 1180           | Photo -                                      |              |           |               | WA |
| 1181           | Photo -                                      |              |           |               | WA |
| 1182           | Photo - inside of window + yellow markers    |              |           |               | WA |
| 1183           | Photo - living room                          |              |           |               | WA |
| 1184           | Photo - couch                                |              |           |               | WA |
| 1185           | Photo - living room facing TV                | 11-8-21      | Stip      | 11-8-21       | WA |

# EXHIBIT(S) LIST

Case No: C228460-2

STATE OF NEVADA

VS.

JEMAR MATTHEWS

STATE'S EXHIBITS

| Exhibit Number | Exhibit Description                                    | Date Offered | Objection | Date Admitted |    |
|----------------|--------------------------------------------------------|--------------|-----------|---------------|----|
| 186            | Photo - back of couch + living room                    | 11-8-21      | STIP      | 11-8-21       | WA |
| 187            | Photo - table in living room area                      |              |           |               | WA |
| 188            | Photo - Window in living room area                     |              |           |               | WA |
| 189            | Photo - living room + TV                               |              |           |               | WA |
| 190            | Photo - living / kitchen area                          |              |           |               | WA |
| 191            | Photo - open closet + living area                      |              |           |               | WA |
| 192            | Photo - living room                                    |              |           |               | WA |
| 193            | Photo - yellow marker + arrow in wall                  |              |           |               | WA |
| 194            | Photo - " " " " "                                      |              |           |               | WA |
| 195            | Photo - 3 yellow markers in wall                       |              |           |               | WA |
| 196            | Photo - markers in wall                                |              |           |               | WA |
| 197            | Photo - 2 yellow markers by TV                         |              |           |               | WA |
| 198            | Photo - 3 " " + arrows                                 |              |           |               | WA |
| 199            | Photo - 1 yellow marker + arrow in wall                |              |           |               | WA |
| 200            | Photo - yellow arrow on door                           |              |           |               | WA |
| 201            | Photo - Closet + contents                              |              |           |               | WA |
| 202            | Photo - yellow marker both sides of wall               |              |           |               | WA |
| 203            | Photo - " " " sides of door                            |              |           |               | WA |
| 204            | Photo - 1 yellow mark + arrow in wall + arrow on floor |              |           |               | WA |
| 205            | Photo - yellow arrow on carpet/floor                   |              |           |               | WA |
| 206            | Photo - bottom of red wall / under window              |              |           |               | WA |
| 207            | Photo - white marker on floor - No. 44                 |              |           |               | WA |
| 208            | Photo - " " " " " "                                    |              |           |               | WA |
| 209            | Photo - yellow arrow + white marker - No. 43           |              |           |               | WA |
| 210            | Photo - " " " " " "                                    | 11-8-21      | STIP      | 11-8-21       | WA |

# EXHIBIT(S) LIST

Case No: C228460-2

STATE OF NEVADA

VS.

JEMAR MATTHEWS

STATE'S EXHIBITS

| Exhibit Number | Exhibit Description                                   | Date Offered | Objection | Date Admitted |    |
|----------------|-------------------------------------------------------|--------------|-----------|---------------|----|
| 211            | Photo-Window w/ bullet holes                          | 11-8-21      | STIP      | 11-8-21       | WA |
| 212            | Photo-White marker - No 47                            |              |           |               | WA |
| 213            | Photo-front of house - street view                    |              |           |               | WA |
| 214            | Photo-front of house - street view                    |              |           |               | WA |
| 215            | Photo-maroon car in drive way                         |              |           |               | WA |
| 216            | Photo-tan car - side of house                         |              |           |               | WA |
| 217            | Photo- " " " " "                                      |              |           |               | WA |
| 218            | Photo-tan car - <del>the</del> view from behind fence |              |           |               | WA |
| 219            | Photo-tan car - side of house                         |              |           |               | WA |
| 220            | Photo-maroon car - drive way - open trunk             |              |           |               | WA |
| 221            | Photo-maroon car + crime scene tape                   |              |           |               | WA |
| 222            | Photo-maroon car - open trunk                         |              |           |               | WA |
| 223            | Photo-maroon car - bullet hole                        |              |           |               | WA |
| 224            | Photo-maroon car - bullet hole + white ruler          |              |           |               | WA |
| 225            | Photo- " " " " " "                                    |              |           |               | WA |
| 226            | Photo- " " " " " "                                    |              |           |               | WA |
| 227            | Photo-dent on maroon car + white ruler                |              |           |               | WA |
| 228            | Photo-yard of house + side of maroon car              |              |           |               | WA |
| 229            | Photo-roof of house - underneath view                 |              |           |               | WA |
| 230            | Photo-yard of house - hose - red lake                 |              |           |               | WA |
| 231            | Photo-pink mark + mark on house                       |              |           |               | WA |
| 232            | Photo-white ruler + items                             |              |           |               | WA |
| 233            | Photo-Balzar street sign + white SUV                  |              |           |               | WA |
| 234            | Photo- " " " " "                                      |              |           |               | WA |
| 235            | Photo- " " " " "                                      | 11-8-21      | STIP      | 11-8-21       | WA |

# EXHIBIT(S) LIST

Case No: C228460-2

STATE OF NEVADA

VS.

JEMAR MATTHEWS

STATE'S EXHIBITS

| Exhibit Number | Exhibit Description                     | Date Offered | Objection | Date Admitted |    |
|----------------|-----------------------------------------|--------------|-----------|---------------|----|
| 236            | Photo - Side of house + white car       | 11-8-21      | Stip      | 11-8-21       | WA |
| 237            | Photo - " " " " "                       |              |           |               | WA |
| 238            | Photo - Vehicles in driveway            |              |           |               | WA |
| 239            | Photo - Street                          |              |           |               | WA |
| 240            | Photo - 1271 house                      |              |           |               | WA |
| 241            | Photo - " "                             |              |           |               | WA |
| 242            | Photo - 2 vehicles in driveway          |              |           |               | WA |
| 243            | Photo - " " " " + yard                  |              |           |               | WA |
| 244            | Photo - blue vehicle in driveway + yard |              |           |               | WA |
| 245            | Photo - No. 2 yellow marker in yard     |              |           |               | WA |
| 246            | Photo - No. 2 yellow mark - yard        |              |           |               | WA |
| 247            | Photo - " " " " "                       |              |           |               | WA |
| 248            | Photo - No. 2 marker + shell            |              |           |               | WA |
| 249            | Photo - " " " "                         |              |           |               | WA |
| 250            | Photo - " " " "                         |              |           |               | WA |
| 251            | Photo - No. 1 yellow marker in yard     |              |           |               | WA |
| 252            | Photo - " " " " "                       |              |           |               | WA |
| 253            | Photo - " " " " "                       |              |           |               | WA |
| 254            | Photo - " " " " "                       |              |           |               | WA |
| 255            | Photo - No. 1 yellow marker + shell     |              |           |               | WA |
| 256            | Photo - " " " "                         |              |           |               | WA |
| 257            | Photo - " " " "                         |              |           |               | WA |
| 258            | Photo - shell in rocks                  |              |           |               | WA |
| 259            | Photo - 1284 house + blue car           |              |           |               | WA |
| 260            | Photo - 2 car inside gated yard         | 11-8-21      | Stip      | 11-8-21       | WA |

# EXHIBIT(S) LIST

Case No: C228460-2

STATE OF NEVADA

VS.

JEMAR MATTHEWS

STATE'S EXHIBITS

| Exhibit Number | Exhibit Description                   | Date Offered | Objection | Date Admitted |    |
|----------------|---------------------------------------|--------------|-----------|---------------|----|
| 2101           | Photo - Street view of crime scene    | 11-8-21      | Stip      | 11-8-21       | wa |
| 2102           | Photo - Street                        |              |           |               | wa |
| 2103           | Photo - "                             |              |           |               | wa |
| 2104           | Photo - 1915 address sign             |              |           |               | wa |
| 2105           | Photo - Church - Street view          |              |           |               | wa |
| 2106           | Photo - " " "                         |              |           |               | wa |
| 2107           | Photo - " " "                         |              |           |               | wa |
| 2108           | Photo - " " " + police car            |              |           |               | wa |
| 2109           | Photo - " " " + police car            |              |           |               | wa |
| 2110           | Photo - Street + Crime Scene tape     |              |           |               | wa |
| 2111           | Photo - Double street sign            |              |           |               | wa |
| 2112           | Photo - Church                        |              |           |               | wa |
| 2113           | Photo - Church street sign            |              |           |               | wa |
| 2114           | Photo - " " "                         |              |           |               | wa |
| 2115           | Photo - " " " + gray car              |              |           |               | wa |
| 2116           | Photo - Gray car on sidewalk          |              |           |               | wa |
| 2117           | Photo - back of gray car on sidewalk  |              |           |               | wa |
| 2118           | Photo - right/back of gray car on "   |              |           |               | wa |
| 2119           | Photo - gray car crashed into hydrant |              |           |               | wa |
| 2120           | Photo - " " " " "                     |              |           |               | wa |
| 2121           | Photo - " " " " "                     |              |           |               | wa |
| 2122           | Photo - " " " " " - front             |              |           |               | wa |
| 2123           | Photo - " " " " "                     |              |           |               | wa |
| 2124           | Photo - left side of gray car         |              |           |               | wa |
| 2125           | Photo - " " " " "                     | 11-8-21      | Stip      | 11-8-21       | wa |

# EXHIBIT(S) LIST

Case No: C228460-2

STATE OF NEVADA

VS.

JEMAR MATTHEWS

STATE'S EXHIBITS

| Exhibit Number | Exhibit Description                        | Date Offered | Objection | Date Admitted |    |
|----------------|--------------------------------------------|--------------|-----------|---------------|----|
| 286            | Photo - left side of gray car              | 11-8-21      | Stip      | 11-8-21       | wt |
| 287            | Photo - inside gray car - driver side      |              |           |               | wt |
| 288            | Photo - gray car - driver door             |              |           |               | wt |
| 289            | Photo - " " " "                            |              |           |               | wt |
| 290            | Photo - gray car - passenger seat          |              |           |               | wt |
| 291            | Photo - gray car - floor of passenger side |              |           |               | wt |
| 292            | Photo - Church Street Jan                  |              |           |               | wt |
| 293            | Photo - side wall                          |              |           |               | wt |
| 294            | Photo - firearm in grass                   |              |           |               | wt |
| 295            | Photo - firearm in grass                   |              |           |               | wt |
| 296            | Photo - black item in grass                |              |           |               | wt |
| 297            | Photo - black firearm in grass             |              |           |               | wt |
| 298            | Photo - chamber of black firearm           |              |           |               | wt |
| 299            | Photo - firearm on car floor               |              |           |               | wt |
| 300            | Photo - keys in ignition                   |              |           |               | wt |
| 301            | Photo - side of gray car w/ red notices    |              |           |               | wt |
| 302            | Photo - firearm - ammo in chamber          |              |           |               | wt |
| 303            | Photo - ammo in chamber                    |              |           |               | wt |
| 304            | Photo - firearm                            |              |           |               | wt |
| 305            | Photo - top of ammo in chamber             |              |           |               | wt |
| 306            | Photo - firearm - magazine - ammo          |              |           |               | wt |
| 307            | Photo - magazine - loaded                  |              |           |               | wt |
| 308            | Photo - top of ammo                        |              |           |               | wt |
| 309            | Photo - Crime scene tape - street          |              |           |               | wt |
| 310            | Photo - street                             | 11-8-21      | Stip      | 11-8-21       | wt |

# EXHIBIT(S) LIST

Case No: C228460-2

STATE OF NEVADA

VS.

JEMAR MATTHEWS

STATE'S EXHIBITS

| Exhibit Number | Exhibit Description                     | Date Offered | Objection | Date Admitted |    |
|----------------|-----------------------------------------|--------------|-----------|---------------|----|
| 311            | Photo - 3 orange cones on street        | 11-8-21      | STIP      | 11-8-21       | WA |
| 312            | Photo - " " " " "                       |              |           |               | WA |
| 313            | Photo - " " " " "                       |              |           |               | WA |
| 314            | Photo - " " " " "                       |              |           |               | WA |
| 315            | Photo - 2 orange cones on street        |              |           |               | WA |
| 316            | Photo - 3 orange cones on street        |              |           |               | WA |
| 317            | Photo - Police - front view             |              |           |               | WA |
| 318            | Photo - Police officer - side view      |              |           |               | WA |
| 319            | Photo - " " - back view                 |              |           |               | WA |
| 320            | Photo - Police officer - side view      |              |           |               | WA |
| 321            | Photo - hand gun - B. Cupp              |              |           |               | WA |
| 322            | Photo - hand gun - magazine - 4 bullets |              |           |               | WA |
| 323            | Photo - Magazine - 4 bullets            |              |           |               | WA |
| 324            | Photo - Magazine - loaded               |              |           |               | WA |
| 325            | Photo - Magazine + 7 bullets            |              |           |               | WA |
| 326            | Photo - 1116 address sign               |              |           |               | WA |
| 327            | Photo - Back wall + plants              |              |           |               | WA |
| 328            | Photo - Plants + mulch                  |              |           |               | WA |
| 329            | Photo - Crime scene + street            |              |           |               | WA |
| 330            | Photo - Crime scene tape - street       |              |           |               | WA |
| 331            | Photo - police car on street            |              |           |               | WA |
| 332            | Photo - 1200 address sign               |              |           |               | WA |
| 333            | Photo - orange cone on sidewalk         |              |           |               | WA |
| 334            | Photo - orange cone - partial red glove | ↓            | ↓         | ↓             | WA |
| 335            | Photo - partial red glove               | 11-8-21      | STIP      | 11-8-21       | WA |

# EXHIBIT(S) LIST

Case No: C228460-2

STATE OF NEVADA

VS.

JEMAR MATTHEWS

STATE'S EXHIBITS

| Exhibit Number | Exhibit Description                             | Date Offered | Objection | Date Admitted |    |
|----------------|-------------------------------------------------|--------------|-----------|---------------|----|
| 336            | photo- front of male                            | 11-8-21      | STIP      | 11-8-21       | WA |
| 337            | photo- side of male                             |              |           |               | WA |
| 338            | photo- back of male                             |              |           |               | WA |
| 339            | photo- side of male                             |              |           |               | WA |
| 340            | photo- back of male                             |              |           |               | WA |
| 341            | photo- front of male's <del>the</del> shirt     |              |           |               | WA |
| 342            | photo- black ripped shirt                       |              |           |               | WA |
| 343            | photo- front of male's face                     |              |           |               | WA |
| 344            | photo- side of male's face                      |              |           |               | WA |
| 345            | photo- shoulder of male                         |              |           |               | WA |
| 346            | photo- white ruler injury on shoulder           |              |           |               | WA |
| 347            | photo- inside of handcuffed hands               |              |           |               | WA |
| 348            | photo- injury on <del>side</del> inside of hand |              |           |               | WA |
| 349            | photo- " " " " "                                |              |           |               | WA |
| 350            | photo- outside of left hand                     |              |           |               | WA |
| 351            | photo- injury on inside of hand                 |              |           |               | WA |
| 352            | photo- outside of right hand                    |              |           |               | WA |
| 353            | photo- ruler next to injury on hand             |              |           |               | WA |
| 354            | photo- male's legs + feet                       |              |           |               | WA |
| 355            | photo- jeans - front                            |              |           |               | WA |
| 356            | photo- jeans - back                             |              |           |               | WA |
| 357            | photo- jeans - bottom                           |              |           |               | WA |
| 358            | photo- mark of jeans                            |              |           |               | WA |
| 359            | photo- black shirt                              |              |           |               | WA |
| 360            | photo- " "                                      | 11-8-21      | STIP      | 11-8-21       | WA |

# EXHIBIT(S) LIST

Case No: C228460-2

STATE OF NEVADA

VS.

JEMAR MATTHEWS

STATE'S EXHIBITS

| Exhibit Number | Exhibit Description                          | Date Offered | Objection | Date Admitted |    |
|----------------|----------------------------------------------|--------------|-----------|---------------|----|
| 361            | Photo - black shirt - close up               | 11-8-21      | STIP      | 11-8-21       | WA |
| 362            | Photo - black shirt                          |              |           |               | WA |
| 363            | Photo - black shirt                          |              |           |               | WA |
| 364            | Photo - top of black shirt                   |              |           |               | WA |
| 365            | Photo - 2 black socks                        |              |           |               | WA |
| 366            | Photo - Lexington/Doolittle Street           |              |           |               | WA |
| 367            | Photo - yellow markers - 1, 2, 3             |              |           |               | WA |
| 368            | Photo - " " - 1, 2, 3                        |              |           |               | WA |
| 369            | Photo - " " - 1, 2, 3                        |              |           |               | WA |
| 370            | Photo - " " - 1, 2, 3                        |              |           |               | WA |
| 371            | Photo - " " - 2 + 3                          |              |           |               | WA |
| 372            | Photo - " " - 3                              |              |           |               | WA |
| 373            | Photo - yellow No. 1 marker + shell          |              |           |               | WA |
| 374            | Photo - yellow marker No. 2 + shell          |              |           |               | WA |
| 375            | Photo - " " No. 3 + shell                    |              |           |               | WA |
| 376            | Photo - " " No. 3 + shell                    |              |           |               | WA |
| 377            | Photo - apartment map sign                   |              |           |               | WA |
| 378            | Photo - car + dumpster                       |              |           |               | WA |
| 379            | Photo - police car in parking lot            |              |           |               | WA |
| 380            | Photo - police cars + vehicles - parking lot |              |           |               | WA |
| 381            | Photo - police + crime scene tape            |              |           |               | WA |
| 382            | Photo - police in parking lot                |              |           |               | WA |
| 383            | Photo - car + dumpster in lot                |              |           |               | WA |
| 384            | Photo - " "                                  |              |           |               | WA |
| 385            | Photo - maroon Chrysler                      | 11-8-21      | STIP      | 11-8-21       | WA |

# EXHIBIT(S) LIST

Case No: C228460-2

STATE OF NEVADA

VS.

JEMAR MATTHEWS

STATE'S EXHIBITS

| Exhibit Number | Exhibit Description                    | Date Offered | Objection | Date Admitted |    |
|----------------|----------------------------------------|--------------|-----------|---------------|----|
| 386            | Photo - Maroon Chrysler                | 11-8-21      | STIP      | 11-8-21       | wa |
| 387            | Photo - " " + dumpsters                |              |           |               | wa |
| 388            | Photo - Green dumpsters                |              |           |               | wa |
| 389            | Photo - " " - back                     |              |           |               | wa |
| 390            | Photo - " " "                          |              |           |               | wa |
| 391            | Photo - " " "                          |              |           |               | wa |
| 392            | Photo - Green dumpster - top view      |              |           |               | wa |
| 393            | Photo - " " " "                        |              |           |               | wa |
| 394            | Photo - Inside of dumpster             |              |           |               | wa |
| 395            | Photo - " " "                          |              |           |               | wa |
| 396            | Photo - Contents inside dumpster       |              |           |               | wa |
| 397            | Photo - " " "                          |              |           |               | wa |
| 398            | Photo - " " "                          |              |           |               | wa |
| 399            | Photo - " " "                          |              |           |               | wa |
| 400            | Photo - Pavement between dumpsters     |              |           |               | wa |
| 401            | Photo - Watch on pavement              |              |           |               | wa |
| 402            | Photo - " " "                          |              |           |               | wa |
| 403            | Photo - front of maroon car            |              |           |               | wa |
| 404            | Photo - " " " " + dumpsters            |              |           |               | wa |
| 405            | Photo - Cars in parking lot            |              |           |               | wa |
| 406            | Photo - Items out maroon car           |              |           |               | wa |
| 407            | Photo - Keys + white item on car       |              |           |               | wa |
| 408            | Photo - Back of silver van             |              |           |               | wa |
| 409            | Photo - Hand gun - magazine pulled out |              |           |               | wa |
| 410            | Photo - Serial number - hand gun       | 11-8-21      | STIP      | 11-8-21       | wa |

# EXHIBIT(S) LIST

Case No: C228460-2

STATE OF NEVADA

VS.

JEMAR MATTHEWS

STATE'S EXHIBITS

| Exhibit Number | Exhibit Description                     | Date Offered | Objection | Date Admitted |    |
|----------------|-----------------------------------------|--------------|-----------|---------------|----|
| 411            | photo - hand gun - magazine pulled out  | 11-8-21      | STIP      | 11-8-21       | WA |
| 412            | photo - hand gun - loaded magazine      |              |           |               | WA |
| 413            | photo - loaded magazine                 |              |           |               | WA |
| 414            | photo - male - front of face            |              |           |               | WA |
| 415            | photo - male - side                     |              |           |               | WA |
| 416            | photo - " "                             |              |           |               | WA |
| 417            | photo - male - back                     |              |           |               | WA |
| 418            | photo - male - side                     |              |           |               | WA |
| 419            | photo - male - front of face            |              |           |               | WA |
| 420            | photo - male - outside of hand          |              |           |               | WA |
| 421            | photo - male - injury inside of hand    |              |           |               | WA |
| 422            | photo - male - outside left hand        |              |           |               | WA |
| 423            | photo - male - inside hand              |              |           |               | WA |
| 424            | photo - black long sleeve shirt         |              |           |               | WA |
| 425            | photo - <del>jeans</del> jeans - front  |              |           |               | WA |
| 426            | photo - jeans - back                    |              |           |               | WA |
| 427            | photo - collar of black shirt           |              |           |               | WA |
| 428            | photo - back of long sleeve black shirt |              |           |               | WA |
| 429            | photo - sleeve of black shirt           |              |           |               | WA |
| 430            | photo - " " " "                         |              |           |               | WA |
| 431            | photo - black shirt - back              |              |           |               | WA |
| 432            | photo - silver car - open doors         |              |           |               | WA |
| 433            | photo - silver car door - finger print  |              |           |               | WA |
| 434            | photo - " " " " "                       |              |           |               | WA |
| 435            | photo - " " " " "                       | 11-8-21      | STIP      | 11-8-21       | WA |

# EXHIBIT(S) LIST

Case No: C228460-2

STATE OF NEVADA

VS.

JEMAR MATTHEWS

STATE'S EXHIBITS

| Exhibit Number | Exhibit Description                      | Date Offered | Objection | Date Admitted |    |
|----------------|------------------------------------------|--------------|-----------|---------------|----|
| 436            | Photo - silver car - door - finger print | 11-8-21      | STIP      | 11-8-21       | WA |
| 437            | Photo - silver car - inside door         |              |           |               | WA |
| 438            | Photo - silver car - inside handle       |              |           |               | WA |
| 439            | Photo - tape on belt buckle              |              |           |               | WA |
| 440            | Photo - silver car                       |              |           |               | WA |
| 441            | Photo - silver cap - tape                |              |           |               | WA |
| 442            | Photo - silver car - door - tape         |              |           |               | WA |
| 443            | Photo - silver car - door - finger print |              |           |               | WA |
| 444            | Photo - silver car - tape on window      |              |           |               | WA |
| 445            | Photo - tape on edge of car door         |              |           |               | WA |
| 446            | Photo - " " " " " " - finger print       |              |           |               | WA |
| 447            | Photo - tape on car window               |              |           |               | WA |
| 448            | Photo - victim - injury - left arm/hand  |              |           |               | WA |
| 449            | Photo - " " " " "                        |              |           |               | WA |
| 450            | Photo - " " " " "                        |              |           |               | WA |
| 452            | Photo - white rule - injury              |              |           |               | WA |
| 453            | Photo - victim                           |              |           |               | WA |
| 454            | Photo - victim's forehead                |              |           |               | WA |
| 455            | Photo - bullet wound - victim            |              |           |               | WA |
| 456            | Photo - " " "                            |              |           |               | WA |
| 457            | Photo - xray                             |              |           |               | WA |
| 458            | map                                      | 11-8-21      | STIP      | 11-8-21       | WA |
| 459            | Diagram intentionally left blank         | NO exhibit   |           |               |    |
| 460            | intentionally left blank - NO exhibit    |              |           |               |    |
| 461            | Diagram                                  | 11-8-21      | STIP      | 11-8-21       | WA |

## EXHIBIT(S) LIST

**Case No: C228460-2**

STATE OF NEVADA

VS.

**JEMAR MATTHEWS**

**STATE'S EXHIBITS**

[illegible]

# EXHIBIT(S) LIST

Case No.: C228460-2

Hearing / Trial Date: 11/04/21

Dept. No.: XII

Judge: MICHELLE LEAVITT

Court Clerk: HALY PANNULLO

Plaintiff: STATE OF NEVADA

Recorder / Reporter: SARA RICHARDSON

Counsel for Plaintiff: JOHN GIORDANI &

AGNES BOTELHO

Defendant: JEMAR MATTHEWS

Counsel for Defendant: TODD LEVENTHAL &

RICHARD TANASI

vs.

## HEARING / TRIAL BEFORE THE COURT

### COURT'S EXHIBITS

| Exhibit Number | Exhibit Description                          | Date Offered | Objection | Date Admitted |    |
|----------------|----------------------------------------------|--------------|-----------|---------------|----|
| 1              | CD - Jail Call                               | 11-4-21      |           | 11-4-21       | ur |
| 2              | CD - Jail Call                               | ↓            |           | ↓             | ur |
| 3              | CD - Jail Call                               | 11-4-21      |           | 11-4-21       | ur |
| 4              | Juror Notebook                               | 11-5-21      |           | 11-5-21       | ur |
| 5              | Jury list                                    | 11-5-21      |           | 11-5-21       | ur |
| 6              | Question from Juror for witness - asked      | 11-9-21      |           | 11-9-21       | ur |
| 7              | Facebook record                              | 11-12-21     |           | 11-12-21      | ur |
| 8              | Foreperson                                   | 11-12-21     |           | 11-12-21      | ur |
| 9              | defense opening powerpoint                   | 11-15-21     |           | 11-15-21      | ur |
| 10             | State's opening powerpoint                   | 11-15-21     |           | 11-15-21      | ur |
| 11             | State's closing pp                           | 11-15-21     |           | 11-15-21      | ur |
| 12             | Question from foreperson during deliberation | 11-15-21     |           | 11-15-21      | ur |
|                |                                              |              |           |               |    |
|                |                                              |              |           |               |    |
|                |                                              |              |           |               |    |
|                |                                              |              |           |               |    |
|                |                                              |              |           |               |    |

## EXHIBIT(S) LIST

**Case No.: C228460-2**

Hearing / Trial Date: 11/04/21

**Dept. No.: XII**

**Judge: MICHELLE LEAVITT**

**Court Clerk: HALY PANNULLO**

**Plaintiff: STATE OF NEVADA**

**Recorder / Reporter: SARA RICHARDSON**

**Counsel for Plaintiff: JOHN GIORDANI &**

**VS.**

**Defendant: JEMAR MATTHEWS**

**AGNES BOTELHO**

**Counsel for Defendant: TODD LEVENTHAL &  
RICHARD TANASI**

## HEARING / TRIAL BEFORE THE COURT

| DEFENDANT'S | EXHIBITS |
|-------------|----------|
|-------------|----------|

[illegible]



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

TODD M. LEVENTHAL, ESQ.  
626 S. THIRD ST.  
LAS VEGAS, NV 89101

DATE: March 2, 2022  
CASE: 06C228460-2

**RE CASE:** STATE OF NEVADA vs. JEMAR MATTHEWS aka JEMAR DEMON MATTHEWS

NOTICE OF APPEAL FILED: March 1, 2022

**YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.**

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



Case Appeal Statement

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



Order



Notice of Entry of Order

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

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

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

# Certification of Copy

State of Nevada }  
County of Clark } SS:

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

NOTICE OF APPEAL; DISTRICT COURT DOCKET ENTRIES; SECOND AMENDED JUDGMENT OF CONVICTION (JURY TRIAL); DISTRICT COURT MINUTES; EXHIBITS LIST; NOTICE OF DEFICIENCY

STATE OF NEVADA,

Plaintiff(s),

vs.

JEMAR MATTHEWS  
aka JEMAR DEMON MATTHEWS,

Defendant(s).

Case No: 06C228460-2

Dept No: XII

now on file and of record in this office.

**IN WITNESS THEREOF**, I have hereunto  
Set my hand and Affixed the seal of the  
Court at my office, Las Vegas, Nevada  
This 2 day of March 2022.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk