

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMAL SNEED,

Petitioner,

v.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
COUNTY OF CLARK, THE  
HONORABLE TIERRA JONES,  
DISTRICT COURT JUDGE,

Respondent,

THE STATE OF NEVADA,

Real Party in Interest.

No.

(DC No. C20-54855-19)  
Electronically Filed  
Apr 06 2022 02:39 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

**APPENDIX TO**  
**PETITION FOR WRIT OF MANDAMUS**

DARIN IMLAY  
Clark County Public Defender  
309 South Third Street  
Las Vegas, Nevada 89155-2610

Attorney for Appellant

STEVEN B. WOLFSON  
Clark County District Attorney  
200 Lewis Avenue, 3<sup>rd</sup> Floor  
Las Vegas, Nevada 89155

AARON FORD  
Attorney General  
100 North Carson Street  
Carson City, Nevada 89701-4717  
(702) 687-3538

Counsel for Respondent

**INDEX**  
**JAMAL SNEED**  
**Case No.**  
**(C-20-348559-1)**

**PAGE NO.**

1		
2		
3		
4	Bindover and Order to Appear dated 05/28/20 .....	1
5	Criminal Complaint filed 03/02/20.....	2
6	District Court Minutes from 06/01/20 through 12/22/21 .....	206-229
7	Emergency Petition for Writ of Habeas Corpus Or, In the Alternative, Motion to Vacate Detention Order (Custody Status Issue) filed 07/20/20.....	78-89
8		
9	Findings of Competency filed 03/08/21 .....	164-166
10	Information filed 05/29/20.....	11-12
11	Justice Court Arrest Warrant dated 03/09/20 .....	9
12	Justice Court Minutes 03/09/20 through 05/28/20 .....	3-8
13	Motion for a Stay to Pursue Writ Relief Or, In the Alternative, Motion to Continue Trial Date filed 11/04/21	
14	Date of Hrg: 11/15/21 .....	194-199
15	Motion to Reinstate Defendant's Bail filed 05/27/21.....	176-183
16	Notice of Hearing (06/29/20) .....	31
17	Notice of Hearing (07/27/20) .....	90-92
18	Notice of Hearing (07/29/20) .....	62
19	Notice of Hearing (10/05/20) .....	140
20	Notice of Hearing (06/02/21) .....	175
21	Notice of Hearing (06/02/21) .....	184
22	Opposition to State's Motion to Admit Evidence Pursuant to the Doctrine of Res Gestae and Pursuant to NRS 48.045 filed 10/01/20.....	143-156
23		
24	Opposition to State's Motion to Consolidate Cases filed 07/17/20.....	71-77
25	Order Denying Defendant's Petition for Writ of Habeas Corpus Filed 08/06/20.....	105-107
26	Order for Writ of Habeas Corpus filed 07/15/20.....	59-61
27	Order of Commitment Pursuant to NRS 178.415 filed 12/07/20 .....	157-160
28		

1	Order to Transport Defendant from Lake's Crossing filed 02/16/21 .....	161-163
2	Petition for Writ of Habeas Corpus filed 07/14/20	
3	Date of Hrg: 07/29/20.....	39-58
4	Pre-Trial Order Setting Bail or Pre-Trial Release Conditions Pending Trial Filed 07/27/20.....	101-104
5	Request for Arrest Warrant filed 03/09/20 .....	10
6	State's Notice of Manual Filing of Exhibit 1 filed 09/23/20.....	141-142
7	State's Notice of Motion and Motion to Admit Evidence Pursuant to the Doctrine of Res Gestae and Pursuant to 48.045	
8	Filed 09/23/20.....	108-139
9	State's Notice of Motion and motion to Change Trial Date Filed 05/20/21 .....	170-174
10	State's Notice of Witnesses filed 04/02/21.....	167-169
11	State's Return to Writ of Habeas Corpus filed 07/17/20.....	63-70
12	State's Return to Writ of Habeas Corpus or in the Alternative, Opposition to Defendant's Motion to Vacate Detention Order	
13	Filed 07/27/20.....	93-100
14	State's Notice of Intent to Seek Punishment as a Habitual Criminal Filed 06/08/20.....	13-14
15	State's Notice of Motion and Motion to Consolidate C-20-348559-1 Into District Court XXX's Case C-20-346752-1, Date of Hrg: 07/20/20.....	15-30
16	State's Return to Writ of Habeas Corpus filed 07/17/20	
17	Date of Hrg: 07/29/20.....	30-37
18		
19		
20		
21	Recorder's Transcript Motion to Consolidate Date of Hrg: 07/20/20.....	185-188
22	Recorder's Transcript Motion to Consolidate Date of Hrg: 07/29/20.....	189-193
23	Reporter's Transcript Preliminary Hearing Date of Hrg: 05/28/20.....	32-38
24		
25		
26		
27		
28		

## **TRANSCRIPTS**

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

4 STATE OF NEVADA,

5 Plaintiff,

6 vs.

7 JAMAL SNEED, aka,  
8 JAMAL LASHAWN SNEED

9 Defendant

District Court Case No.:

Justice Court Case No.: 20F02659X

10 **BINDOVER and ORDER TO APPEAR**

11 An Order having been made this day by me that **JAMAL SNEED, aka, JAMAL**  
12 **LASHAWN SNEED** be held to answer before the Eighth Judicial District Court, upon the  
13 charge(s) of **Burglary, first offense [50424]; Grand larceny, \$3500+ [56008]** committed  
14 in said Township and County, on November 29, 2019.

15 **IT IS FURTHER ORDERED** that said defendant is commanded to appear in the  
16 Eighth Judicial District Court, Regional Justice Center, Lower Level Arraignment  
17 Courtroom "A", Las Vegas, Nevada on June 01, 2020 at 8:00 AM for arraignment and  
18 further proceedings on the within charge(s).

19 **IT IS FURTHER ORDERED** that the Sheriff of the County of Clark is hereby  
20 commanded to receive the above named defendant(s) into custody, and detain said  
21 defendant(s) until he/she can be legally discharged, and be committed to the custody of the  
22 Sheriff of said County, until bail is given in the sum of \$10,000.00/\$10,000.00 Total Bail.

23 Dated this 28th day of May, 2020

24 

25 Justice of the Peace, Las Vegas Township  
26  
27  
28



FILED  
JUSTICE COURT, LAS VEGAS TOWNSHIP  
CLARK COUNTY, NEVADA

2020 MAR -2 A 10:58

THE STATE OF NEVADA,

Plaintiff,

-vs-

JAMAL SNEED, aka,  
Jamal Lashawn Sneed #2583410,

Defendant.

JUSTICE COURT  
LAS VEGAS NEVADA  
BY DJC  
DEPUTY

CASE NO: 20F02659X

DEPT NO: 3

CRIMINAL COMPLAINT

The Defendant above named having committed the crimes of BURGLARY (Category B Felony - NRS 205.060 - NOC 50424) and GRAND LARCENY (Category B Felony - NRS 205.220.1, 205.222.3 - NOC 56008), in the manner following, to wit: That the said Defendant, on or about the 29th day of November, 2019, at and within the County of Clark, State of Nevada,

COUNT 1 - BURGLARY

did willfully, unlawfully, and feloniously enter a building, owned or occupied by SUPER PAWN, located at 2645 South Decatur Boulevard, Las Vegas, Clark County, Nevada, with intent to commit larceny.

COUNT 2 - GRAND LARCENY

did then and there willfully, unlawfully, feloniously, and intentionally, with intent to deprive the owner permanently thereof, steal, take and carry away, lead away or drive away property owned by SUPER PAWN, having a value of \$3,500.00, or greater, to wit: Lumix and Cannon Digital cameras.

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

02/06/20

20F02659X/mab  
LVMPD EV# 191100137796  
(TK3)

20F02659X  
CRM  
Criminal Complaint  
12169207



W:\2020\2020F02659\20F02659-CRIM-001.DOCX

**Justice Court, Las Vegas Township  
Clark County, Nevada**

Department: 03

**Court Minutes**



L012203816

**20F02659X State of Nevada vs. SNEED, JAMAL**

**3/9/2020 7:30:00 AM Arrest Warrant Request**

Result: Arrest Warrant Issued

**PARTIES  
PRESENT:**

**Judge:** Letizia, Harmony

**Court Clerk:** Fifer, Jennifer

**PROCEEDINGS**

**Events: Probable Cause Found**

**Request for Arrest Warrant Filed**

Review Date: 3/11/2020

*Granted*

**Arrest Warrant Ordered to be Issued-Bail Cash or Amount: \$10,000.00  
Surety**

**Justice Court, Las Vegas Township  
Clark County, Nevada**

Department: 03

**Court Minutes**



L012318432

**20F02659X State of Nevada vs. SNEED, JAMAL**

Lead Atty: Public Defender

**4/29/2020 8:30:00 AM Arrest Warrant Return  
Hearing (In Custody)**

Result: Matter Heard

**PARTIES** State Of Nevada Goodman, Laura  
**PRESENT:** Attorney Hamers, Kathleen M.

**Judge:** Letizia, Harmony

**Court Reporter:** MacDonald, Kit

**Court Clerk:** Boyd, Thomas

**PROCEEDINGS**

<b>Attorneys:</b>	<b>Hamers, Kathleen M.</b> SNEED, LAMAD RASHAD	Added
	<b>Public Defender</b> SNEED, LAMAD RASHAD	Added

<b>Hearings:</b>	5/13/2020 9:30:00 AM: Preliminary Hearing	Added
------------------	---	-------

**Events:** **Defendant not Transported**

*in Quarantine*

**Initial Appearance Completed**

*Public Defender Advised of Charges on Criminal Complaint, Waives Reading of Criminal Complaint*

**Defendant Identified as Indigent**

*Defendant and the Court discussed the appointment of counsel and defendant requested appointment of counsel.*

**Public Defender Appointed**

**Bail Stands - Cash or Surety** Amount: \$10,000.00

*Counts: 001; 002 - \$10,000.00/\$10,000.00 Total Bail*

**Justice Court, Las Vegas Township  
Clark County, Nevada**

Department: 03

**Court Minutes**



1012339599

**20F02659X State of Nevada vs. SNEED, JAMAL**

Lead Atty: Public Defender

**5/13/2020 9:30:00 AM Preliminary Hearing (In  
Custody)**

Result: Matter Heard

**PARTIES**  
**PRESENT:** State Of Nevada Attorney Goodman, Laura  
Van Luven, Michael

**Judge:** Letizia, Harmony

**Court Reporter:** Broka, Christa

**Court Clerk:** Boyd, Thomas

**PROCEEDINGS**

**Attorneys:** Van Luven, Michael SNEED, LAMAD RASHAD Added

**Hearings:** 5/14/2020 9:30:00 AM: Negotiations Added

**Events:** Defendant not Transported

*Disruptive*

**Continued For Negotiations**

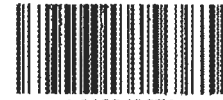
**Bail Stands - Cash or Surety** Amount: \$10,000.00

*Counts: 001; 002 - \$10,000.00/\$10,000.00 Total Bail*

**Justice Court, Las Vegas Township  
Clark County, Nevada**

Department: 03

**Court Minutes**



L012342070

**20F02659X State of Nevada vs. SNEED, JAMAL**

Lead Atty: Public Defender

**5/14/2020 9:30:00 AM Negotiations (In custody)**

Result: Matter Heard

<b>PARTIES</b>	State Of Nevada	Thomson, Megan
<b>PRESENT:</b>	Attorney	Van Luven, Michael
	Defendant	SNEED, JAMAL

**Judge:** Zimmerman, Ann E.

**Court Reporter:** Broka, Christa

**Court Clerk:** Montrone, Lauren

**PROCEEDINGS**

**Hearings:** 5/28/2020 9:30:00 AM: Preliminary Hearing

Added

**Events:** Motion to Continue - Defense

*No objection by State - Granted*

**Preliminary Hearing Date Reset**

**Bail Stands - Cash or Surety**

Amount: \$10,000.00

*Counts: 001; 002 - \$10,000.00/\$10,000.00 Total Bail*

20F02659X

13975

5/14/2020 9:30 AM

SNEED, LAMAR RASHAD Attorney: Public Defender

ScopeID: 2583410

Hearing Type

Hearing Comment



L012340341

Negotiations

In custody

Date	Related Event	Comment
5/13/2020	Bail Stands - Cash or Surety	Counts: 001; 002 - \$10,000.00/\$10,000.00 Total Bail

Case Flags: In Custody CCDC - As Of: May 13 2020 2:01PM; Original Track 03

## Sentencing Information

1 Burglary, first offense [50424] (11/29/2019) (F) PCN/SEQ: 0030779594 001

Plea:

Disp:

2 Grand larceny, property value \$3500 or greater [56008] (11/29/2019) (F) PCN/SEQ: 0030779594 002

Plea:

Disp:

MTCD - No obj - G  
PHR  
BSTCS: 10,000

PH - 5/28 9:00am

**Justice Court, Las Vegas Township  
Clark County, Nevada**

Department: 03

**Court Minutes**



L012371131

**20F02659X**

**State of Nevada vs. SNEED, JAMAL**

Lead Atty: Public Defender

**5/28/2020 9:30:00 AM Preliminary Hearing (In custody)**

**Result: Bound Over**

<b>PARTIES PRESENT:</b>	State Of Nevada	Thomson, Megan
	Attorney	Van Luven, Michael
	Defendant	SNEED, JAMAL

**Judge:** Zimmerman, Ann E.

**Court Reporter:** Broka, Christa

**Court Clerk:** Montrone, Lauren

**PROCEEDINGS**

**Events: Preliminary Hearing Held**

*Motion to Exclude Witnesses by State - Motion Granted*

*States Witnesses:*

*1. Ralph Jovero - Witness Identified Defendant*

*State Rests.*

*Defendant Advised of His/Her Statutory Right to call witnesses, present evidence and/or to testify on his/her own behalf. Defendant understands his/her rights and following the advice of his defense counsel, waives his rights at preliminary hearing*

*Defense Rests*

*Argument by Defense*

**Oral Motion by State to Amend Complaint by Interlineation**

*line 21 and 22 to strike "Lumix and Cannon" - No objection by Defense - Granted*

**Bound Over to District Court as Charged**

Review Date: 5/29/2020

**District Court Appearance Date Set**

*Jun 1 2020 8:00AM: In custody*

**Bail Stands - Cash or Surety**

*Amount: \$10,000.00*

*Counts: 001; 002 - \$10,000.00/\$10,000.00 Total Bail*

**Case Closed - Bound Over**

**Plea/Disp: 001: Burglary, first offense [50424]**

Disposition: Bound Over to District Court as Charged (PC Found)

**002: Grand larceny, \$3500+ [56008]**

Disposition: Bound Over to District Court as Charged (PC Found)

**WARRANT ELECTRONICALLY GENERATED AND ENTERED INTO NCJIS**  
**\*\*\* DO NOT MANUALLY ENTER INTO NCJIS \*\*\*\***

**JUSTICE COURT, LAS VEGAS TOWNSHIP**  
**CLARK COUNTY, NEVADA**

State Of Nevada VS Sneed, Jamal Lashawn  ID# : 2583410	Case No: 20F02659X Warrant No: 20F02659X-2020-1 Dept No: 03 Agency: LV Metropolitan Police
--	---

**Arrest Warrant**

THE STATE OF NEVADA,

TO: ANY SHERIFF, CONSTABLE, MARSHALL, POLICEMAN, OR PEACE OFFICER IN THIS STATE:

A COMPLAINT AND AN AFFIDAVIT UPON OATH HAS THIS DAY BEEN LAID BEFORE ME ACCUSING  
SNEED, JAMAL LASHAWN, OF THE CRIME(S);

**BAIL TERMS**

COUNTS	CHARGE	CASH	SURETY
001	Burglary, first offense [50424] [F]	\$10,000.00	\$10,000.00
002	Grand larceny, \$3500+ [56008] [F]		

YOU ARE, THEREFORE, COMMANDED FORTHWITH TO ARREST THE ABOVE NAMED DEFENDANT AND BRING  
HIM BEFORE THIS COURT, OR IF THE COURT HAS ADJOURNED, THAT YOU DELIVER HIM INTO THE CUSTODY  
OF THE SHERIFF OF THE COUNTY OF CLARK.

THIS WARRANT MAY BE SERVED AT ANY HOUR OF THE DAY OR NIGHT

GIVEN UNDER MY HAND THIS **9th DAY OF March 2020**



JUSTICE OF THE PEACE IN AND FOR SAID TOWNSHIP

**Letizia Harmony**

**SHERIFF'S RETURN**

I HEREBY CERTIFY THAT I RECEIVED THE ABOVE AND FORGOING WARRANT ON THE \_\_\_\_\_ DAY  
OF \_\_\_\_\_, \_\_\_\_\_, AND SERVED THE SAME BY ARRESTING AND BRINGING DEFENDANT,  
\_\_\_\_\_, INTO COURT THIS \_\_\_\_\_ DAY OF \_\_\_\_\_.

JOSEPH LOMBARDO, SHERIFF, CLARK COUNTY, NEVADA

BY: \_\_\_\_\_, DEPUTY



JUSTICE COURT, LAS VEGAS TOWNSHIP

CLARK COUNTY, NEVADA

**FILED**

2020 MAR -9 A 6:44

THE STATE OF NEVADA,

Plaintiff,

-vs-

JAMAL SNEED, aka,  
Jamal Lashawn Sneed #2583410,

Defendant.

CASE NO: 20F02659X

DEPT NO: 3

JUSTICE COURT  
LAS VEGAS NEVADA  
DEPUTY

REQUEST FOR ARREST WARRANT

COMES NOW, STEVEN B. WOLFSON, District Attorney, and requests that a Warrant of Arrest be issued for the above named Defendant pursuant to NRS 171.106 and the Complaint and/or Affidavit(s) attached hereto and incorporated herein by this reference.

STEVEN B. WOLFSON  
DISTRICT ATTORNEY  
Nevada Bar #001565

PROBABLE CAUSE FOUND: ☒

BAIL: \$10K

PROBABLE CAUSE NOT FOUND: ☐

*[Signature]*

JUSTICE OF THE PEACE,  
LAS VEGAS TOWNSHIP

HARMONY LETIZIA

**RECEIVED**

MAR 02 2020

**JUSTICE COURT**

20F02659X  
AWR  
Request for Arrest Warrant Filed  
12203747





INFM  
STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
MEGAN THOMSON  
Chief Deputy District Attorney  
Nevada Bar #011002  
200 Lewis Avenue  
Las Vegas, Nevada 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

I.A. 06/01/20  
8:00 AM  
PD-VAN LUEN

THE STATE OF NEVADA,  
Plaintiff,

CASE NO: C-20-348559-1

-vs-

DEPT NO: X

JAMAL SNEED, aka  
Jamal Lashawn Sneed, #2583410

Defendant.

INFORMATION

STATE OF NEVADA }  
COUNTY OF CLARK } ss.

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

That JAMAL SNEED, aka Jamal Lashawn Sneed, the Defendant(s) above named, having committed the crimes of BURGLARY (Category B Felony - NRS 205.060 - NOC 50424) and GRAND LARCENY (Category B Felony - NRS 205.220.1, 205.222.3 - NOC 56008), on or about the 29th day of November, 2019, within the County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases made and provided, and against the peace and dignity of the State of Nevada,

COUNT 1 - BURGLARY


did willfully, unlawfully, and feloniously enter a building, owned or occupied by SUPER PAWN, located at 2645 South Decatur Boulevard, Las Vegas, Clark County, Nevada, with intent to commit larceny.

COUNT 2 - GRAND LARCENY

did then and there willfully, unlawfully, feloniously, and intentionally, with intent to deprive the owner permanently thereof, steal, take and carry away, lead away or drive away property owned by SUPER PAWN, having a value of \$3,500.00, or greater, to wit: Digital cameras.

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

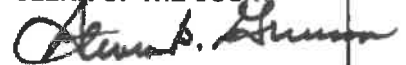
BY

  
MEGAN THOMSON  
Chief Deputy District Attorney  
Nevada Bar #011002

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

<u>NAME</u>	<u>ADDRESS</u>
CUSTODIAN OF RECORDS	CCDC
CUSTODIAN OF RECORDS	LVMPD – DISPATCH/COMMUNICATIONS
CUSTODIAN OF RECORDS	LVMPD – RECORDS
DOUGHERTY, EDWARD	DA INVESTIGATOR AND/OR DESIGNEE
JOVERO, RALPH JUSTIN	2645 S. DECATUR BLVD., LV, NV 89102
PAWN DECATUR COR-SUPER	2645 S. DECATUR BLVD., LV, NV 89102
ROSTON, JACUAR	LVMPD P#14005
TOLENTINO, MARK B.	LVMPD P#14730

20F02659X/eg/L4  
LVMPD EV#191100137796  
(TK3)



1 **NOTC**  
2 **STEVEN B. WOLFSON**  
3 **Clark County District Attorney**  
4 **Nevada Bar #001565**  
5 **MEGAN THOMSON**  
6 **Chief Deputy District Attorney**  
7 **Nevada Bar #011002**  
8 **200 Lewis Avenue**  
9 **Las Vegas, Nevada 89155-2212**  
10 **(702) 671-2500**  
11 **Attorney for Plaintiff**

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

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

11 **-vs-**

12 **JAMAL SNEED, aka**  
13 **Jamal Lashawn Sneed, #2583410**  
14 **Defendant.**

**CASE NO: C-20-348559-1**

**DEPT NO: X**

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

17 **TO: JAMAL SNEED, aka Jamal Lashawn Sneed, Defendant; and**

18 **TO: MICHAEL VAN LUVEN, Counsel of Record:**

19 **YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that pursuant to NRS**  
20 **207.010, the STATE OF NEVADA will seek punishment of Defendant JAMAL SNEED, aka**  
21 **Jamal Lashawn Sneed, as a habitual criminal in the event of a felony conviction in the above-**  
22 **entitled action.**

23 **That in the event of a felony conviction in the above-entitled action, the STATE OF**  
24 **NEVADA will ask the court to sentence Defendant JAMAL SNEED, aka Jamal Lashawn**  
25 **Sneed as a habitual criminal based upon the following felony convictions, to-wit:**

26 **1. That on or about 2017, the Defendant was convicted in the State of**  
27 **Nevada, for the crime of ESCAPE (Category B Felony - NRS 212.090 - NOC 53417)**  
28 **(felony) in C-17-326995-1.**

1           2.     That on or about 2017, the Defendant was convicted in the State of  
2 Nevada, for the crime of **OWNERSHIP OR POSSESSION OF FIREARM BY**  
3 **PROHIBITED PERSON (Category B Felony - NRS 202.360 - NOC 51460)** (felony) in  
4 C-17-326496-1.

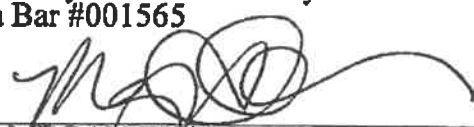
5           3.     That on or about 2017, the Defendant was convicted in the State of  
6 Nevada, for the crime of **BURGLARY (Category B Felony - NRS 205.060 - NOC 50424)**  
7 (felony) in C-17-321187-1.

8           4.     That on or about 2010, the Defendant was convicted in the State of  
9 Nevada, for the crime of **ATTEMPT BURGLARY (Category C Felony - NRS 205.060,**  
10 **193.330 - NOC 50442)** (felony) in C-10-266479-1.

11           5.     That on or about 2010, the Defendant was convicted in the State of  
12 Nevada, for the crime of **GRAND LARCENY (Category C Felony - NRS 205.220.1,**  
13 **205.222.2 - NOC 56004)** (felony) in 10C264844.

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

17 BY

  
18 MEGAN THOMSON  
19 Chief Deputy District Attorney  
20 Nevada Bar #011002

21                               **CERTIFICATE OF ELECTRONIC SERVICE**

22 I hereby certify that service of Document Name, was made this 8th day of June, 2020, by  
23 Electronic Filing to:

24                               MICHAEL VAN LUVEN, Deputy Public Defender  
25                               Email: michael.vanluven@clarkcountynv.gov

26 BY:

  
27 Secretary for the District Attorney's Office  
28

20F02659X/eg/L4



1 NOTM  
2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 MEGAN THOMSON  
6 Chief Deputy District Attorney  
7 Nevada Bar #011002  
8 200 Lewis Avenue  
9 Las Vegas, Nevada 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

12 THE STATE OF NEVADA,  
13 Plaintiff,

14 -vs-

15 JAMAL SNEED, #2583410

16 Defendant.

CASE NO: C-20-348559-1

DEPT NO: X

17 STATE'S NOTICE OF MOTION AND MOTION  
18 TO CONSOLIDATE C-20-348559-1 INTO  
19 DISTRICT COURT XXX's CASE C-20-346752-1

20 DATE OF HEARING: July 20, 2020

21 TIME OF HEARING: 8:30 AM

22 HEARING REQUESTED

23 COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County  
24 District Attorney, through MEGAN THOMSON, Chief Deputy District Attorney, and files  
25 this Notice of Motion and Motion to Consolidate C-20-348559-1 Into District Court XXX's  
26 Case C-20-346752-1.

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

//

//

//



1     **Smoke Shop**

2             On December 8, 2019, Defendant entered a smoke shop and browsed merchandise.  
3     Defendant pretended to be interested in purchasing some merchandise. As the clerk prepared  
4     to process the transaction Defendant pulled out a firearm and ordered the clerk to give him  
5     money. The clerk gave Defendant approximately \$700 and some merchandise. The clerk saw  
6     Defendant leave in a Porsche SUV. Video from the store clearly shows Defendant's face.  
7     Defendant is wearing a black Golden Knights sweatshirt.

8     **Sally Beauty Supply**

9             On December 11, 2019, Defendant entered a Sally Beauty Supply Store and browsed  
10    merchandise. Defendant pretended to be interested in purchasing some merchandise. As the  
11    clerk prepared the process the transaction Defendant pulled out a firearm and demanded  
12    money from two (2) employees. Defendant warned "I would hurry if I were you". The clerk  
13    provided money from the register and Defendant left the business. Video surveillance clearly  
14    shows Defendant's face. Defendant is wearing distinctive black loafers with a crown and a  
15    black Mexico track jacket.

16    **Buffalo Exchange**

17            On December 15, 2019, Defendant entered Buffalo Exchange armed with a handgun  
18    and demanded the manager open the register. The manager did not comply. Defendant became  
19    frustrated, raised his arm, pointed the gun at the manager, and again demanded money. The  
20    manager again did not comply, and Defendant fled the store. Video surveillance clearly shows  
21    Defendant's face. Defendant is wearing the same distinctive black loafers and jacket as the  
22    Sally Beauty Supply event.

23    **Investigation**

24            Police identified the registered owner of the Porsche SUV as Hayley Bray. Ms. Bray  
25    reported the vehicle stolen on December 4, 2019. Ms. Bray identified a possible suspect as  
26    "her cousin's boyfriend, Jamal". Mr. Bray contacted detectives on December 10, 2019 and  
27    indicated she had recovered the vehicle, but would not provide the circumstances surrounding

28    //



1 the recovery. Detectives sent Ms. Bray a surveillance photo of Defendant from one of the  
2 robbery events. Ms. Bray refused to answer whether the person in the photo was "Jamal".

3 Detectives searched Ms. Bray's apartment and discovered the same Golden Knights  
4 sweatshirt from the Smoke Shop event at Ms. Bray's residence. Ms. Bray spoke with  
5 detectives once again and gave more information about Defendant. Ms. Bray identified herself  
6 as Defendant's girlfriend and said Defendant lives with her. Ms. Bray admitted Defendant  
7 took her vehicle on December 2, 2019. Ms. Bray admitted she told Defendant detectives were  
8 looking for him and sent him the surveillance photo from detectives. Ms. Bray admitted she  
9 previously lied to police to protect Defendant. Ms. Bray described that, when she told  
10 Defendant about the investigation, he responded that he "would not go back to jail".

11 On December 18, 2019, detectives located Defendant. Defendant was wearing the same  
12 distinctive loafers and track jacket from the Sally Beauty Supply and Buffalo Exchange events.

13 **Instant Case C-20-348559-1**

14 The Defendant is charged with Burglary and Grand Larceny of the Super Pawn located  
15 at 2645 South Decatur Boulevard. The arrest report is attached as Exhibit 1. The below  
16 synopsis is from the available reports, witness statements, and video surveillance –

17 On November 29, 2019, the Defendant parked a dark colored SUV appearing to be a  
18 Porsche several empty spots away from the entrance to the Super Pawn at about 4:40 in the  
19 afternoon and entered wearing a gray hoodie and white tennis shoes with black stripes, both  
20 garments appearing quite similar to the clothing worn by the Defendant in event number  
21 191200012098 where the laptop was stolen from Super Pawn on December 3, 2019. Ralph  
22 Jovero assisted the Defendant on this visit, however no transactions occurred. The Defendant  
23 returned later at about 9:00 PM wearing what appear to be the same shoes but a different  
24 sweatshirt and approached the entrance from the side of the building on foot. Inside he again  
25 contacted the employee Mr. Jovero who attempted to assist him however the Defendant  
26 refused to provide identification, a requirement of the business, in order to complete a  
27 transaction and when Mr. Jovero went to speak with his manager the Defendant approached  
28 the display case with the cameras, broke the glass and grabbed digital cameras, running from

1 the store and entering a Black Porsche Cheyanne, as seen by one of the employees. Mr. Jovero  
2 was able to recognize and identify the Defendant at the preliminary hearing held on May 28,  
3 2020, as the same man who entered his store two times on November 29 and committed the  
4 theft of the cameras.

5 Detectives assigned to this case received the video of the incident on November 29  
6 from the Super Pawn investigator who at the same time mentioned a similar theft which  
7 occurred a few days later at the Super Pawn located at 5695 Boulder Highway, involving the  
8 theft of a laptop. Upon receiving that information, the Detective compared the video  
9 surveillance of the suspect and associated vehicles in both events and concluded that based  
10 upon physical appearance, facial features, clothing and vehicle the same suspect was involved.  
11 The explanation of how the Defendant was identified as that suspect is included above.

#### 12 PROCEEDURAL HISTORY

13 The defendant was arrested on the District Court XXX charges. Thereafter on  
14 February 6, 2020, evidence was presented to the Grand Jury and a true bill was found and an  
15 Indictment filed on the 7th. On March 13 the Defendant filed a motion to modify bail, which  
16 was addressed on March 26. Trial is currently set for July 20, 2020.

17 In case C-20-348559-1, the case before this department, a warrant was issued in  
18 February 2020, for Burglary and Grand Larceny and the Defendant was remanded in April on  
19 the charges. After a preliminary hearing on May 28, 2020, the Defendant was held to answer  
20 to both counts and trial is currently set in Department 10 for July 27, 2020. The State now asks  
21 this Court to this case to be transferred to DC 30 for consolidation.

#### 22 ARGUMENT

23 EDCR 3.10 reads:

24 Rule 3.10. Consolidation and reassignment.

25 (a) When an indictment or information is filed against a defendant who has other  
26 criminal cases pending in the court, the new case may be assigned directly to the  
27 department wherein a case against that defendant is already pending.

(b) Unless objected to by one of the judges concerned, criminal cases, writs or  
28 motions may be consolidated or reassigned to any criminal department for trial,  
settlement or other resolution.

//

1 NRS 174.155 reads:

2 174.155. Trial together of indictments or informations

3 The court may order two or more indictments or informations or both to be tried  
4 together if the offenses, and the defendants if there is more than one, could have  
been joined in a single indictment or information. The procedure shall be the  
same as if the prosecution were under such single indictment or information.

5 NRS 173.115 reads:

6 173.115. Joinder of offenses

7 Two or more offenses may be charged in the same indictment or information in  
a separate count for each offense if the offenses charged, whether felonies or  
misdemeanors or both, are:

- 8 1. Based on the same act or transaction; or  
9 2. Based on two or more acts or transactions connected together or constituting  
parts of a common scheme or plan.

10 NRS 174.165 reads:

11 174.165. Relief from prejudicial joinder

12 1. If it appears that a defendant or the State of Nevada is prejudiced by a joinder  
of offenses or of defendants in an indictment or information, or by such joinder  
for trial together, the court may order an election or separate trials of counts,  
13 grant a severance of defendants or provide whatever other relief justice requires.

14 2. In ruling on a motion by a defendant for severance the court may order the  
district attorney to deliver to the court for inspection in chambers any statements  
or confessions made by the defendants which the State intends to introduce in  
evidence at the trial.

16 Case C-20-348559-1 should be transferred to Department XXX for trial with case  
17 C-20-346752-1 under EDCR 3.10. The cases are so interrelated that combining them for trial  
18 makes sense. Under NRS 174.155 trial together is proper if the offenses could have been  
19 joined together in a single information or indictment. Since the cases would be procedurally  
20 treated as if they were joined together, the question arises whether the cases could have been  
21 joined in a single information or indictment. Factually, it is clear the two cases could have  
22 been charged under the same information or indictment. Applying the test under NRS  
23 173.115, the circumstances of the camera theft and laptop theft are based upon "...two or more  
24 acts or transactions connected together or constituting parts of a common scheme or plan"  
25 (emphasis added).

26 //

27 //

28 //

1 The Nevada Supreme Court interpreted the “connected together” language of NRS  
2 173.115 as follows:

3 “We hold that for two charged crimes to be “connected together” under NRS  
4 173.115(2), a court must determine that evidence of either crime would be  
5 admissible in a separate trial regarding the other crime.”  
6 Weber v. State 121 Nev. 554, at 573 (2005).

7 The Court concluded that the charges in the Weber case (involving sexual abuse attempt  
8 murder, and murder) would have been “relevant and admissible” at separate trials. Id. The  
9 court explained that the evidence would have been admissible as bad-act evidence under NRS  
10 48.045(2), which reads, in relevant part:

11 Evidence of other crimes, wrongs or acts is not admissible to prove the character  
12 of a person in order to show that he acted in conformity therewith. It may,  
13 however, be admissible for other purposes, such as proof of motive, opportunity,  
14 intent, preparation, plan, knowledge, identity, or absence of mistake or accident.

15 Besides having a relevant exception to NRS 48.045(2), the bad act must be proven by  
16 clear and convincing evidence and its probative value must not be substantially outweighed  
17 by the risk of unfair prejudice. Id. at 121 (citing Butler v. State, 120 Nev. 879, 102 P.3d 71,  
18 78 (2004) and Tinch v. State, 113 Nev. 1170, 1176, 946 P.2d 1061, 1064-65 (1997).

19 In addressing the unfair prejudice prong, the Court has noted establishing unfair  
20 prejudice “requires more than a mere showing that severance might have made acquittal more  
21 likely”. Weber at 574-575.

22 In the instant case the evidence in both cases is cross admissible. The Detective  
23 investigating the theft at the South Decatur location necessarily relied upon information that  
24 he was able to gather from the video surveillance at the Boulder Hwy location. In order to  
25 explain to a jury how the suspect was identified, the jury hearing the facts of the South Decatur  
26 incident would necessarily need to know about the theft of the laptop from the Boulder Hwy  
27 location otherwise, they would be left with the impression that Detectives picked an individual  
28 at random who happened to have access to a matching vehicle and with the same physical  
appearance. This is obviously absurd. Furthermore, the event at the South Decatur location,  
with the two entrances and peculiar conduct to distract the clerk before committing the theft

1 speaks to the Defendant's intent upon entering the Boulder Highway location four days later,  
2 before stealing the laptop. As each event speaks to the other for purposes of identity and intent,  
3 they are cross-admissible and would be proper to present in a trial on the other.

4 Any prejudice the Defendant would suffer by inclusion of case C-20-348559-1 (South  
5 Decatur) in the District Court XXX case is minimal at best. The charges are similar and there  
6 is not conduct which is so egregious as to prejudice the jury against the Defendant, such as  
7 might exist if the Defendant had caused harm to the clerk rather than using a subversion to  
8 take the cameras. The probative value of the inclusion of the South Decatur charges in the  
9 instant case far outweighs any prejudice that might be construed against the Defendant by  
10 consolidation.


11 CONCLUSION

12 For the above stated reasons, case C-20-348559-1 should be re-assigned to Department  
13 XXX and consolidated with case C-20-346752-1 for trial and resolution.

14 DATED this 15 day of June, 2020.

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

18 BY

  
19 MEGAN THOMSON  
20 Chief Deputy District Attorney  
21 Nevada Bar #011002

22 CERTIFICATE OF SERVICE

23 I hereby certify that service of the State's Notice of Motion and Motion to Consolidate  
24 C-20-348559-1 Into District Court 30's Case C-20-346752-1 was made this 16 day of June,  
25 2020, by electronic service to:

26 MICHAEL VAN LUVEN, Deputy Public Defender  
27 Email: michael.vanluven@clarkcountynv.gov

28 BY:

  
Secretary for the District Attorney's Office

20F02659X/MT/mt/L4

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**DECLARATION OF WARRANT/SUMMONS**  
(N.R.S. 171.106)  
(N.R.S. 53 amended 7/13/1993)

Event Number: LLV191100137796

STATE OF NEVADA     )     SNEED, JAMAL  
                              ) ss: ID#: 2583410  
COUNTY OF CLARK    )     |

ROSTON, J., being first duly sworn, deposes and says:

That he is a Detective with the Las Vegas Metropolitan Police Department, being so employed for a period of 10 years, assigned to investigate the crime(s) of BURGLARY committed on or about NOVEMBER 29, 2019, which investigation has developed SNEED, JAMAL as the perpetrator thereof.

THAT DECLARANT DEVELOPED THE FOLLOWING FACTS IN THE COURSE OF THE INVESTIGATION OF SAID CRIME, TO WIT:

**LVMPD PERSONNEL**

DETECTIVE	J. ROSTON	P#14005	SVAC INVESTIGATIONS (CASE AGENT)
OFFICER	M. TOLENTINO	P#14730	SVAC PATROL

**VICTIM**

SUPERPAWN  
2645 S. DECATUR BLVD., LAS VEGAS, NV 89102

**WITNESS**

JOVERO, RALPH

**SUSPECT**

SNEED, JAMAL LASHAWN  
DOB  
SSN  
SCOPE ID 2583410

**INITIAL INVESTIGATION**

On November 29, 2019, LVMPD SVAC Patrol Officer M. Tolentino responded to a Grand Larceny call at SuperPawn 2645 S. Decatur Blvd., Las Vegas, NV 89102. The details of the call stated the person reporting, Ralph Jovero, witnessed a subject enter SuperPawn, smash glass a case, took items out of the case, then left the business. Jovero then updated that three cameras were taken from SuperPawn.

The following is taken from the Incident Crime Report completed by Officer Tolentino under LVMPD event number LLV191100137796, detailing the on scene investigation:

*On 11-29-19, at 2105 hours, I, officer M. Tolentino, P# 14730, working as marked patrol unit, 3P6, was dispatched to a Grand Larceny call at Superpawn, 2645 S. Decatur Blvd, Las Vegas, NV 89102. The details of the call stated that an unknown black male adult in his twenties had shattered the camera display and took 3 digital cameras, than ran out the store.*

*On arrival, I made contact with store employee, Ralph Jovero, who stated that, at 1942 hours, an unknown black adult male, wearing an addidas hoodie, with black sweat pants approached him expressing his interest in purchasing an Ipad. Jovero then advised that the black male started an argument with him because he did not want to provided an identification with his debit card, for payment. Jovero then stated that the black male requested to speak to a manager and as he turned to walk away, Jovero stated that the male shattered the camera display case and took a Lumix and Canon digital camera (estimated at \$4800 total) then he ran out the door, and entered into a Black Porsche Cheyanne. Jovero further advised that he recognized the male entering the store at 1640 hours, wearing a gray hoodie.*

*Due to the suspect entering Superpawn with the intent to commit a larceny, and with the items taken being over \$3500 a report for burglary and grand larceny was completed.*  
**(end of narrative)**

**FOLLOW-UP INVESTIGATION**

The case was assigned to Detective Roston with SVAC Investigations. Detective Roston contacted Hiner, Timothy, Investigator for FirstCash/Cash America (parent company for SuperPawn). Hiner provided Detective Roston video surveillance from SuperPawn located at 2645 S. Decatur Blvd., Las Vegas, NV 89102 for the date of November 29, 2019. In the video an unidentified Black male adult enters SuperPawn, speaks with an employee about items in a case he is standing in front of. After the employee leaves the unidentified Black male adult presses against the glass case, glass shatters to the floor, the unidentified Black male adult grabs cameras, then runs out of the door while being chased by SuperPawn employees.

**RELATED EVENT LLV191200012098**

Hiner mentioned to Detective Roston that under LVMPD event number LLV191200012098 a subject entered the SuperPawn at 5695 Boulder Hwy, Las Vegas, NV 89122 and committed a similar crime with a similar modus operandi. Detective Roston later looked up LVMPD event LLV191200012098 in OnBase, the system LVMPD uses to store photographs, reports, and other associated paperwork for incidents. Detective Roston found photographs and reports from the incident at 5695 Boulder Hwy. Detective Roston also read the Incident Crime Report found in PremierOne Records, the program LVMPD utilizes to complete and store Incident Crime Reports.

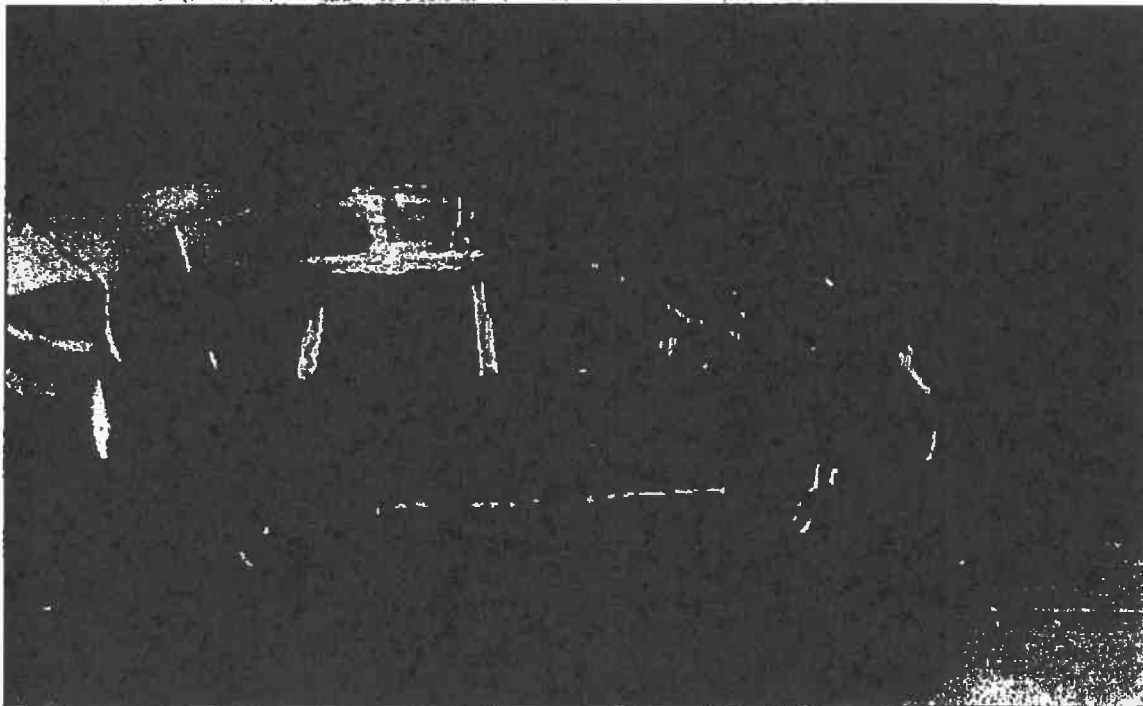
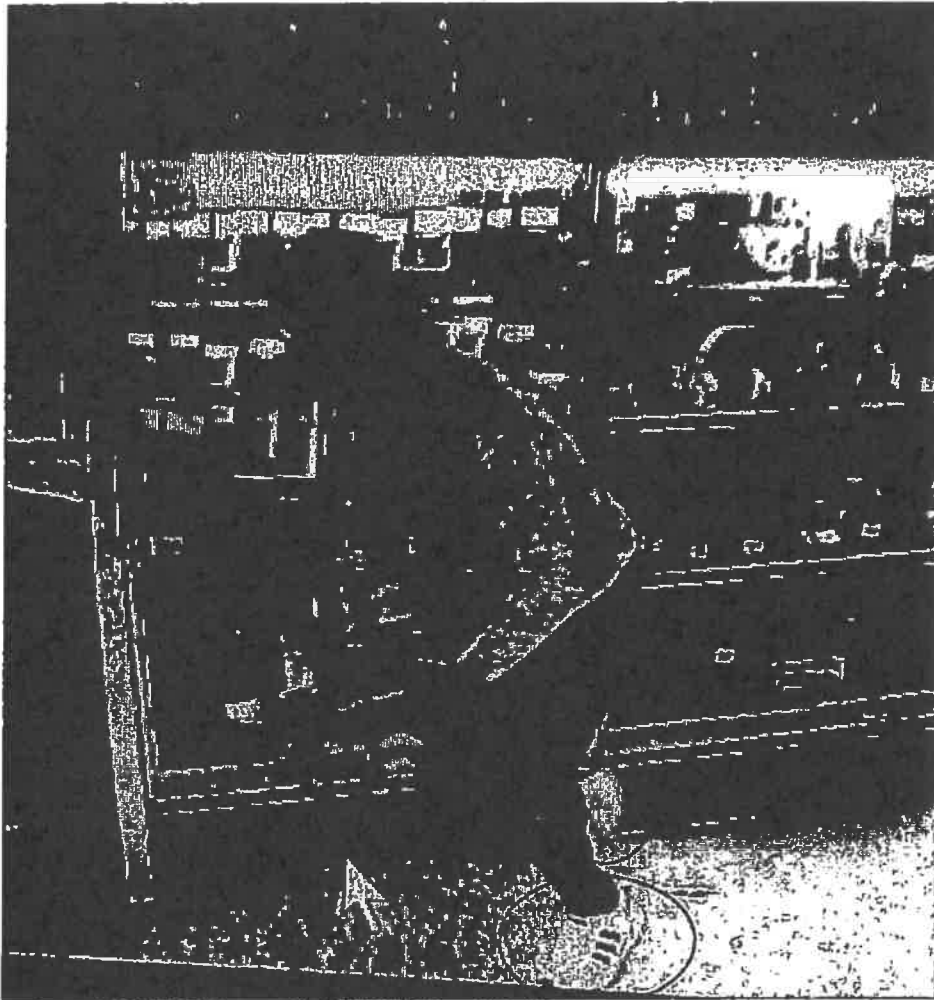
In the Incident Crime Report for LLV191200012098 Patrol Services Representative P. Huth reported that an unidentified Black male adult entered SuperPawn, shattered a glass case, then took a laptop and ran out of SuperPawn without paying for the laptop. Surveillance video was provided of the incident.

Detective Roston viewed photographs of event LLV191200012098 taken from the surveillance video. In one of the photographs a Black male adult can be seen wearing glasses and white Adidas athletic shoes. The suspect's vehicle is also shown, a dark colored Porsche Cayenne. The suspect and the suspect's vehicle is shown in the photographs that follow.



LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**CONTINUATION**

Event #: LLV191100137796



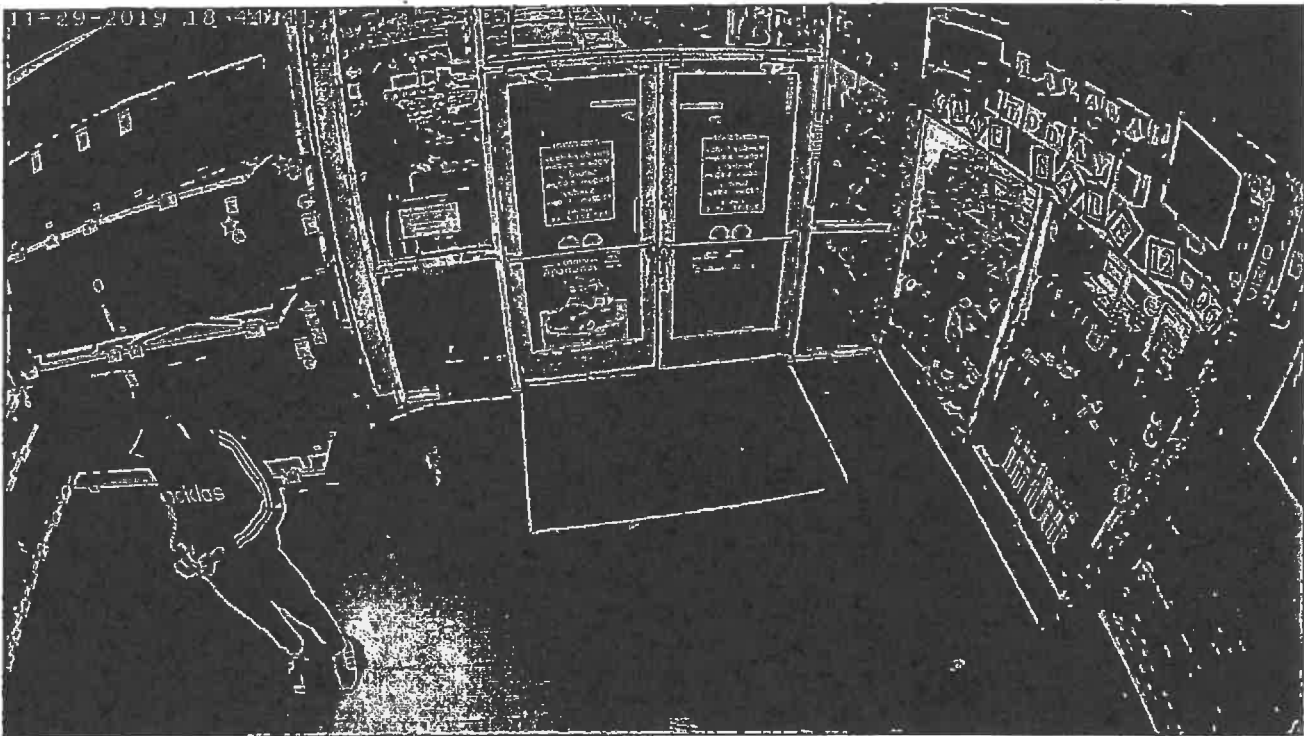
LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**CONTINUATION**

Event #: LLV191100137796

Through an investigation for this event and several others, the suspect was identified as Sneed, Jamal DOB [REDACTED], SCOPE ID 2583410. Sneed was later arrested for this burglary and several other crimes in separate events and is currently in custody at High Desert State Prison.

**SURVEILLANCE**

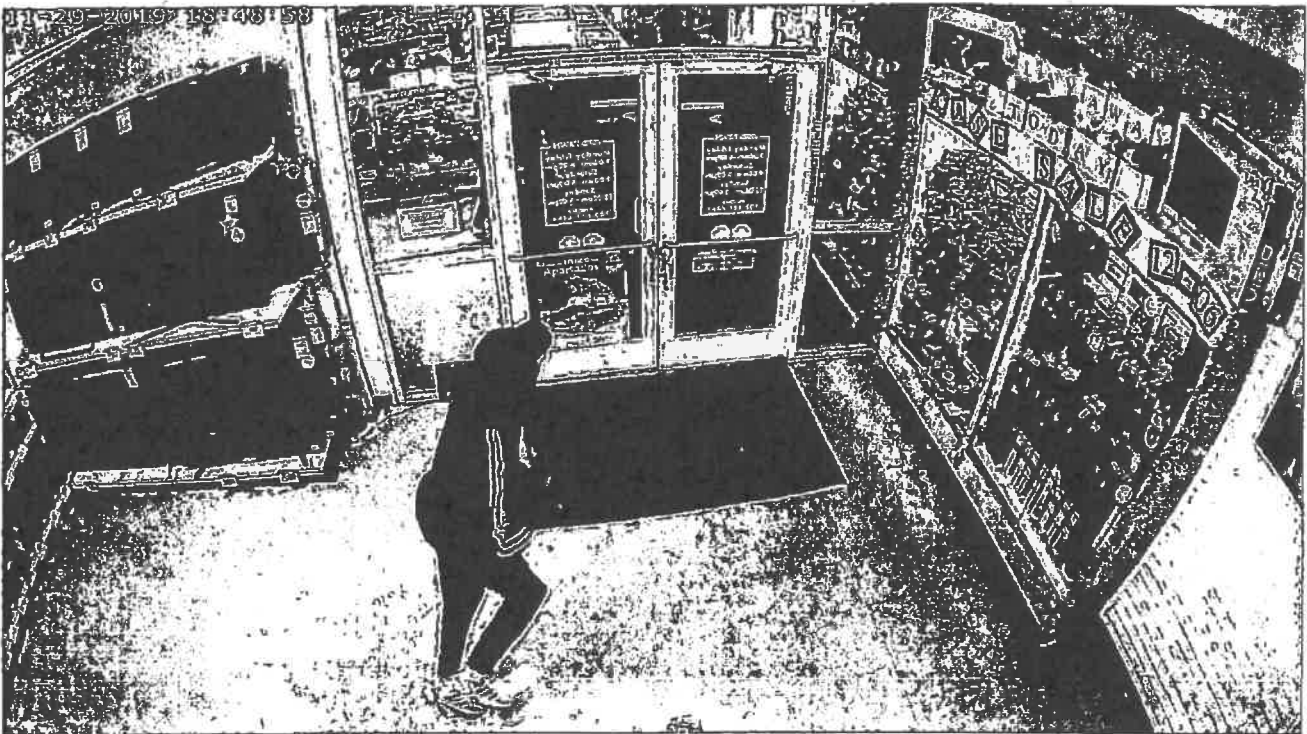
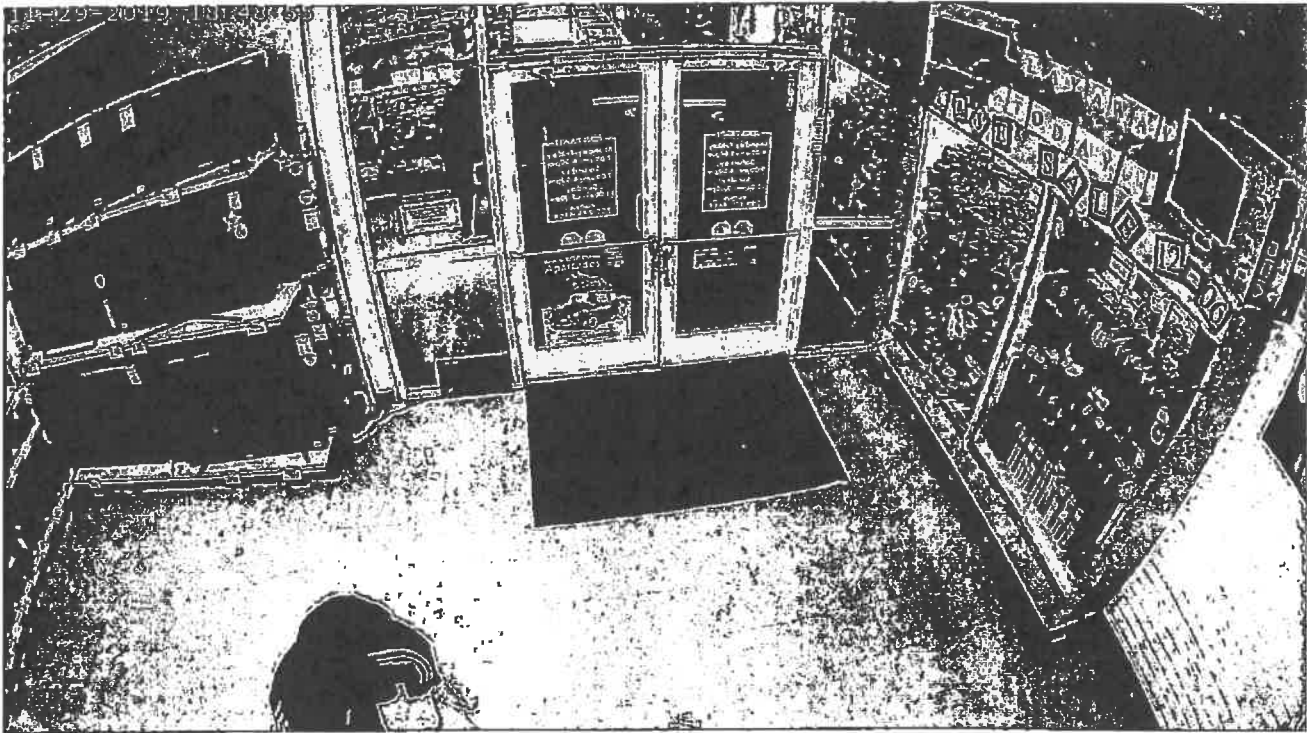
Detective Roston watched the surveillance video again for event 191100137796. The suspect arrives at SuperPawn on 2645 S. Decatur wearing glasses, a black Adidas track suit, and white Adidas athletic shoes. The shoes and glasses are very similar to the ones worn by Sneed at the SuperPawn burglary on Boulder Highway. The suspect is shown in the photograph below.



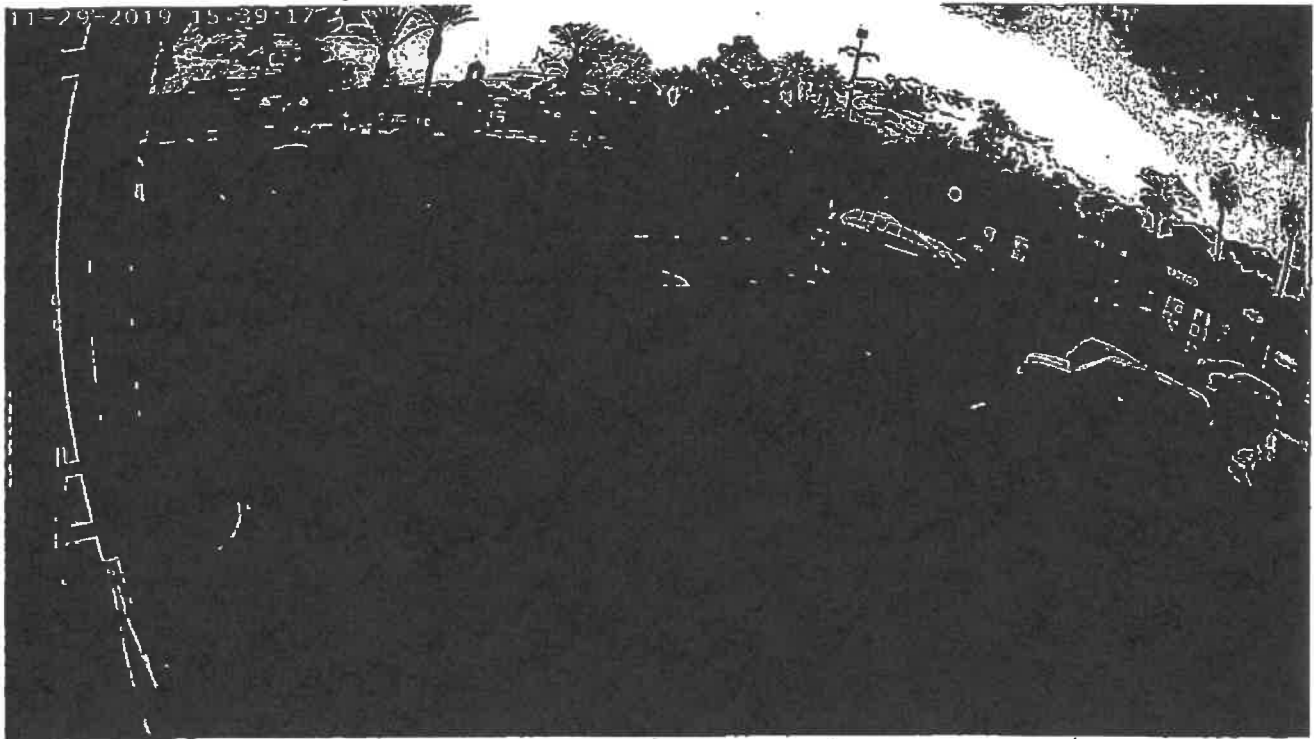
The suspect breaks the glass to a display case, grabs several cameras, and runs out the door. The suspect targeted electronic items and picked a case close to the entrance of SuperPawn. This is the same modus operandi as Sneed in the Boulder Highway SuperPawn burglary. Still photographs from the surveillance video showing the glass being broken and the suspect running out with the cameras is shown in the photographs that follow.

VEGAS METROPOLITAN POLICE DEPARTMENT  
CONTINUATION

Event #: LLV191100137796



Earlier in the day the suspect went to SuperPawn at 2645 S. Decatur Blvd. and looked at the same case. The suspect asked the employees about the items in the glass case before leaving. Jovero recognized the suspect from coming in earlier asking about merchandise and coming in a second time taking the cameras. The suspect arrived in a dark colored Porsche Cayenne. This is the same vehicle Sneed drove to the SuperPawn on Boulder Highway where he committed a very similar burglary. The vehicle is shown in the photograph below.



#### **CONCLUSION**

The suspect in both event LLV191200012098 and LLV191100137796 was a thin built, Black male adult, described in each event as being six feet tall. Both suspects wore glasses and white Adidas athletic shoes. Both suspects targeted electronic items and broke the glass case to take these items. In both events, the suspect drove a dark colored Porsche Cayenne SUV to a SuperPawn location.

The suspect in event LLV191200012098 was identified as Jamal Sneed. Based on the similarities to both events it can be concluded that Jamal Sneed is the suspect committing the burglary in event LLV191100137796 as well. Sneed did enter SuperPawn, destroyed a glass case, took items not belonging to him valued over \$4,000, and left without attempting to pay for the items. Therefore, Jamal Sneed did commit Burglary as per Nevada NRS 205.060.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**CONTINUATION**

Event #: LLV191100137796

Wherefore, Declarant prays that a Warrant of Arrest be issued for suspect SNEED, JAMAL on the charge(s) of BURGLARY.

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

Executed on this 28TH day of JANUARY, 2020.

DECLARANT:

J. Lee 14005

WITNESS:

A. Rockfield 14915

DATE:

01/28/2020

DISTRICT COURT  
CLARK COUNTY, NEVADA

\*\*\*\*

Electronically Filed  
6/17/2020 11:25 AM  
Steven D. Grierson  
CLERK OF THE COURT



State of Nevada  
vs  
Jamal Sneed

Case No.: C-20-348559-1

Department 10

**NOTICE OF HEARING**

Please be advised that the State's Motion to Consolidate C-20-348559-1 into District Court XXX's Case C-20-346752-1 in the above-entitled matter is set for hearing as follows:

**Date:** June 29, 2020

**Time:** 8:30 AM

**Location:** RJC Courtroom 14B  
Regional Justice Center  
200 Lewis Ave.  
Las Vegas, NV 89101

**NOTE:** Under NEFCR 9(d), if a party is not receiving electronic service through the Eighth Judicial District Court Electronic Filing System, the movant requesting a hearing must serve this notice on the party by traditional means.

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Imelda Murrieta  
Deputy Clerk of the Court

**CERTIFICATE OF SERVICE**

I hereby certify that pursuant to Rule 9(b) of the Nevada Electronic Filing and Conversion Rules a copy of this Notice of Hearing was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

By: /s/ Imelda Murrieta  
Deputy Clerk of the Court

1) Court No. C348559

2

3 IN THE DISTRICT COURT OF THE STATE OF NEVADA

4 COUNTY OF CLARK, STATE OF NEVADA

5

6

7 THE STATE OF NEVADA, )

8 Plaintiff, )

9 vs. )

10 JAMAL SNEED, )

11 Defendant. )

12 )

13 )

14 )

15 )

16 )

17 )

18 )

19 )

20 )

21 )

22 )

23 )

24 )

25 )

26 )

27 )

28 )

29 )

30 )

31 )

32 )

33 )

34 )

35 )

36 )

37 )

38 )

39 )

40 )

41 )

42 )

43 )

44 )

45 )

46 )

47 )

48 )

49 )

50 )

51 )

52 )

53 )

54 )

55 )

56 )

57 )

58 )

59 )

60 )

61 )

62 )

63 )

64 )

65 )

66 )

67 )

68 )

69 )

70 )

71 )

72 )

73 )

74 )

75 )

76 )

77 )

78 )

79 )

80 )

81 )

82 )

83 )

84 )

85 )

86 )

87 )

88 )

89 )

90 )

91 )

92 )

93 )

94 )

95 )

96 )

97 )

98 )

99 )

100 )

101 )

102 )

103 )

104 )

105 )

106 )

107 )

108 )

109 )

110 )

111 )

112 )

113 )

114 )

115 )

116 )

117 )

118 )

119 )

120 )

121 )

122 )

123 )

124 )

125 )

126 )

127 )

128 )

129 )

130 )

131 )

132 )

133 )

134 )

135 )

136 )

137 )

138 )

139 )

140 )

141 )

142 )

143 )

144 )

145 )

146 )

147 )

148 )

149 )

150 )

151 )

152 )

153 )

154 )

155 )

156 )

157 )

158 )

159 )

160 )

161 )

162 )

163 )

164 )

165 )

166 )

167 )

168 )

169 )

170 )

171 )

172 )

173 )

174 )

175 )

176 )

177 )

178 )

179 )

180 )

181 )

182 )

183 )

184 )

185 )

186 )

187 )

188 )

189 )

190 )

191 )

192 )

193 )

194 )

195 )

196 )

197 )

198 )

199 )

200 )

201 )

202 )

203 )

204 )

205 )

206 )

207 )

208 )

209 )

210 )

211 )

212 )

213 )

214 )

215 )

216 )

217 )

218 )

219 )

220 )

221 )

222 )

223 )

224 )

225 )

226 )

227 )

228 )

229 )

230 )

231 )

232 )

233 )

234 )

235 )

236 )

237 )

238 )

239 )

240 )

241 )

242 )

243 )

244 )

245 )

246 )

247 )

248 )

249 )

250 )

251 )

252 )

253 )

254 )

255 )

256 )

257 )

258 )

259 )

260 )

261 )

262 )

263 )

264 )

265 )

266 )

267 )

268 )

269 )

270 )

271 )

272 )

273 )

274 )

275 )

276 )

277 )

278 )

279 )

280 )

281 )

282 )

283 )

284 )

285 )

286 )

287 )

288 )

289 )

290 )

291 )

1 **and there were two items missing and the customer had left out**  
2 **the door.**

3 Q. The location where the glass was smashed is that the  
4 same location where you had contact with the customer?

5 A. **Could you repeat the question?**

6 Q. The cabinet that had the glass smashed is that the  
7 cabinet you were at with the customer or was it somewhere else?

8 A. **It was the cabinet right next to it.**

9 Q. And the customer that you had walked to the manager's  
10 office is that individual present in the courtroom today?

11 A. **Yes.**

12 Q. Would you please to the individual and describe  
13 something they are wearing today?

14 A. **They are closest to the west of the courtroom.**

15 Q. Will you point to them.

16 MS. THOMSON: Let the record reflect identity of  
17 the defendant?

18 THE COURT: So ordered.

19 BY MS. THOMSON:

20 Q. Now, was this the only time you had contact with him on  
21 that day?

22 A. **Like in person?**

23 Q. Mm-hmm.

24 THE COURT: You have to say yes.

25 ///

1 BY MS. THOMSON:

2 Q. Yes.

3 A. **He was there twice that day.**

4 Q. Were you at the store earlier that day when he was  
5 there previously?

6 A. **Yes.**

7 Q. Did you see him when he was there previously?

8 A. **Yes.**

9 Q. You recognized him when he came in the second time?

10 A. **Yes.**

11 Q. When you came out of the manager's office you said the  
12 glass was smashed and he had left. Was there anything missing  
13 from the smashed glass box?

14 A. **Yes.**

15 Q. What was missing?

16 A. **There was two cameras that were missing.**

17 Q. As you sit here today do you remember the brand of  
18 those cameras?

19 A. **No. I just know they were like high-priced cameras.**

20 Q. Do you remember when we are talking about cameras  
21 there's kind of that range of the old time where everyone had  
22 to stand super still, you put in film, or digital cameras, do  
23 you remember what type of cameras they were?

24 A. **I'm assuming -- they were DSLR's or digital cameras.**

25 Q. Okay. You said they were the high-priced cameras and

1 there were two do. You remember roughly the price of each of  
2 those?

3 MR. VAN LUVEN: Objection. Hearsay.

4 THE COURT: He can answer if he knows.

5 THE WITNESS: Cost to the company or the price?

6 BY MS. THOMSON:

7 Q. The price if they were sold from the store?

8 A. **One was like 1,800 and one was like somewhere --**

9 MR. VAN LUVEN: Again Your Honor, I'm going to  
10 object to one was like is not personal knowledge.

11 THE COURT: Overruled.

12 THE WITNESS: One was priced at least 1,800. One  
13 was priced at least \$2,000.

14 MR. VAN LUVEN: Same objection, Your Honor. One  
15 was priced at least is still not personal knowledge. I renew  
16 my objection as to hearsay --

17 THE COURT: Overruled.

18 MR. VAN LUVEN: -- and also add an objection as to  
19 lack of foundation.

20 THE COURT: Overruled. Like I said before he can  
21 testify if he knows. If he works there he knows how much it  
22 cost and he can testify as to how much they had it for sale  
23 for.

24 BY MS. THOMSON:

25 Q. I asked you were clerk at the store on this day?

1 A. **Yes.**

2 Q. Roughly, if you know the answer to this, how long was  
3 the defendant in the store from the time that he smashed the  
4 glass versus -- let me re-ask. From time he came in to the  
5 time the glass was smashed about how long was that, if you can  
6 say?

7 A. **Approximately twenty minutes.**

8 Q. Fair to say you didn't give him permission to take  
9 those cameras?

10 A. **Yes.**

11 MS. THOMSON: I'll pass the witness.

12 THE COURT: Defense?

13  
14 CROSS-EXAMINATION

15 BY MR. VAN LUVEN:

16 Q. Mr. Jovero?

17 A. **Yes.**

18 Q. It was your testimony that you turned around to go  
19 speak to the manager about something; correct?

20 A. **Yes.**

21 Q. When you came back you found the display had been  
22 smashed; correct?

23 A. **Yes.**

24 Q. So you did not personally see anybody smashing the  
25 display case?



1 **A. I turned and I saw it had been smashed.**

2 **Q.** Okay. Now you testified that the cameras were like a  
3 certain price at least a certain price but you don't know the  
4 exact price; correct?

5 **A. I don't remember the exact price.**

6 **Q.** Now, when you went to speak to the manager was this  
7 about a dispute over price?

8 **A. Yes.**

9 **Q.** Was there also a dispute over being able to pay for  
10 merchandise with a certain type of card, do you recall that?

11 **A. Could you rephrase the question?**

12 **Q.** Did you go see the manager because the customer in  
13 question had wanted to pay with a certain type of card, do you  
14 recall that?

15 **A. Yes.**

16 **Q.** You were going to ask the manager because he was trying  
17 to pay with a certain type of card and it wouldn't work?

18 **A. He didn't have his ID.**

19 **Q.** He was trying to pay with a type of card but he didn't  
20 have his ID and that required you to go speak to the manager?

21 **A. Yes.**

22 MR. VAN LUVEN: I'll pass the witness, Your Honor.

23 THE COURT: Any redirect?

24 MS. THOMSON: Briefly.

25 ///

1 with you that you have the right to testify and you also have  
2 the right to remain silent. It's your choice. If you choose  
3 to remain silent, the Court cannot hold that against you in  
4 making my decision today. Do you want to testify or stay  
5 silent?

6 THE DEFENDANT: Stay silent, ma'am.

7 MR. VAN LUVEN: Thank you, Your Honor.

8 THE COURT: Defense rest?

9 MR. VAN LUVEN: Yes, Your Honor.

10 THE COURT: Any argument by the state?

11 MS. THOMSON: Waive and reserve.

12 THE COURT: Defense?

13 MR. VAN LUVEN: With regard to the burglary count  
14 as Your Honor is aware burglary requires entering into a  
15 structure with that intent. We heard testimony from the  
16 witness that payment was attempted to be tendered and at that  
17 point he was unable to pay because he did not have proper ID at  
18 which point he went to speak to the manager. So assuming  
19 everything else is true, just submitting on all of other  
20 testimony that's been had today, the state has not evidenced  
21 that he entered that business with intent to commit any kind of  
22 grand larceny. With regard to the grand larceny itself, Your  
23 Honor, we heard testimony he could not remember the prices of  
24 cameras. He said at least or like I believe 1,800 and 1,200.  
25 The state has charged grand larceny 3,500 or above.

1 REDIRECT EXAMINATION

2 BY MS. THOMSON:

3 **Q.** You said you turned around and the glass was smashed.  
4 Did you see him running from the store?

5 **A. Yes.**

6 **Q.** That was immediately after the glass was smashed?

7 **A. Yes, right after I heard the sound of glass breaking.**

8 MS. THOMSON: Thank you.

9 THE COURT: Thank you, sir. You may step down.

10 THE WITNESS: Thank you.

11 THE COURT: State have any other witnesses?

12 MS. THOMSON: No, Your Honor. Prior to resting  
13 I'd ask the Court to allow me to remove the brands of the  
14 cameras on lines 21 and 22. So that it reads only digital  
15 cameras. Not the word only though.

16 THE COURT: Does the defense have any witnesses?

17 MR. VAN LUVEN: No, Your Honor.

18 THE COURT: Has your client been informed of his  
19 right to testify?

20 MR. VAN LUVEN: Yes, Your Honor.

21 THE COURT: Does he wish to exercise that right  
22 today?

23 MR. VAN LUVEN: If Your Honor would canvas him  
24 please.

25 THE COURT: Mr. Sneed, did your attorney discuss

1 THE COURT: 1,800 and 2,000 is what he said. I  
2 wrote that down.

3 MR. VAN LUVEN: Okay. With regard to that though  
4 like or at least is not sufficient evidence especially in light  
5 of the hearsay objection. With that we believe the state has  
6 not met their burden as to either of these counts.

7 THE COURT: Okay. State?

8 MS. THOMSON: Your Honor, I believe the totality  
9 of the circumstances demonstrates burglary. He had been in the  
10 store earlier. He left and came back and created a situation  
11 where he was able to have the clerk leave the counter and then  
12 executed the smash and grab from the counter. The grand  
13 larceny I think speaks for itself. I would ask the Court to  
14 bind over both counts.

15 THE COURT: Mr. Sneed, please stand. Based on the  
16 evidence and testimony presented here today I believe the  
17 following crimes have been committed: Count 1, burglary; Count  
18 2, grand larceny and that there's probable cause to believe  
19 you, Mr. Sneed, have committed said crimes. I will hold you to  
20 answer in the Eighth Judicial District Court on the date my  
21 clerk gives you.

22 THE CLERK: June 1st, 8:00 a.m. lower willful.

23 THE COURT: Thank you. For the record I did grant  
24 the state's motion to amend lines 21 and 22 to reflect digital  
25 cameras as opposed to Lumex and Canon digital cameras.

<div>13</div> <div>1 MS. THOMSON: Thank you.</div> <div>2 * * * * *</div> <div>3</div> <div>4 ATTEST: FULL, TRUE AND ACCURATE</div> <div>5 TRANSCRIPT OF PROCEEDINGS.</div> <div>6</div> <div>7 <u>  s\Christa Broka</u></div> <div>8 CHRISTA D. BROKA, CCR 574</div> <div>9</div> <div>10</div> <div>11</div> <div>12</div> <div>13</div> <div>14</div> <div>15</div> <div>16</div> <div>17</div> <div>18</div> <div>19</div> <div>20</div> <div>21</div> <div>22</div> <div>23</div> <div>24</div> <div>25</div>	<div>15</div> <div>1 ATTEST: I further certify that I am not interested in</div> <div>2 the events of this action.</div> <div>3</div> <div>4 <u>  s\Christa Broka</u></div> <div>5 CHRISTA D. BROKA, CCR 574</div> <div>6</div> <div>7</div> <div>8</div> <div>9</div> <div>10</div> <div>11</div> <div>12</div> <div>13</div> <div>14</div> <div>15</div> <div>16</div> <div>17</div> <div>18</div> <div>19</div> <div>20</div> <div>21</div> <div>22</div> <div>23</div> <div>24</div> <div>25</div>
--	--

<div>14</div> <div>1 IN THE JUSTICE COURT OF LAS VEGAS TOWNSHIP</div> <div>2 COUNTY OF CLARK, STATE OF NEVADA</div> <div>3 -o0o-</div> <div>4</div> <div>5 STATE OF NEVADA, )</div> <div>6 Plaintiff, )</div> <div>7 vs. ) Case No. 20F02659X</div> <div>8 JAMAL SNEED, ) ATTEST RE: NRS 239B.030</div> <div>9 Defendant, )</div> <div>10 _____)</div> <div>11</div> <div>12 STATE OF NEVADA)</div> <div>13 ) ss</div> <div>14 COUNTY OF CLARK)</div> <div>15</div> <div>16 I, Christa D. Broka, a Certified Shorthand Reporter</div> <div>17 within and for the county of Clark and the State of Nevada, do</div> <div>18 hereby certify:</div> <div>19 That <u>REPORTER'S TRANSCRIPT OF PROCEEDINGS</u> was reported</div> <div>20 in open court pursuant to NRS 3.360 regarding the above</div> <div>21 proceedings in Las Vegas Justice Court 3, 2020, Lewis Avenue,</div> <div>22 Las Vegas, Nevada.</div> <div>23 That said TRANSCRIPT:</div> <div>24 <u>  X  </u> Does not contain the Social Security number of any</div> <div>25 person.</div> <div>— Contains the Social Security number of a person.</div>	
---	--

\$	add [1] - 7:18 allow [1] - 10:13 amend [1] - 12:24 AND [1] - 13:4 ANN [1] - 1:14 answer [3] - 7:4, 8:2, 12:20 APPEARANCES [1] - 1:18 argument [1] - 11:10 assuming [2] - 6:24, 11:18 AT [1] - 3:2 attempted [1] - 11:16 attention [1] - 4:8 ATTEST [3] - 13:4, 14:8, 15:1 ATTORNEY [1] - 1:20 attorney [1] - 10:25 Avenue [1] - 14:19 aware [1] - 11:14	Case [1] - 14:7 CASE [2] - 1:1, 1:9 caused [2] - 4:13, 4:20 CCR [3] - 1:25, 13:8, 15:5 certain [5] - 9:3, 9:10, 9:13, 9:17 Certified [1] - 14:14 certify [2] - 14:16, 15:1 charged [1] - 11:25 choice [1] - 11:2 choose [1] - 11:2 CHRISTA [3] - 1:25, 13:8, 15:5 Christa [1] - 14:14 circumstances [1] - 12:9 Clark [2] - 4:10, 14:15 CLARK [4] - 1:4, 3:1, 14:2, 14:12 CLERK [3] - 3:21, 3:25, 12:22 clerk [3] - 7:25, 12:11, 12:21 client [1] - 10:18 closest [1] - 5:14 commit [1] - 11:21 committed [2] - 12:17, 12:19 company [1] - 7:5 contact [2] - 5:4, 5:20 contain [1] - 14:22 Contains [1] - 14:24 correct [3] - 8:19, 8:22, 9:4 cost [2] - 7:5, 7:22 count [2] - 11:13, 12:17 Count [1] - 12:17 counter [2] - 12:11, 12:12 counts [2] - 12:6, 12:14 COUNTY [4] - 1:4, 3:1, 14:2, 14:12 county [1] - 14:15 County [1] - 4:10 Court [5] - 10:13, 11:3, 12:13, 12:20, 14:19 COURT [28] - 1:3, 3:6, 3:10, 3:12, 3:17, 4:18, 5:18, 5:24, 7:4, 7:11, 7:17, 7:20, 8:12, 9:23, 10:9, 10:11, 10:16, 10:18, 10:21, 10:25, 11:8, 11:10, 11:12, 12:1, 12:7, 12:15, 12:23,	14:1 court [1] - 14:18 courtroom [3] - 3:18, 5:10, 5:14 created [1] - 12:10 crimes [2] - 12:17, 12:19 CROSS [1] - 8:14 Cross [1] - 2:5 CROSS- EXAMINATION [1] - 8:14 Cross-Examination [1] - 2:5 customer [6] - 4:21, 5:1, 5:4, 5:7, 5:9, 9:12	entering [1] - 11:14 especially [1] - 12:4 ESQ [2] - 1:19, 1:21 events [1] - 15:2 evidence [2] - 12:4, 12:16 evidenced [1] - 11:20 exact [2] - 9:4, 9:5 EXAMINATION [3] - 4:6, 8:14, 10:1 Examination [3] - 2:4, 2:5, 2:6 exclusionary [1] - 3:16 executed [1] - 12:12 exercise [1] - 10:21
1	1 [1] - 12:17 1,200 [1] - 11:24 1,800 [4] - 7:8, 7:12, 11:24, 12:1 10 [1] - 2:6 1st [1] - 12:22		D	F
2	2 [1] - 12:18 2,000 [1] - 12:1 2019 [1] - 4:9 2020 [3] - 1:15, 3:2, 14:19 20F02659X [3] - 1:9, 3:8, 14:7 21 [2] - 10:14, 12:24 22 [2] - 10:14, 12:24 239B.030 [1] - 14:8 2645 [1] - 4:10 28 [2] - 1:15, 3:2 29th [1] - 4:9	B	date [3] - 4:9, 4:13, 12:20 Decatur [1] - 4:10 decision [1] - 11:4 Defendant [3] - 1:11, 1:21, 14:9 defendant [2] - 5:17, 8:3 DEFENDANT [1] - 11:6 DEFENDER [1] - 1:22 defense [5] - 3:10, 8:12, 10:16, 11:8, 11:12 demonstrates [1] - 12:9 DEPUTY [2] - 1:20, 1:22 describe [1] - 5:12 digital [5] - 6:22, 6:24, 10:14, 12:24, 12:25 DIRECT [1] - 4:6 Direct [1] - 2:4 direct [1] - 4:8 discuss [1] - 10:25 display [3] - 4:22, 8:21, 8:25 dispute [2] - 9:7, 9:9 DISTRICT [1] - 1:20 District [1] - 12:20 door [1] - 5:2 down [2] - 10:9, 12:2 DSLr's [1] - 6:24	fair [1] - 8:8 film [1] - 6:22 first [2] - 3:12, 4:1 following [1] - 12:17 foundation [1] - 7:19 FULL [1] - 13:4
3	3 [1] - 14:19 3,500 [1] - 11:25 3.360 [1] - 14:18			G
4	4 [1] - 2:4			
5	574 [3] - 1:25, 13:8, 15:5			
8	8 [1] - 2:5 8:00 [1] - 12:22			H
9	9:30 [2] - 1:16, 3:2			hallway [1] - 3:19 hand [1] - 3:21 head [1] - 4:3 heard [3] - 10:7, 11:15, 11:23 hearing [1] - 3:7 HEARING [1] - 1:13 hearsay [3] - 7:3, 7:16, 12:5 hereby [1] - 14:16 high [2] - 6:19, 6:25 high-priced [2] - 6:19, 6:25 hmm [1] - 5:23 hold [2] - 11:3, 12:19 Honor [15] - 3:9, 3:11, 3:15, 7:9, 7:14, 9:22, 10:12, 10:17, 10:20, 10:23, 11:7, 11:9, 11:14, 11:23, 12:8 HONORABLE [1] -
A	a.m [1] - 12:22 A.M [2] - 1:16, 3:2 able [2] - 9:9, 12:11 ACCURATE [1] - 13:4 action [1] - 15:2	based [1] - 12:15 BEFORE [1] - 1:14 better [2] - 4:23 bind [1] - 12:14 box [1] - 6:13 brand [1] - 6:17 brands [1] - 10:13 breaking [1] - 10:7 briefly [1] - 9:24 BROKA [3] - 1:25, 13:8, 15:5 Broka [3] - 13:7, 14:14, 15:4 burden [1] - 12:6 burglary [4] - 11:13, 11:14, 12:9, 12:17 business [1] - 11:21 BY [8] - 4:7, 4:19, 5:19, 6:1, 7:6, 7:24, 8:15, 10:2	case [2] - 4:21, 8:25	E

1:14	<b>lower</b> [1] - 12:22 <b>Lumex</b> [1] - 12:25 <b>LUVEN</b> [17] - 1:21, 3:11, 3:15, 4:17, 7:3, 7:9, 7:14, 7:18, 8:15, 9:22, 10:17, 10:20, 10:23, 11:7, 11:9, 11:13, 12:3 <b>Luvén</b> [1] - 2:5	<b>O</b>	<b>PROCEEDINGS</b> [2] - 13:5, 14:17 <b>proper</b> [1] - 11:17 <b>PUBLIC</b> [1] - 1:22 <b>pursuant</b> [1] - 14:18 <b>put</b> [1] - 6:22	<b>Security</b> [2] - 14:22, 14:24 <b>see</b> [4] - 6:7, 8:24, 9:12, 10:4 <b>set</b> [1] - 3:6 <b>Shorthand</b> [1] - 14:14 <b>showing</b> [1] - 4:21 <b>silent</b> [4] - 11:2, 11:3, 11:5, 11:6 <b>sit</b> [1] - 6:17 <b>situation</b> [1] - 12:10 <b>smash</b> [1] - 12:12 <b>smashed</b> [11] - 4:25, 5:3, 5:6, 6:12, 6:13, 8:3, 8:5, 8:22, 9:1, 10:3, 10:6 <b>smashing</b> [1] - 8:24 <b>SNEED</b> [2] - 1:10, 14:8 <b>Sneed</b> [5] - 3:7, 3:18, 10:25, 12:15, 12:19 <b>Social</b> [2] - 14:22, 14:24 <b>sold</b> [1] - 7:7 <b>somewhere</b> [2] - 5:7, 7:8 <b>sound</b> [1] - 10:7 <b>South</b> [1] - 4:10 <b>speaks</b> [1] - 12:13 <b>spell</b> [1] - 4:1 <b>ss</b> [1] - 14:12 <b>stand</b> [2] - 6:22, 12:15 <b>start</b> [1] - 4:18 <b>state</b> [10] - 3:8, 3:12, 3:14, 3:25, 10:11, 11:10, 11:20, 11:25, 12:5, 12:7 <b>STATE</b> [5] - 1:4, 1:7, 14:2, 14:5, 14:11 <b>State</b> [3] - 1:19, 3:7, 14:15 <b>state's</b> [1] - 12:24 <b>stay</b> [2] - 11:4, 11:6 <b>step</b> [1] - 10:9 <b>still</b> [2] - 6:22, 7:15 <b>store</b> [6] - 6:4, 7:7, 7:25, 8:3, 10:4, 12:10 <b>structure</b> [1] - 11:15 <b>submitting</b> [1] - 11:19 <b>sufficient</b> [1] - 12:4 <b>super</b> [1] - 6:22 <b>Super</b> [1] - 4:10 <b>swear</b> [1] - 3:22		
<b>I</b>	<b>M</b>	<b>object</b> [1] - 7:10 <b>objection</b> [6] - 4:17, 7:3, 7:14, 7:16, 7:18, 12:5 <b>occur</b> [1] - 4:13 <b>occurred</b> [1] - 4:16 <b>OF</b> [14] - 1:3, 1:4, 1:7, 1:13, 1:14, 13:5, 14:1, 14:2, 14:5, 14:11, 14:12, 14:17 <b>office</b> [4] - 4:24, 4:25, 5:10, 6:11 <b>old</b> [1] - 6:21 <b>one</b> [7] - 3:16, 7:8, 7:10, 7:12, 7:14 <b>open</b> [1] - 14:18 <b>opposed</b> [1] - 12:25 <b>ordered</b> [1] - 5:18 <b>outside</b> [1] - 3:19 <b>overruled</b> [4] - 4:18, 7:11, 7:17, 7:20	<b>R</b>			
<b>ID</b> [3] - 9:18, 9:20, 11:17 <b>identity</b> [1] - 5:16 <b>immediately</b> [1] - 10:6 <b>IN</b> [2] - 1:3, 14:1 <b>INDEX</b> [1] - 2:1 <b>individual</b> [2] - 5:10, 5:12 <b>informed</b> [1] - 10:18 <b>intent</b> [2] - 11:15, 11:21 <b>interested</b> [1] - 15:1 <b>invoke</b> [1] - 3:16 <b>items</b> [1] - 5:1 <b>itself</b> [2] - 11:22, 12:13	<b>ma'am</b> [1] - 11:6 <b>manager</b> [6] - 8:19, 9:6, 9:12, 9:16, 9:20, 11:18 <b>manager's</b> [4] - 4:24, 4:25, 5:9, 6:11 <b>matter</b> [1] - 3:18 <b>MAY</b> [2] - 1:15, 3:2 <b>merchandise</b> [1] - 9:10 <b>met</b> [1] - 12:6 <b>minutes</b> [1] - 8:7 <b>missing</b> [4] - 5:1, 6:12, 6:15, 6:16 <b>morning</b> [2] - 3:20, 4:8 <b>motion</b> [1] - 12:24 <b>MR</b> [16] - 3:11, 3:15, 4:17, 7:3, 7:9, 7:14, 7:18, 8:15, 9:22, 10:17, 10:20, 10:23, 11:7, 11:9, 11:13, 12:3 <b>MS</b> [18] - 3:9, 3:14, 4:4, 4:7, 4:19, 5:16, 5:19, 6:1, 7:6, 7:24, 8:11, 9:24, 10:2, 10:8, 10:12, 11:11, 12:8, 13:1	<b>P</b>	<b>R-A-L-P-H</b> [1] - 4:2 <b>raise</b> [1] - 3:21 <b>RALPH</b> [1] - 2:3 <b>Ralph</b> [2] - 3:14, 4:2 <b>range</b> [1] - 6:21 <b>RE</b> [1] - 14:8 <b>re</b> [1] - 8:4 <b>re-ask</b> [1] - 8:4 <b>reads</b> [1] - 10:14 <b>ready</b> [2] - 3:8, 3:10 <b>recognized</b> [1] - 6:9 <b>record</b> [3] - 4:1, 5:16, 12:23 <b>redirect</b> [1] - 9:23 <b>Redirect</b> [1] - 2:6 <b>REDIRECT</b> [1] - 10:1 <b>reflect</b> [2] - 5:16, 12:24 <b>regard</b> [3] - 11:13, 11:22, 12:3 <b>regarding</b> [1] - 14:18 <b>remain</b> [2] - 11:2, 11:3 <b>remember</b> [6] - 6:17, 6:20, 6:23, 7:1, 9:5, 11:23 <b>remove</b> [1] - 10:13 <b>renew</b> [1] - 7:15 <b>repeat</b> [1] - 5:5 <b>rephrase</b> [1] - 9:11 <b>Reported</b> [1] - 1:25 <b>reported</b> [1] - 14:17 <b>Reporter</b> [1] - 14:14 <b>REPORTER'S</b> [2] - 1:13, 14:17 <b>required</b> [1] - 9:20 <b>requires</b> [1] - 11:14 <b>reserve</b> [1] - 11:11 <b>rest</b> [1] - 11:8 <b>resting</b> [1] - 10:12 <b>roughly</b> [2] - 7:1, 8:2 <b>rule</b> [1] - 3:16 <b>running</b> [1] - 10:4			
<b>J</b>	<b>K</b>	<b>PAGE</b> [1] - 2:2 <b>pass</b> [2] - 8:11, 9:22 <b>Pawn</b> [1] - 4:10 <b>pay</b> [5] - 9:9, 9:13, 9:17, 9:19, 11:17 <b>payment</b> [1] - 11:16 <b>PEACE</b> [1] - 1:14 <b>permission</b> [1] - 8:8 <b>person</b> [3] - 5:22, 14:23, 14:24 <b>personal</b> [2] - 7:10, 7:15 <b>personally</b> [1] - 8:24 <b>Plaintiff</b> [2] - 1:8, 14:6 <b>point</b> [3] - 5:15, 11:17, 11:18 <b>police</b> [2] - 4:14, 4:20 <b>preliminary</b> [1] - 3:7 <b>PRELIMINARY</b> [1] - 1:13 <b>present</b> [1] - 5:10 <b>presented</b> [1] - 12:16 <b>previously</b> [2] - 6:5, 6:7 <b>price</b> [10] - 4:23, 4:24, 7:1, 7:5, 7:7, 9:3, 9:4, 9:5, 9:7 <b>priced</b> [5] - 6:19, 6:25, 7:12, 7:13, 7:15 <b>prices</b> [1] - 11:23 <b>probable</b> [1] - 12:18 <b>proceed</b> [2] - 3:8, 3:10 <b>proceedings</b> [1] - 14:19	<b>J-O-V-E-R-O</b> [1] - 4:3 <b>JAMAL</b> [2] - 1:10, 14:8 <b>Jamal</b> [1] - 3:7 <b>JOVERO</b> [1] - 2:3 <b>Jovero</b> [3] - 3:14, 4:2, 8:16 <b>Judicial</b> [1] - 12:20 <b>June</b> [1] - 12:22 <b>Justice</b> [1] - 14:19 <b>JUSTICE</b> [3] - 1:3, 1:14, 14:1	<b>S</b>	<b>slChrista</b> [2] - 13:7, 15:4 <b>sale</b> [1] - 7:22 <b>saw</b> [1] - 9:1 <b>seated</b> [1] - 3:25 <b>second</b> [1] - 6:9	
<b>kind</b> [2] - 6:21, 11:21 <b>knowledge</b> [2] - 7:10, 7:15 <b>knows</b> [3] - 7:4, 7:21	<b>N</b>			<b>T</b>		
<b>L</b>	<b>lack</b> [1] - 7:19 <b>larceny</b> [5] - 11:22, 11:25, 12:13, 12:18 <b>LAS</b> [3] - 1:3, 3:1, 14:1 <b>Las</b> [2] - 14:19, 14:20 <b>last</b> [2] - 4:1, 4:3 <b>least</b> [6] - 7:12, 7:13, 7:15, 9:3, 11:24, 12:4 <b>leave</b> [1] - 12:11 <b>left</b> [3] - 5:1, 6:12, 12:10 <b>Lewis</b> [1] - 14:19 <b>light</b> [1] - 12:4 <b>lines</b> [2] - 10:14, 12:24 <b>located</b> [1] - 4:10 <b>location</b> [2] - 5:3, 5:4	<b>name</b> [5] - 3:19, 4:1, 4:2, 4:3 <b>narrative</b> [1] - 4:17 <b>need</b> [1] - 3:18 <b>NEVADA</b> [6] - 1:4, 1:7, 3:1, 14:2, 14:5, 14:11 <b>Nevada</b> [4] - 3:7, 4:11, 14:15, 14:20 <b>next</b> [1] - 5:8 <b>NO</b> [2] - 1:1, 1:9 <b>nothing</b> [1] - 3:22 <b>November</b> [1] - 4:9 <b>NRS</b> [2] - 14:8, 14:18 <b>number</b> [2] - 14:22, 14:24			<b>tendered</b> [1] - 11:16 <b>testified</b> [1] - 9:2 <b>testify</b> [6] - 3:18, 7:21, 7:22, 10:19, 11:1	

11:4 <b>testimony</b> [5] - 8:18, 11:15, 11:20, 11:23, 12:16 <b>THE</b> [40] - 1:3, 1:7, 1:14, 1:14, 3:6, 3:10, 3:12, 3:17, 3:21, 3:24, 3:25, 4:2, 4:18, 5:18, 5:24, 7:4, 7:5, 7:11, 7:12, 7:17, 7:20, 8:12, 9:23, 10:9, 10:10, 10:11, 10:16, 10:18, 10:21, 10:25, 11:6, 11:8, 11:10, 11:12, 12:1, 12:7, 12:15, 12:22, 12:23, 14:1 <b>Thomson</b> [1] - 2:6 <b>THOMSON</b> [19] - 1:19, 3:9, 3:14, 4:4, 4:7, 4:19, 5:16, 5:19, 6:1, 7:6, 7:24, 8:11, 9:24, 10:2, 10:8, 10:12, 11:11, 12:8, 13:1 <b>thomson</b> [1] - 2:4 <b>THURSDAY</b> [1] - 1:15 <b>today</b> [7] - 5:10, 5:13, 6:17, 10:22, 11:4, 11:20, 12:16 <b>totality</b> [1] - 12:8 <b>TOWNSHIP</b> [2] - 1:3, 14:1 <b>TRANSCRIPT</b> [4] - 1:13, 13:5, 14:17, 14:21 <b>TRUE</b> [1] - 13:4 <b>true</b> [1] - 11:19 <b>truth</b> [3] - 3:22, 3:23 <b>trying</b> [2] - 9:16, 9:19 <b>turned</b> [3] - 8:18, 9:1, 10:3 <b>twenty</b> [1] - 8:7 <b>twice</b> [1] - 6:3 <b>two</b> [3] - 5:1, 6:16, 7:1 <b>type</b> [5] - 6:23, 9:10, 9:13, 9:17, 9:19	<b>Vegas</b> [2] - 14:19, 14:20 <b>VEGAS</b> [3] - 1:3, 3:1, 14:1 <b>versus</b> [2] - 3:7, 8:4 <b>vs</b> [2] - 1:9, 14:7
<b>W</b>	
<b>wait</b> [1] - 3:19 <b>waive</b> [1] - 11:11 <b>walk</b> [1] - 4:16 <b>walked</b> [4] - 4:24, 4:25, 5:9 <b>wearing</b> [1] - 5:13 <b>west</b> [1] - 5:14 <b>whole</b> [1] - 3:22 <b>willful</b> [1] - 12:22 <b>wish</b> [1] - 10:21 <b>WITNESS</b> [6] - 2:2, 3:24, 4:2, 7:5, 7:12, 10:10 <b>witness</b> [5] - 3:13, 3:16, 8:11, 9:22, 11:16 <b>witnesses</b> [3] - 3:17, 10:11, 10:16 <b>word</b> [1] - 10:15 <b>works</b> [1] - 7:21 <b>wrote</b> [1] - 12:2	
<b>Z</b>	
<b>ZIMMERMAN</b> [1] - 1:14	
<b>U</b>	
<b>unable</b> [1] - 11:17	
<b>V</b>	
<b>VAN</b> [17] - 1:21, 3:11, 3:15, 4:17, 7:3, 7:9, 7:14, 7:18, 8:15, 9:22, 10:17, 10:20, 10:23, 11:7, 11:9, 11:13, 12:3 <b>Van</b> [1] - 2:5	



0014  
DARIN F. IMLAY, PUBLIC DEFENDER  
NEVADA BAR NO. 5674  
MICHAEL VAN LUVEN, DEPUTY PUBLIC DEFENDER  
NEVADA BAR NO. 13975  
**PUBLIC DEFENDERS OFFICE**  
309 South Third Street, Suite 226  
Las Vegas, Nevada 89155  
Telephone: (702) 455-4685  
Facsimile: (702) 455-5112  
*Attorneys for Defendant*

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,	)	
	)	
Plaintiff,	)	CASE NO. C-20-348559-1
	)	
v.	)	DEPT. NO. X
	)	
JAMAL SNEED,	)	
	)	
Defendant,	)	DATE: July 29, 2020
	)	TIME: 8:30 a.m.

**PETITION FOR WRIT OF HABEAS CORPUS**

TO: The Honorable Judge of the Eighth Judicial District Court of  
The State of Nevada, in and for the County of Clark

The Petition of Jamal Sneed submitted by MICHAEL VAN LUVEN, Deputy  
Public Defender, as attorney for the above-captioned individual, respectfully affirms:

1. That he/she is a duly qualified, practicing and licensed attorney in the City  
of Las Vegas, County of Clark, State of Nevada.
2. That Petitioner makes application for a Writ of Habeas Corpus; that the  
place where the Petitioner is imprisoned actually or constructively imprisoned and restrained of  
his liberty is the Clark County Detention Center; that the officer by whom he is imprisoned and  
restrained is the Sheriff of Clark County Nevada.
3. That the imprisonment and restraint of said Petitioner is unlawful in that:  
the instant charges lack probable cause and should not have been bound over to district court.
4. That Petitioner consents that if Petition is not decided within 15 days

1 before the date set for trial, the Court may, without notice of hearing, continue the trial  
2 indefinitely to a date designated by the Court.

3 5. That Petitioner personally authorized his aforementioned attorney to  
4 commence this action.

5 WHEREFORE, Petitioner prays that this Honorable Court make an order  
6 directing the County of Clark to issue a Writ of Habeas Corpus directed to the said the Sheriff of  
7 Clark County Nevada, commanding him to bring the Petitioner before your Honor, and return the  
8 cause of his imprisonment.

9 DATED this 14<sup>th</sup> of July, 2020.

10 DARIN F. IMLAY  
11 CLARK COUNTY PUBLIC DEFENDER

12  
13 By: /s/Michael Van Luven  
14 MICHAEL VAN LUVEN, #13975  
15 Deputy Public Defender  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**DECLARATION**

MICHAEL VAN LUVEN makes the following declaration:

1. I am an attorney duly licensed to practice law in the State of Nevada; I am the Deputy Public Defender assigned to represent the Defendant in the instant matter, and I am familiar with the facts and circumstances of this case.

2. That I am the attorney of record for Petitioner in the above matter; that I have read the foregoing Petition, know the contents thereof, and that the same is true of my own knowledge, except for those matters therein stated on information and belief, and as to those matters, I believe them to be true; that Petitioner, JAMAL SNEED, personally authorizes me to commence this Writ of Habeas Corpus action.

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

EXECUTED this 14<sup>th</sup> day of July, 2020.

/s/Michael Van Luven  
MICHAEL VAN LUVEN



1                                   **MEMORANDUM OF POINTS AND AUTHORITIES**  
2                                   **IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS**

3           COMES NOW the Petitioner, JAMAL SNEED, by and through his counsel, MICHAEL  
4   VAN LUVEN, the Clark County Public Defender's Office, and submits the following Points and  
5   Authorities in Support of Defendant's Petition for a pre-trial Writ of Habeas Corpus.

6                                   **STATEMENT OF FACTS**

7           The Petitioner in this matter is charged by way of Information with one (1) count of  
8   Burglary; and one (1) count of Grand Larceny. The two counts were bound over to district court  
9   following preliminary hearing held on May 28, 2020.

10          The Petitioner is accused of entering the SuperPawn at 2645 S. Decatur Blvd., Las Vegas,  
11   NV 89102, on November 29, 2019, breaking a display case, and running out of the business with  
12   two cameras. The State alleges that the cameras were worth a combined total of \$3,500 or more.  
13   *See Information* at 2.

14          At preliminary hearing, the State called a single witness: Ralph Jovero, the clerk on shift  
15   at the SuperPawn at the time of the alleged incident. Mr. Jovero testified to his alleged  
16   interaction with the Petitioner:

17               I was showing a customer something from the glass case we had on  
18               display. Then he was asking me about getting a better price for it. When  
19               he asked about getting a better price I walked to the manager's office and  
20               when I walked to the manager's office I walked out the glass had been  
21               smashed and there were two items missing and the customer had left out  
22               the door.

23               *Exhibit A – Transcript of Prelim. Hrg., May 28, 2020* at 4-5.

24          Mr. Jovero could not recall what exactly had been taken from the display case:

25               Q: What was missing?

26               A: There was two cameras that were missing.

27               Q: As you sit here today do you remember the brand of those cameras?

28               A: No. I just know they were like high-priced cameras.

*Id.* at 6.

              When pressed for additional details as to the type of cameras allegedly taken, Mr. Jovero  
could not be specific: "I'm assuming – they were DSLR's or digital cameras." *Id.* However, he

1 could not recall a specific price on the two items. Instead, Mr. Jovero attempted to provide  
2 *estimates* of the price on both cameras, over multiple defense objections:

3 Q: Okay. You said they were the high-priced cameras and there were two  
4 do. You [sic] remember roughly the price of each of those?

5 MR. VAN LUVEN: Objection. Hearsay.

6 THE COURT: He can answer if he knows.

7 THE WITNESS: Cost to the company or the price?

8 Q: The price if they were sold from the store?

9 A: One was like 1,800 and one was like somewhere –

10 MR. VAN LUVEN: Again Your Honor, I'm going to object to  
11 [“one was like”] is not personal knowledge.

12 THE COURT: Overruled.

13 THE WITNESS: One was priced at least 1,800. One was priced at least  
14 \$2,000.

15 MR. VAN LUVEN: Same objection, Your Honor. [“One was priced  
16 at least”] is still not personal knowledge. I renew my objection as to  
17 hearsay –

18 THE COURT: Overruled.

19 MR. VAN LUVEN: -- and also add an objection as to lack of  
20 foundation.

21 THE COURT: Overruled. Like I said before he can testify if he knows.  
22 If he works there he knows how much it cost and he can testify as to how  
23 much they had it for sale for.

24 *Id.* at 6-7.

25 On cross-examination, Mr. Jovero admitted that he did not know the price of the cameras:

26 Q: Okay. Now you testified that the cameras were like a certain price at  
27 least a certain price but you don't know the exact price; correct?

28 A: I don't remember the exact price.

*Id.* at 9.

Furthermore, on cross-examination, Mr. Jovero clarified that the reason he went to speak  
with the manager was because the customer in question was attempting to pay for the items but  
did not have his identification:

Q: Was there also a dispute over being able to pay for merchandise with a  
certain type of card, do you recall that?

A: Could you rephrase the question?

Q: Did you go see the manager because the customer in question had  
wanted to pay with a certain type of card, do you recall that?

A: Yes.

Q: You were going to ask the manager because he was trying to pay with  
a certain type of card and it wouldn't work?

A: He didn't have his ID.

Q: He was trying to pay with a type of card but he didn't have his ID and

that required you to go speak to the manager?

A: Yes.

*Id.* at 9.

Following Mr. Jovero's testimony, the defense argued that the State had not met its burden on either count. With regard to the Burglary count, the State failed to introduce any evidence that the Petitioner entered SuperPawn with any intent to commit an enumerated crime therein. As for Grand Larceny, the State did not introduce sufficient evidence of value due to Mr. Jovero's admitted inability to recall the price of the items in question. The State argued in rebuttal that the intent to commit a burglary could be inferred from the totality of the circumstances. The State did not offer any argument on the grand larceny count, instead claiming that "The grand larceny I think speaks for itself." *Id.* at 12.

The justice court bound over both counts.

## LEGAL ARGUMENT

The State did not meet its burden with regard to either count. What evidence was offered is insufficient to show probable cause. Accordingly, both counts must be dismissed.

### 1. Legal Standard

a. Habeas Corpus

It has long been the law in Nevada that “in the absence of evidence legally sufficient to indicate that an offense has been committed and that there is sufficient cause to believe the accused guilty thereof, he should not be bound over for trial in the district court.” *State v. Plas*, 80 Nev. 251, 253, 391 P.2d 867, 868 (1964). “It is fundamentally unfair to require a defendant to stand trial unless he is committed upon a charge with reasonable or probable cause.” *Shelby v. Sixth Judicial Dist. Court*, 82 Nev. 204, 207, 414 P.2d 942 (1966); *see also Eureka Bank Cases*, 35 Nev. 80, 126 P. 655 (1912).

NRS 171.206 states, in pertinent part, the following:

If from the evidence it appears to the magistrate that there is probable cause to believe that an offense has been committed and that the defendant has committed it, the magistrate shall forthwith hold the defendant to

1 answer in the district court; otherwise the magistrate shall discharge the  
2 defendant.

3 The probable cause necessary at a preliminary hearing has been defined as slight, even  
4 marginal, evidence because it does not involve a determination of guilt or innocence of an  
5 accused. *Sheriff, Washoe County v. Dhadda*, 980 P.2d 1062, 115 Nev. 175 (1999) (*rehearing*  
6 *denied*). The Nevada Supreme Court (NSC) has held that although the State's burden at the  
7 preliminary hearing is "slight, it remains incumbent upon the State to produce some evidence" as  
8 to each of the State's burdens. *Woodall v. Sheriff*, 95 Nev. 218, 220 (1979); *see also Marcum v.*  
9 *Sheriff*, 85 Nev. 175, 178 (1969) ("The state must offer some competent evidence on those points  
10 to convince the magistrate that a trial should be held"). If the State fails to meet its burden, "an  
11 accused is entitled to be discharged from custody under a writ of habeas corpus." *State v. Plas*,  
12 80 Nev. 251, 252 (1964).

13 However, probable cause is not to be found in a vacuum. Whatever evidence the State is  
14 introducing to argue the existence of probable cause, it nevertheless must create a *reasonable*  
15 inference that the accused committed the alleged offense. *LaPena v. Sheriff, Clark County*, 91  
16 Nev. 692, 696, 541 P.2d 907, 910 (1975).

17 Such evidence introduced at a preliminary hearing must be legal evidence. *Goldsmith v.*  
18 *Sheriff of Lyon County*, 85 Nev. 295, 303, 454 P.2d 86, 91 (1969). While the State is only  
19 required to produce "slight or marginal evidence" at a preliminary hearing, this merely refers to  
20 the quantum of evidence and not to the "sufficiency or weight of evidence and not to its  
21 competency, relevancy or character." *Id.* Furthermore, the *Goldsmith* case serves as a check on  
22 the preliminary hearing process to ensure that only legally competent evidence is offered against  
23 an accused.

#### 24 b. Burglary

25 Burglary occurs when an accused, "by day or night, enters any ... shop... with the intent  
26 to commit grand or petit larceny..." *NRS 205.060(1)*<sup>1</sup>. Therefore, intent is a requisite element  
27 that must be proven by evidence. Where intent is material to a charged offense, "the intent need  
28

---

<sup>1</sup> The statute has recently been amended, as of July 1, 2020. The cited language is from the preceding version of the statute.

1 not be proved by positive or direct evidence but may be inferred from the conduct of the parties  
2 and the other facts and circumstances disclosed by the evidence.” *Larsen v. State*, 86 Nev. 451,  
3 453, 470 P.2d 417, 418 (1970). Regardless, per the burglary statute, an accused must *enter* with  
4 the intent to commit an underlying, enumerated crime; intent formulated post-entry is not  
5 sufficient to satisfy the burglary statute. *State v. Adams*, 94 Nev. 503, 505, 581 P.2d 868, 869  
6 (1978) (“A criminal intent formulated after a lawful entry will not satisfy the statute.”).

7 c. Grand Larceny

8 When attempting to prosecute any crime where value is at issue, such as grand larceny,  
9 the State must present evidence of that value behind the mere recollection of an employee.

10 In the case *Stephans v. State*, 127 Nev. 712, 262 P.3d 727 (2011), the defendant was  
11 accused of grand larceny for “felony shoplifting.” 127 Nev. at 713. The State’s only evidence of  
12 value “came from the department store’s loss prevention officer. He testified, over the defense’s  
13 foundation, hearsay, and best evidence objections, that the stolen goods he recovered bore price  
14 tags adding up to \$477.” *Id.* The State did not offer any other evidence, such as the price tags or  
15 duplicates of such. *Id.*

16 The Nevada Supreme Court held that this was error, and that the defense’s objections to  
17 the testimony “should have been sustained.” *Id.* Specifically, the Court held that “While there are  
18 several ways to establish value in a shoplifting case, testimony from a witness whose knowledge  
19 rests on what he remembers reading on a price tag is not, without more, one of them.” *Id.*  
20 Furthermore, the State’s loss prevention witness “was neither offered nor qualified as an expert  
21 under NRS 50.275 ... Nor did the State establish that [the witness] had the personal knowledge  
22 required to give lay opinion testimony under NRS 50.265...” *Id.* at 716. Regardless, such  
23 “personal knowledge” of value only applies either where the witness is the owner of the  
24 property, or where a non-owner has “some personal knowledge to on which to base their  
25 estimate...” *Id.* at 716-17.

26 2. *The State did not show an intent to commit an underlying offense, even by the “totality of*  
27 *the circumstances”*  
28

1 At the close of evidence at preliminary hearing, the defense argued that the circumstances  
2 argued against the finding of an intent to commit an offense at the time the Petitioner is alleged  
3 to have entered the SuperPawn. The State, in rebuttal, argued that the “totality of circumstances”  
4 demonstrated the Petitioner’s alleged intent. However, when the referenced “totality of  
5 circumstances” are considered, they argue against burglarious intent at the time the Petitioner is  
6 alleged to have entered SuperPawn.

7 Mr. Jovero did not offer extensive testimony in this matter. What he did offer was a  
8 summary narrative that showed the Petitioner allegedly entered the SuperPawn but then went  
9 about normal business for such an establishment: “I was showing the customer something from  
10 the glass case we had on display. Then he was asking me about getting a better price for it. When  
11 he asked about getting a better price, I walked to the manager’s office...” *Ex. A* at 4. On cross-  
12 examination, Mr. Jovero then testified that *additional* issues had arisen with the customer-  
13 namely that the customer had *attempted to pay* but did not have his identification. *Id.* at 9.

14 Moreover, the State, during direct examination, elicited testimony that this was the  
15 second time the Petitioner had allegedly entered SuperPawn that day:

16 Q: Now, was this the only time you had contact with him on that day?

17 A: Like in person?

18 Q: Mm-hmm.

19 THE COURT: You have to say yes.

20 Q: Yes.

21 A: He was there twice that day.

22 Q: Were you at the store earlier that day when he was there previously?

23 A: Yes.

24 Q: Did you see him when he was there previously?

25 A: Yes.

26 *Id.* at 5-6.

27 Accordingly, the State’s “totality of circumstances” are that the Petitioner allegedly had  
28 come into the store earlier that day; that he then returned later in the day; he spoke to Mr. Jovero  
and discussed purchasing something; he haggled over price; and he attempted to pay for the  
merchandise but was unable to use his payment card because he did not have his identification  
on him. Based on the totality of these circumstances, the most reasonable interpretation is that  
any intent to steal the items would have been formed *after* the Petitioner entered the SuperPawn

1 for the second time that day; *after* the Petitioner discussed buying merchandise; *after* the  
2 Petitioner haggled over the price; and *after* the Petitioner attempted to purchase the merchandise.

3 Pursuant to the case law cited herein, any intent to commit a larceny formed *after* entry is  
4 insufficient to support a charge of burglary. Based on the totality of circumstances, the State has  
5 not demonstrated sufficient probable cause, even by slight or marginal evidence, as the evidence  
6 introduced argues more reasonably for any such intent being formed when the Petitioner  
7 allegedly was unable to pay for the items due to lacking his ID. As such, the burglary count must  
8 be dismissed.

9 3. *The State did not introduce legal evidence of value sufficient to support its count of grand*  
10 *larceny; alternatively, the justice court should have sustained the defense's objection to*  
11 *Mr. Jovero's testimony as to value*

12 This matter is directly analogous to the *Stephans* case, above. As with that case, this  
13 matter concerns grand larceny borne from shoplifting. Likewise, as with the *Stephans* case, the  
14 State did not introduce any evidence of value of the items taken aside from the imperfect  
15 recollection of its sole witness- a store employee. This evidence was admitted by the justice court  
16 over defense counsel's repeated, contemporaneous objections

17 Here, Mr. Jovero's testimony was entirely speculative. Not only did he use speculative  
18 language—he testified alternatively, between defense objections, that the items were worth  
19 “like” a certain amount, or “at least” a certain amount—but he would admit on cross-  
20 examination that he did not recall the exact price of the items in question. So imperfect was Mr.  
21 Jovero's memory, in fact, that the State moved to amend its complaint *to strike the reference to*  
22 *specific brands of cameras* because Mr. Jovero, despite coaxing from the State, could not even  
recall the exact items that had allegedly been taken:

23 THE COURT: State have any other witnesses?

24 MS. THOMSON: No, Your Honor. Prior to resting I'd ask the Court to  
25 allow me to remove the brands of the camera on lines 21 and 22. So that it  
reads only digital cameras. Not the word only though.

26 *Ex. A at 10.*

1 Finally, the justice court should have sustained the defense's proper objections to Mr.  
2 Jovero's testimony on the value of the items. In overruling the objections, the justice court ruled  
3 that Mr. Jovero could testify as to value from his personal knowledge. This is obviously  
4 antithetical to controlling authority. As set forth in the *Stephans* case, such "personal knowledge"  
5 of price is only admissible where the witness is the owner of the property or has some  
6 independent basis for their knowledge beyond merely reading the price tag.

7 Accordingly, as the State did not introduce any legal evidence to show the value of the  
8 items in question, the State did not meet its burden to establish probable cause supporting the  
9 grand larceny count. That count must also be dismissed.

### 10 CONCLUSION

11 Based on the foregoing, the counts alleged against the Petitioner in the State's  
12 Information must be dismissed. The State failed to establish, even by slight or marginal  
13 evidence, that probable cause exists to bind the counts over for trial.

14 DATED this 14<sup>th</sup> of July, 2020.

15 DARIN F. IMLAY  
16 CLARK COUNTY PUBLIC DEFENDER

17  
18 By: /s/Michael Van Luven  
19 MICHAEL VAN LUVEN, #13975  
20 Deputy Public Defender  
21  
22  
23  
24  
25  
26  
27  
28



1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8

YOU WILL PLEASE TAKE NOTICE that the foregoing PETITION FOR WRIT OF HABEAS CORPUS will be heard on July 29, 2020, at 8:30 a.m. in District Court, Department X.

DARIN F. IMLAY  
CLARK COUNTY PUBLIC DEFENDER

## CERTIFICATE OF ELECTRONIC SERVICE

By: /s/Kayleigh Lopatic  
An employee of the  
Clark County Public Defender's Office

# EXHIBIT A



1 **and there were two items missing and the customer had left out**  
2 **the door.**

3 Q. The location where the glass was smashed is that the  
4 same location where you had contact with the customer?

5 **A. Could you repeat the question?**

6 Q. The cabinet that had the glass smashed is that the  
7 cabinet you were at with the customer or was it somewhere else?

8 **A. It was the cabinet right next to it.**

9 Q. And the customer that you had walked to the manager's  
10 office is that individual present in the courtroom today?

11 **A. Yes.**

12 Q. Would you please to the individual and describe  
13 something they are wearing today?

14 **A. They are closest to the west of the courtroom.**

15 Q. Will you point to them.

16 MS. THOMSON: Let the record reflect identity of  
17 the defendant?

18 THE COURT: So ordered.

19 BY MS. THOMSON:

20 Q. Now, was this the only time you had contact with him on  
21 that day?

22 **A. Like in person?**

23 Q. Mm-hmm.

24 THE COURT: You have to say yes.

25 / / /

1 there were two do. You remember roughly the price of each of  
2 those?

3 MR. VAN LUVEN: Objection. Hearsay.

4 THE COURT: He can answer if he knows.

5 THE WITNESS: Cost to the company or the price?

6 BY MS. THOMSON:

7 Q. The price if they were sold from the store?

8 **A. One was like 1,800 and one was like somewhere --**

9 MR. VAN LUVEN: Again Your Honor, I'm going to  
10 object to one was like is not personal knowledge.

11 THE COURT: Overruled.

12 THE WITNESS: One was priced at least 1,800. One  
13 was priced at least \$2,000.

14 MR. VAN LUVEN: Same objection, Your Honor. One  
15 was priced at least is still not personal knowledge. I renew  
16 my objection as to hearsay --

17 THE COURT: Overruled.

18 MR. VAN LUVEN: -- and also add an objection as to  
19 lack of foundation.

20 THE COURT: Overruled. Like I said before he can  
21 testify if he knows. If he works there he knows how much it  
22 cost and he can testify as to how much they had it for sale  
23 for.

24 BY MS. THOMSON:

25 Q. I asked you were clerk at the store on this day?

1 BY MS. THOMSON:

2 Q. Yes.

3 **A. He was there twice that day.**

4 Q. Were you at the store earlier that day when he was  
5 there previously?

6 **A. Yes.**

7 Q. Did you see him when he was there previously?

8 **A. Yes.**

9 Q. You recognized him when he came in the second time?

10 **A. Yes.**

11 Q. When you came out of the manager's office you said the  
12 glass was smashed and he had left. Was there anything missing  
13 from the smashed glass box?

14 **A. Yes.**

15 Q. What was missing?

16 **A. There was two cameras that were missing.**

17 Q. As you sit here today do you remember the brand of  
18 those cameras?

19 **A. No. I just know they were like high-priced cameras.**

20 Q. Do you remember when we are talking about cameras  
21 there's kind of that range of the old time where everyone had  
22 to stand super still, you put in film, or digital cameras, do  
23 you remember what type of cameras they were?

24 **A. I'm assuming -- they were DSLR's or digital cameras.**

25 Q. Okay. You said they were the high-priced cameras and

1 **A. Yes.**

2 Q. Roughly, if you know the answer to this, how long was  
3 the defendant in the store from the time that he smashed the  
4 glass versus -- let me re-ask. From time he came in to the  
5 time the glass was smashed about how long was that, if you can  
6 say?

7 **A. Approximately twenty minutes.**

8 Q. Fair to say you didn't give him permission to take  
9 those cameras?

10 **A. Yes.**

11 MS. THOMSON: I'll pass the witness.

12 THE COURT: Defense?

13 CROSS-EXAMINATION

15 BY MR. VAN LUVEN:

16 Q. Mr. Jovero?

17 **A. Yes.**

18 Q. It was your testimony that you turned around to go  
19 speak to the manager about something; correct?

20 **A. Yes.**

21 Q. When you came back you found the display had been  
22 smashed; correct?

23 **A. Yes.**

24 Q. So you did not personally see anybody smashing the  
25 display case?

1 **A. I turned and I saw it had been smashed.**  
 2 **Q.** Okay. Now you testified that the cameras were like a  
 3 certain price at least a certain price but you don't know the  
 4 exact price; correct?  
 5 **A. I don't remember the exact price.**  
 6 **Q.** Now, when you went to speak to the manager was this  
 7 about a dispute over price?  
 8 **A. Yes.**  
 9 **Q.** Was there also a dispute over being able to pay for  
 10 merchandise with a certain type of card, do you recall that?  
 11 **A. Could you rephrase the question?**  
 12 **Q.** Did you go see the manager because the customer in  
 13 question had wanted to pay with a certain type of card, do you  
 14 recall that?  
 15 **A. Yes.**  
 16 **Q.** You were going to ask the manager because he was trying  
 17 to pay with a certain type of card and it wouldn't work?  
 18 **A. He didn't have his ID.**  
 19 **Q.** He was trying to pay with a type of card but he didn't  
 20 have his ID and that required you to go speak to the manager?  
 21 **A. Yes.**  
 22 MR. VAN LUVEN: I'll pass the witness, Your Honor.  
 23 THE COURT: Any redirect?  
 24 MS. THOMSON: Briefly.  
 25 / / /

1 REDIRECT EXAMINATION  
 2 BY MS. THOMSON:  
 3 **Q.** You said you turned around and the glass was smashed.  
 4 Did you see him running from the store?  
 5 **A. Yes.**  
 6 **Q.** That was immediately after the glass was smashed?  
 7 **A. Yes, right after I heard the sound of glass breaking.**  
 8 MS. THOMSON: Thank you.  
 9 THE COURT: Thank you, sir. You may step down.  
 10 THE WITNESS: Thank you.  
 11 THE COURT: State have any other witnesses?  
 12 MS. THOMSON: No, Your Honor. Prior to resting  
 13 I'd ask the Court to allow me to remove the brands of the  
 14 cameras on lines 21 and 22. So that it reads only digital  
 15 cameras. Not the word only though.  
 16 THE COURT: Does the defense have any witnesses?  
 17 MR. VAN LUVEN: No, Your Honor.  
 18 THE COURT: Has your client been informed of his  
 19 right to testify?  
 20 MR. VAN LUVEN: Yes, Your Honor.  
 21 THE COURT: Does he wish to exercise that right  
 22 today?  
 23 MR. VAN LUVEN: If Your Honor would canvas him  
 24 please.  
 25 THE COURT: Mr. Sneed, did your attorney discuss

1 with you that you have the right to testify and you also have  
 2 the right to remain silent. It's your choice. If you choose  
 3 to remain silent, the Court cannot hold that against you in  
 4 making my decision today. Do you want to testify or stay  
 5 silent?  
 6 THE DEFENDANT: Stay silent, ma'am.  
 7 MR. VAN LUVEN: Thank you, Your Honor.  
 8 THE COURT: Defense rest?  
 9 MR. VAN LUVEN: Yes, Your Honor.  
 10 THE COURT: Any argument by the state?  
 11 MS. THOMSON: Waive and reserve.  
 12 THE COURT: Defense?  
 13 MR. VAN LUVEN: With regard to the burglary count  
 14 as Your Honor is aware burglary requires entering into a  
 15 structure with that intent. We heard testimony from the  
 16 witness that payment was attempted to be tendered and at that  
 17 point he was unable to pay because he did not have proper ID at  
 18 which point he went to speak to the manager. So assuming  
 19 everything else is true, just submitting on all of other  
 20 testimony that's been had today, the state has not evidenced  
 21 that he entered that business with intent to commit any kind of  
 22 grand larceny. With regard to the grand larceny itself, Your  
 23 Honor, we heard testimony he could not remember the prices of  
 24 cameras. He said at least or like I believe 1,800 and 1,200.  
 25 The state has charged grand larceny 3,500 or above.

1 THE COURT: 1,800 and 2,000 is what he said. I  
 2 wrote that down.  
 3 MR. VAN LUVEN: Okay. With regard to that though  
 4 like or at least is not sufficient evidence especially in light  
 5 of the hearsay objection. With that we believe the state has  
 6 not met their burden as to either of these counts.  
 7 THE COURT: Okay. State?  
 8 MS. THOMSON: Your Honor, I believe the totality  
 9 of the circumstances demonstrates burglary. He had been in the  
 10 store earlier. He left and came back and created a situation  
 11 where he was able to have the clerk leave the counter and then  
 12 executed the smash and grab from the counter. The grand  
 13 larceny I think speaks for itself. I would ask the Court to  
 14 bind over both counts.  
 15 THE COURT: Mr. Sneed, please stand. Based on the  
 16 evidence and testimony presented here today I believe the  
 17 following crimes have been committed: Count 1, burglary; Count  
 18 2, grand larceny and that there's probable cause to believe  
 19 you, Mr. Sneed, have committed said crimes. I will hold you to  
 20 answer in the Eighth Judicial District Court on the date my  
 21 clerk gives you.  
 22 THE CLERK: June 1st, 8:00 a.m. lower willful.  
 23 THE COURT: Thank you. For the record I did grant  
 24 the state's motion to amend lines 21 and 22 to reflect digital  
 25 cameras as opposed to Lumex and Canon digital cameras.

MS. THOMSON: Thank you.

\* \* \* \* \*

ATTEST: FULL, TRUE AND ACCURATE  
TRANSCRIPT OF PROCEEDINGS.

\s\Christa Broka

CHRISTA D. BROKA, CCR 574

ATTEST: I further certify that I am not interested in  
the events of this action.

\s\Christa Broka

CHRISTA D. BROKA, CCR 574

IN THE JUSTICE COURT OF LAS VEGAS TOWNSHIP

COUNTY OF CLARK, STATE OF NEVADA

-o0o-

STATE OF NEVADA, )

Plaintiff, )

vs. ) Case No. 20F02659X

JAMAL SNEED, ) ATTEST RE: NRS 239B.030

Defendant, )

STATE OF NEVADA)

) ss

COUNTY OF CLARK)

I, Christa D. Broka, a Certified Shorthand Reporter  
within and for the county of Clark and the State of Nevada, do  
hereby certify:

That REPORTER'S TRANSCRIPT OF PROCEEDINGS was reported  
in open court pursuant to NRS 3.360 regarding the above  
proceedings in Las Vegas Justice Court 3, 2020, Lewis Avenue,  
Las Vegas, Nevada.

That said TRANSCRIPT:

X Does not contain the Social Security number of any  
person.

\_\_\_ Contains the Social Security number of a person.

<b>\$</b>	<b>add</b> [1] - 7:18 <b>allow</b> [1] - 10:13 <b>amend</b> [1] - 12:24 <b>AND</b> [1] - 13:4 <b>ANN</b> [1] - 1:14 <b>answer</b> [3] - 7:4, 8:2, 12:20 <b>APPEARANCES</b> [1] - 1:18 <b>argument</b> [1] - 11:10 <b>assuming</b> [2] - 6:24, 11:18 <b>AT</b> [1] - 3:2 <b>attempted</b> [1] - 11:16 <b>attention</b> [1] - 4:8 <b>ATTEST</b> [3] - 13:4, 14:8, 15:1 <b>ATTORNEY</b> [1] - 1:20 <b>attorney</b> [1] - 10:25 <b>Avenue</b> [1] - 14:19 <b>aware</b> [1] - 11:14	<b>Case</b> [1] - 14:7 <b>CASE</b> [2] - 1:1, 1:9 <b>caused</b> [2] - 4:13, 4:20 <b>CCR</b> [3] - 1:25, 13:8, 15:5 <b>certain</b> [5] - 9:3, 9:10, 9:13, 9:17 <b>Certified</b> [1] - 14:14 <b>certify</b> [2] - 14:16, 15:1 <b>charged</b> [1] - 11:25 <b>choice</b> [1] - 11:2 <b>choose</b> [1] - 11:2 <b>CHRISTA</b> [3] - 1:25, 13:8, 15:5 <b>Christa</b> [1] - 14:14 <b>circumstances</b> [1] - 12:9 <b>Clark</b> [2] - 4:10, 14:15 <b>CLARK</b> [4] - 1:4, 3:1, 14:2, 14:12 <b>CLERK</b> [3] - 3:21, 3:25, 12:22 <b>clerk</b> [3] - 7:25, 12:11, 12:21 <b>client</b> [1] - 10:18 <b>closest</b> [1] - 5:14 <b>commit</b> [1] - 11:21 <b>committed</b> [2] - 12:17, 12:19 <b>company</b> [1] - 7:5 <b>contact</b> [2] - 5:4, 5:20 <b>contain</b> [1] - 14:22 <b>Contains</b> [1] - 14:24 <b>correct</b> [3] - 8:19, 8:22, 9:4 <b>cost</b> [2] - 7:5, 7:22 <b>count</b> [2] - 11:13, 12:17 <b>Count</b> [1] - 12:17 <b>counter</b> [2] - 12:11, 12:12 <b>counts</b> [2] - 12:6, 12:14 <b>COUNTY</b> [4] - 1:4, 3:1, 14:2, 14:12 <b>county</b> [1] - 14:15 <b>County</b> [1] - 4:10 <b>Court</b> [5] - 10:13, 11:3, 12:13, 12:20, 14:19 <b>COURT</b> [28] - 1:3, 3:6, 3:10, 3:12, 3:17, 4:18, 5:18, 5:24, 7:4, 7:11, 7:17, 7:20, 8:12, 9:23, 10:9, 10:11, 10:16, 10:18, 10:21, 10:25, 11:8, 11:10, 11:12, 12:1, 12:7, 12:15, 12:23,	14:1 <b>court</b> [1] - 14:18 <b>courtroom</b> [3] - 3:18, 5:10, 5:14 <b>created</b> [1] - 12:10 <b>crimes</b> [2] - 12:17, 12:19 <b>CROSS</b> [1] - 8:14 <b>Cross</b> [1] - 2:5 <b>CROSS-EXAMINATION</b> [1] - 8:14 <b>Cross-Examination</b> [1] - 2:5 <b>customer</b> [6] - 4:21, 5:1, 5:4, 5:7, 5:9, 9:12	<b>entering</b> [1] - 11:14 <b>especially</b> [1] - 12:4 <b>ESQ</b> [2] - 1:19, 1:21 <b>events</b> [1] - 15:2 <b>evidence</b> [2] - 12:4, 12:16 <b>evidenced</b> [1] - 11:20 <b>exact</b> [2] - 9:4, 9:5 <b>EXAMINATION</b> [3] - 4:6, 8:14, 10:1 <b>Examination</b> [3] - 2:4, 2:5, 2:6 <b>exclusionary</b> [1] - 3:16 <b>executed</b> [1] - 12:12 <b>exercise</b> [1] - 10:21	
<b>1</b>	<b>1</b> [1] - 12:17 <b>1,200</b> [1] - 11:24 <b>1,800</b> [4] - 7:8, 7:12, 11:24, 12:1 <b>10</b> [1] - 2:6 <b>1st</b> [1] - 12:22				
<b>2</b>	<b>2</b> [1] - 12:18 <b>2,000</b> [1] - 12:1 <b>2019</b> [1] - 4:9 <b>2020</b> [3] - 1:15, 3:2, 14:19 <b>20F02659X</b> [3] - 1:9, 3:8, 14:7 <b>21</b> [2] - 10:14, 12:24 <b>22</b> [2] - 10:14, 12:24 <b>239B.030</b> [1] - 14:8 <b>2645</b> [1] - 4:10 <b>28</b> [2] - 1:15, 3:2 <b>29th</b> [1] - 4:9	<b>B</b> <b>based</b> [1] - 12:15 <b>BEFORE</b> [1] - 1:14 <b>better</b> [2] - 4:23 <b>bind</b> [1] - 12:14 <b>box</b> [1] - 6:13 <b>brand</b> [1] - 6:17 <b>brands</b> [1] - 10:13 <b>breaking</b> [1] - 10:7 <b>briefly</b> [1] - 9:24 <b>BROKA</b> [3] - 1:25, 13:8, 15:5 <b>Broka</b> [3] - 13:7, 14:14, 15:4 <b>burden</b> [1] - 12:6 <b>burglary</b> [4] - 11:13, 11:14, 12:9, 12:17 <b>business</b> [1] - 11:21 <b>BY</b> [8] - 4:7, 4:19, 5:19, 6:1, 7:6, 7:24, 8:15, 10:2			
<b>3</b>	<b>3</b> [1] - 14:19 <b>3,500</b> [1] - 11:25 <b>3,360</b> [1] - 14:18		<b>D</b> <b>date</b> [3] - 4:9, 4:13, 12:20 <b>Decatur</b> [1] - 4:10 <b>decision</b> [1] - 11:4 <b>Defendant</b> [3] - 1:11, 1:21, 14:9 <b>defendant</b> [2] - 5:17, 8:3 <b>DEFENDANT</b> [1] - 11:6 <b>DEFENDER</b> [1] - 1:22 <b>defense</b> [5] - 3:10, 8:12, 10:16, 11:8, 11:12 <b>demonstrates</b> [1] - 12:9 <b>DEPUTY</b> [2] - 1:20, 1:22 <b>describe</b> [1] - 5:12 <b>digital</b> [5] - 6:22, 6:24, 10:14, 12:24, 12:25 <b>DIRECT</b> [1] - 4:6 <b>Direct</b> [1] - 2:4 <b>direct</b> [1] - 4:8 <b>discuss</b> [1] - 10:25 <b>display</b> [3] - 4:22, 8:21, 8:25 <b>dispute</b> [2] - 9:7, 9:9 <b>DISTRICT</b> [1] - 1:20 <b>District</b> [1] - 12:20 <b>door</b> [1] - 5:2 <b>down</b> [2] - 10:9, 12:2 <b>DSLR's</b> [1] - 6:24	<b>F</b> <b>fair</b> [1] - 8:8 <b>film</b> [1] - 6:22 <b>first</b> [2] - 3:12, 4:1 <b>following</b> [1] - 12:17 <b>foundation</b> [1] - 7:19 <b>FULL</b> [1] - 13:4	
<b>4</b>	<b>4</b> [1] - 2:4			<b>G</b> <b>glass</b> [11] - 4:21, 4:25, 5:3, 5:6, 6:12, 6:13, 8:4, 8:5, 10:3, 10:6, 10:7 <b>grab</b> [1] - 12:12 <b>grand</b> [5] - 11:22, 11:25, 12:12, 12:18 <b>grant</b> [1] - 12:23	
<b>5</b>	<b>574</b> [3] - 1:25, 13:8, 15:5	<b>C</b> <b>cabinet</b> [3] - 5:6, 5:7, 5:8 <b>cameras</b> [15] - 6:16, 6:18, 6:19, 6:20, 6:22, 6:23, 6:24, 6:25, 8:9, 9:2, 10:14, 10:15, 11:24, 12:25 <b>cannot</b> [1] - 11:3 <b>Canon</b> [1] - 12:25 <b>canvas</b> [1] - 10:23 <b>card</b> [4] - 9:10, 9:13, 9:17, 9:19 <b>case</b> [2] - 4:21, 8:25	<b>E</b> <b>Eighth</b> [1] - 12:20 <b>either</b> [1] - 12:6 <b>employee</b> [1] - 4:14 <b>entered</b> [1] - 11:21	<b>H</b> <b>hallway</b> [1] - 3:19 <b>hand</b> [1] - 3:21 <b>head</b> [1] - 4:3 <b>heard</b> [3] - 10:7, 11:15, 11:23 <b>hearing</b> [1] - 3:7 <b>HEARING</b> [1] - 1:13 <b>hearsay</b> [3] - 7:3, 7:16, 12:5 <b>hereby</b> [1] - 14:16 <b>high</b> [2] - 6:19, 6:25 <b>high-priced</b> [2] - 6:19, 6:25 <b>hmm</b> [1] - 5:23 <b>hold</b> [2] - 11:3, 12:19 <b>Honor</b> [15] - 3:9, 3:11, 3:15, 7:9, 7:14, 9:22, 10:12, 10:17, 10:20, 10:23, 11:7, 11:9, 11:14, 11:23, 12:8 <b>HONORABLE</b> [1] -	
<b>8</b>	<b>8</b> [1] - 2:5 <b>8:00</b> [1] - 12:22				
<b>9</b>	<b>9:30</b> [2] - 1:16, 3:2				
<b>A</b>	<b>a.m</b> [1] - 12:22 <b>A.M</b> [2] - 1:16, 3:2 <b>able</b> [2] - 9:9, 12:11 <b>ACCURATE</b> [1] - 13:4 <b>action</b> [1] - 15:2				

1:14	<b>lower</b> [1] - 12:22 <b>Lumex</b> [1] - 12:25 <b>LUVEN</b> [17] - 1:21, 3:11, 3:15, 4:17, 7:3, 7:9, 7:14, 7:18, 8:15, 9:22, 10:17, 10:20, 10:23, 11:7, 11:9, 11:13, 12:3 <b>Luven</b> [1] - 2:5	<b>O</b>	<b>PROCEEDINGS</b> [2] - 13:5, 14:17 <b>proper</b> [1] - 11:17 <b>PUBLIC</b> [1] - 1:22 <b>pursuant</b> [1] - 14:18 <b>put</b> [1] - 6:22	<b>Security</b> [2] - 14:22, 14:24 <b>see</b> [4] - 6:7, 8:24, 9:12, 10:4 <b>set</b> [1] - 3:6 <b>Shorthand</b> [1] - 14:14 <b>showing</b> [1] - 4:21 <b>silent</b> [4] - 11:2, 11:3, 11:5, 11:6 <b>sit</b> [1] - 6:17 <b>situation</b> [1] - 12:10 <b>smash</b> [1] - 12:12 <b>smashed</b> [11] - 4:25, 5:3, 5:6, 6:12, 6:13, 8:3, 8:5, 8:22, 9:1, 10:3, 10:6 <b>smashing</b> [1] - 8:24 <b>SNEED</b> [2] - 1:10, 14:8 <b>Sneed</b> [5] - 3:7, 3:18, 10:25, 12:15, 12:19 <b>Social</b> [2] - 14:22, 14:24 <b>sold</b> [1] - 7:7 <b>somewhere</b> [2] - 5:7, 7:8 <b>sound</b> [1] - 10:7 <b>South</b> [1] - 4:10 <b>speaks</b> [1] - 12:13 <b>spell</b> [1] - 4:1 <b>ss</b> [1] - 14:12 <b>stand</b> [2] - 6:22, 12:15 <b>start</b> [1] - 4:18 <b>state</b> [10] - 3:8, 3:12, 3:14, 3:25, 10:11, 11:10, 11:20, 11:25, 12:5, 12:7 <b>STATE</b> [5] - 1:4, 1:7, 14:2, 14:5, 14:11 <b>State</b> [3] - 1:19, 3:7, 14:15 <b>state's</b> [1] - 12:24 <b>stay</b> [2] - 11:4, 11:6 <b>step</b> [1] - 10:9 <b>still</b> [2] - 6:22, 7:15 <b>store</b> [6] - 6:4, 7:7, 7:25, 8:3, 10:4, 12:10 <b>structure</b> [1] - 11:15 <b>submitting</b> [1] - 11:19 <b>sufficient</b> [1] - 12:4 <b>super</b> [1] - 6:22 <b>Super</b> [1] - 4:10 <b>swear</b> [1] - 3:22		
<b>I</b>	<b>M</b>	<b>object</b> [1] - 7:10 <b>objection</b> [6] - 4:17, 7:3, 7:14, 7:16, 7:18, 12:5 <b>occur</b> [1] - 4:13 <b>occurred</b> [1] - 4:16 <b>OF</b> [14] - 1:3, 1:4, 1:7, 1:13, 1:14, 13:5, 14:1, 14:2, 14:5, 14:11, 14:12, 14:17 <b>office</b> [4] - 4:24, 4:25, 5:10, 6:11 <b>old</b> [1] - 6:21 <b>one</b> [7] - 3:16, 7:8, 7:10, 7:12, 7:14 <b>open</b> [1] - 14:18 <b>opposed</b> [1] - 12:25 <b>ordered</b> [1] - 5:18 <b>outside</b> [1] - 3:19 <b>overruled</b> [4] - 4:18, 7:11, 7:17, 7:20	<b>R</b>			
<b>ID</b> [3] - 9:18, 9:20, 11:17 <b>identity</b> [1] - 5:16 <b>immediately</b> [1] - 10:6 <b>IN</b> [2] - 1:3, 14:1 <b>INDEX</b> [1] - 2:1 <b>individual</b> [2] - 5:10, 5:12 <b>informed</b> [1] - 10:18 <b>intent</b> [2] - 11:15, 11:21 <b>interested</b> [1] - 15:1 <b>invoke</b> [1] - 3:16 <b>items</b> [1] - 5:1 <b>itself</b> [2] - 11:22, 12:13	<b>ma'am</b> [1] - 11:6 <b>manager</b> [6] - 8:19, 9:6, 9:12, 9:16, 9:20, 11:18 <b>manager's</b> [4] - 4:24, 4:25, 5:9, 6:11 <b>matter</b> [1] - 3:18 <b>MAY</b> [2] - 1:15, 3:2 <b>merchandise</b> [1] - 9:10 <b>met</b> [1] - 12:6 <b>minutes</b> [1] - 8:7 <b>missing</b> [4] - 5:1, 6:12, 6:15, 6:16 <b>morning</b> [2] - 3:20, 4:8 <b>motion</b> [1] - 12:24 <b>MR</b> [16] - 3:11, 3:15, 4:17, 7:3, 7:9, 7:14, 7:18, 8:15, 9:22, 10:17, 10:20, 10:23, 11:7, 11:9, 11:13, 12:3 <b>MS</b> [18] - 3:9, 3:14, 4:4, 4:7, 4:19, 5:16, 5:19, 6:1, 7:6, 7:24, 8:11, 9:24, 10:2, 10:8, 10:12, 11:11, 12:8, 13:1	<b>P</b>	<b>R-A-L-P-H</b> [1] - 4:2 <b>raise</b> [1] - 3:21 <b>RALPH</b> [1] - 2:3 <b>Ralph</b> [2] - 3:14, 4:2 <b>range</b> [1] - 6:21 <b>RE</b> [1] - 14:8 <b>re</b> [1] - 8:4 <b>re-ask</b> [1] - 8:4 <b>reads</b> [1] - 10:14 <b>ready</b> [2] - 3:8, 3:10 <b>recognized</b> [1] - 6:9 <b>record</b> [3] - 4:1, 5:16, 12:23 <b>redirect</b> [1] - 9:23 <b>Redirect</b> [1] - 2:6 <b>REDIRECT</b> [1] - 10:1 <b>reflect</b> [2] - 5:16, 12:24 <b>regard</b> [3] - 11:13, 11:22, 12:3 <b>regarding</b> [1] - 14:18 <b>remain</b> [2] - 11:2, 11:3 <b>remember</b> [6] - 6:17, 6:20, 6:23, 7:1, 9:5, 11:23 <b>remove</b> [1] - 10:13 <b>renew</b> [1] - 7:15 <b>repeat</b> [1] - 5:5 <b>rephrase</b> [1] - 9:11 <b>Reported</b> [1] - 1:25 <b>reported</b> [1] - 14:17 <b>Reporter</b> [1] - 14:14 <b>REPORTER'S</b> [2] - 1:13, 14:17 <b>required</b> [1] - 9:20 <b>requires</b> [1] - 11:14 <b>reserve</b> [1] - 11:11 <b>rest</b> [1] - 11:8 <b>resting</b> [1] - 10:12 <b>roughly</b> [2] - 7:1, 8:2 <b>rule</b> [1] - 3:16 <b>running</b> [1] - 10:4			
<b>J</b>	<b>K</b>	<b>PAGE</b> [1] - 2:2 <b>pass</b> [2] - 8:11, 9:22 <b>Pawn</b> [1] - 4:10 <b>pay</b> [5] - 9:9, 9:13, 9:17, 9:19, 11:17 <b>payment</b> [1] - 11:16 <b>PEACE</b> [1] - 1:14 <b>permission</b> [1] - 8:8 <b>person</b> [3] - 5:22, 14:23, 14:24 <b>personal</b> [2] - 7:10, 7:15 <b>personally</b> [1] - 8:24 <b>Plaintiff</b> [2] - 1:8, 14:6 <b>point</b> [3] - 5:15, 11:17, 11:18 <b>police</b> [2] - 4:14, 4:20 <b>preliminary</b> [1] - 3:7 <b>PRELIMINARY</b> [1] - 1:13 <b>present</b> [1] - 5:10 <b>presented</b> [1] - 12:16 <b>previously</b> [2] - 6:5, 6:7 <b>price</b> [10] - 4:23, 4:24, 7:1, 7:5, 7:7, 9:3, 9:4, 9:5, 9:7 <b>priced</b> [5] - 6:19, 6:25, 7:12, 7:13, 7:15 <b>prices</b> [1] - 11:23 <b>probable</b> [1] - 12:18 <b>proceed</b> [2] - 3:8, 3:10 <b>proceedings</b> [1] - 14:19	<b>kind</b> [2] - 6:21, 11:21 <b>knowledge</b> [2] - 7:10, 7:15 <b>knows</b> [3] - 7:4, 7:21	<b>S</b>	<b>stChrista</b> [2] - 13:7, 15:4 <b>sale</b> [1] - 7:22 <b>saw</b> [1] - 9:1 <b>seated</b> [1] - 3:25 <b>second</b> [1] - 6:9	
<b>L</b>	<b>N</b>			<b>T</b>		
<b>lack</b> [1] - 7:19 <b>larceny</b> [5] - 11:22, 11:25, 12:13, 12:18 <b>LAS</b> [3] - 1:3, 3:1, 14:1 <b>Las</b> [2] - 14:19, 14:20 <b>last</b> [2] - 4:1, 4:3 <b>least</b> [6] - 7:12, 7:13, 7:15, 9:3, 11:24, 12:4 <b>leave</b> [1] - 12:11 <b>left</b> [3] - 5:1, 6:12, 12:10 <b>Lewis</b> [1] - 14:19 <b>light</b> [1] - 12:4 <b>lines</b> [2] - 10:14, 12:24 <b>located</b> [1] - 4:10 <b>location</b> [2] - 5:3, 5:4	<b>name</b> [5] - 3:19, 4:1, 4:2, 4:3 <b>narrative</b> [1] - 4:17 <b>need</b> [1] - 3:18 <b>NEVADA</b> [6] - 1:4, 1:7, 3:1, 14:2, 14:5, 14:11 <b>Nevada</b> [4] - 3:7, 4:11, 14:15, 14:20 <b>next</b> [1] - 5:8 <b>NO</b> [2] - 1:1, 1:9 <b>nothing</b> [1] - 3:22 <b>November</b> [1] - 4:9 <b>NRS</b> [2] - 14:8, 14:18 <b>number</b> [2] - 14:22, 14:24			<b>tendered</b> [1] - 11:16 <b>testified</b> [1] - 9:2 <b>testify</b> [6] - 3:18, 7:21, 7:22, 10:19, 11:1,		



<p>11:4  <b>testimony</b> [5] - 8:18,  11:15, 11:20, 11:23,  12:16  <b>THE</b> [40] - 1:3, 1:7,  1:14, 1:14, 3:6, 3:10,  3:12, 3:17, 3:21,  3:24, 3:25, 4:2, 4:18,  5:18, 5:24, 7:4, 7:5,  7:11, 7:12, 7:17,  7:20, 8:12, 9:23,  10:9, 10:10, 10:11,  10:16, 10:18, 10:21,  10:25, 11:6, 11:8,  11:10, 11:12, 12:1,  12:7, 12:15, 12:22,  12:23, 14:1  <b>Thomson</b> [1] - 2:6  <b>THOMSON</b> [19] - 1:19,  3:9, 3:14, 4:4, 4:7,  4:19, 5:16, 5:19, 6:1,  7:6, 7:24, 8:11, 9:24,  10:2, 10:8, 10:12,  11:11, 12:8, 13:1  <b>thomson</b> [1] - 2:4  <b>THURSDAY</b> [1] - 1:15  <b>today</b> [7] - 5:10, 5:13,  6:17, 10:22, 11:4,  11:20, 12:16  <b>totality</b> [1] - 12:8  <b>TOWNSHIP</b> [2] - 1:3,  14:1  <b>TRANSCRIPT</b> [4] -  1:13, 13:5, 14:17,  14:21  <b>TRUE</b> [1] - 13:4  <b>true</b> [1] - 11:19  <b>truth</b> [3] - 3:22, 3:23  <b>trying</b> [2] - 9:16, 9:19  <b>turned</b> [3] - 8:18, 9:1,  10:3  <b>twenty</b> [1] - 8:7  <b>twice</b> [1] - 6:3  <b>two</b> [3] - 5:1, 6:16, 7:1  <b>type</b> [5] - 6:23, 9:10,  9:13, 9:17, 9:19</p>	<p><b>Vegas</b> [2] - 14:19,  14:20  <b>VEGAS</b> [3] - 1:3, 3:1,  14:1  <b>versus</b> [2] - 3:7, 8:4  <b>vs</b> [2] - 1:9, 14:7</p>
<b>W</b>	
	<p><b>wait</b> [1] - 3:19  <b>waive</b> [1] - 11:11  <b>walk</b> [1] - 4:16  <b>walked</b> [4] - 4:24,  4:25, 5:9  <b>wearing</b> [1] - 5:13  <b>west</b> [1] - 5:14  <b>whole</b> [1] - 3:22  <b>willful</b> [1] - 12:22  <b>wish</b> [1] - 10:21  <b>WITNESS</b> [6] - 2:2,  3:24, 4:2, 7:5, 7:12,  10:10  <b>witness</b> [5] - 3:13,  3:16, 8:11, 9:22,  11:16  <b>witnesses</b> [3] - 3:17,  10:11, 10:16  <b>word</b> [1] - 10:15  <b>works</b> [1] - 7:21  <b>wrote</b> [1] - 12:2</p>
<b>Z</b>	
	<p><b>ZIMMERMAN</b> [1] -  1:14</p>
<b>U</b>	
	<p><b>unable</b> [1] - 11:17</p>
<b>V</b>	
	<p><b>VAN</b> [17] - 1:21, 3:11,  3:15, 4:17, 7:3, 7:9,  7:14, 7:18, 8:15,  9:22, 10:17, 10:20,  10:23, 11:7, 11:9,  11:13, 12:3  <b>Van</b> [1] - 2:5</p>

*Heaven's Hand*  
CLERK OF THE COURT

1 ORDER  
2 DARIN F. IMLAY, PUBLIC DEFENDER  
3 NEVADA BAR NO. 5674  
4 MICHAEL VAN LUVEN, DEPUTY PUBLIC DEFENDER  
5 NEVADA BAR NO. 13975  
6 **PUBLIC DEFENDERS OFFICE**  
7 309 South Third Street, Suite 226  
8 Las Vegas, Nevada 89155  
9 Telephone: (702) 455-4685  
10 Facsimile: (702) 455-5112  
11 *Attorneys for Defendant*

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

9 THE STATE OF NEVADA, )  
10 )  
11 Plaintiff. ) CASE NO. C-20-348559-1  
12 )  
13 v. ) DEPT. NO. X  
14 )  
15 JAMAL SNEED, )  
16 )  
17 Defendant, )  
18 )  
19 )  
20 )  
21 )  
22 )  
23 )  
24 )  
25 )  
26 )  
27 )  
28 )

14 **ORDER FOR WRIT OF HABEAS CORPUS**

15 The Petition of JAMAL SNEED submitted by MICHAEL VAN LUVEN, Deputy  
16 Public Defender, as attorney for the above-captioned individual, having been filed in the above-  
17 entitled matter,

18 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that you, STEVEN  
19 GRIERSON, Clerk of the Eighth Judicial District Court of the State of Nevada, in and for the  
20 County of Clark, issue a Writ of Habeas Corpus.  
21

22 DATED AND DONE at Las Vegas, Nevada, this \_\_\_\_\_ of July, 2020.

23   
24 \_\_\_\_\_  
25 DISTRICT COURT JUDGE

25 Submitted By:  
26 DARIN F. IMLAY  
27 CLARK COUNTY PUBLIC DEFENDER

28 By: /s/Michael Van Luven  
MICHAEL VAN LUVEN, #13975  
Deputy Public Defender

859 3CC A04A 5FCC  
Tierra Jones  
District Court Judge

1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8

By: /s/Kayleigh B Lopatic  
An employee of the  
Clark County Public Defender's Office

Case Name: JAMAL SNEED  
Case No.: C-20-348559-1  
Dept. No.: X

1 CSERV

2 DISTRICT COURT  
3 CLARK COUNTY, NEVADA  
4

5  
6 State of Nevada

CASE NO: C-20-348559-1

7 vs

DEPT. NO. Department 10

8 Jamal Sneed  
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 7/15/2020

15 G. Cox

Coxgd@clarkcountynv.gov

16 Kayleigh Lopatic

lopatikb@clarkcountynv.gov

17 D A

motions@clarkcountyda.com

18 Michael Van Luven

Michael.VanLuven@ClarkCountyNV.gov  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**DISTRICT COURT  
CLARK COUNTY, NEVADA**  
\*\*\*\*

Electronically Filed  
7/15/2020 7:55 AM  
Steven D. Grierson  
CLERK OF THE COURT



State of Nevada  
vs  
Jamal Sneed

Case No.: C-20-348559-1  
Department 10

**NOTICE OF HEARING**

Please be advised that the Petition For Writ Of Habeas Corpus in the above-entitled matter is set for hearing as follows:

**Date:** July 29, 2020  
**Time:** 8:30 AM  
**Location:** RJC Courtroom 14B  
Regional Justice Center  
200 Lewis Ave.  
Las Vegas, NV 89101

**NOTE: Under NEFCR 9(d), if a party is not receiving electronic service through the Eighth Judicial District Court Electronic Filing System, the movant requesting a hearing must serve this notice on the party by traditional means.**

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Marie Kramer  
Deputy Clerk of the Court

**CERTIFICATE OF SERVICE**

I hereby certify that pursuant to Rule 9(b) of the Nevada Electronic Filing and Conversion Rules a copy of this Notice of Hearing was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

By: /s/ Marie Kramer  
Deputy Clerk of the Court



1 **RET**  
2 **STEVEN B. WOLFSON**  
3 **Clark County District Attorney**  
4 **Nevada Bar #001565**  
5 **MEGAN THOMSON**  
6 **Chief Deputy District Attorney**  
7 **Nevada Bar #011002**  
8 **200 Lewis Avenue**  
9 **Las Vegas, Nevada 89155-2212**  
10 **(702) 671-2500**  
11 **State of Nevada**

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

9 In the Matter of Application,  
10 of  
11 **JAMAL SNEED,**  
12 **#2583410**  
13 for a Writ of Habeas Corpus.

**CASE NO: C-20-348559-1**  
**DEPT NO: X**

14 **STATE'S RETURN TO WRIT OF HABEAS CORPUS**

15 **DATE OF HEARING: 7/29/2020**  
16 **TIME OF HEARING: 8:30 A.M.**

17 COMES NOW, JOE LOMBARDO, Sheriff of Clark County, Nevada, Respondent,  
18 through his counsel, STEVEN B. WOLFSON, Clark County District Attorney, through  
19 MEGAN THOMSON, Chief Deputy District Attorney, in obedience to a writ of habeas corpus  
20 issued out of and under the seal of the above-entitled Court on the 14 day of July, 2020, and  
21 made returnable on the 29th day of July, 2020, at the hour of 8:30 o'clock A.M., before the  
22 above-entitled Court, and states as follows:

23 1. Respondent admits the allegations of Paragraphs 1 and 2 of the Petitioner's  
24 Petition for Writ of Habeas Corpus.

25 2. Respondent denies the allegations of Paragraph 3 of the Petitioner's Petition for  
26 Writ of Habeas Corpus.

27 3. Paragraphs 4 and 5 do not require admission or denial.

28 //

\\CLARKCOUNTYDA.NET\CRM\CASE2\2020\061\12\202006112C-RET-(SNEED, JAMAL)-001.DOCX

4. The Petitioner is in the actual custody of JOE LOMBARDO, Clark County Sheriff, Respondent herein, pursuant to a Criminal Information, a copy of which is attached hereto as Exhibit 1 and incorporated by reference herein.

Wherefore, Respondent prays that the Writ of Habeas Corpus be discharged and the Petition be dismissed.

**DATED this 17th day of July, 2020.**

Respectfully submitted,

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

BY

**MEGAN THOMSON**  
**Chief Deputy District Attorney**  
**Nevada Bar #011002**

### POINTS AND AUTHORITIES

## STATEMENT OF FACTS

Twice on November 29, 2019, Jamal Sneed (hereinafter the Defendant) entered the Super Pawn located at 2645 South Decatur and contacted employee Ralph Jovero both times. Preliminary Hearing Transcript (PHT) p. 4, 6. Ralph showed the Defendant an item from a glass case and the two discussed payment without identification, because the Defendant didn't have his ID, and a better price on the item, which caused Ralph to leave the counter to speak to his manager. PHT p. 4, 9. While walking to the manager's office Ralph heard the sound of the glass breaking, turned around and saw the Defendant running from the store. PHT p. 4, 9. The broken case was right next to the case where they had been standing and two digital cameras were missing. PHT p. 5-6. Ralph testified the cameras were digital cameras and one "was priced at least 1,800. One was priced at least \$2,000." PHT p. 6-7. The Defendant did not have permission to take the items. PHT p. 8.

11

11

**ARGUMENT**

**I. The Defendant Was Properly Held to Answer the Charge of Burglary**

NRS 205.060 provides that a “person who, by day or night, enters any ... building... with the intent to commit grand or petit larceny, ... is guilty of burglary.” NRS 193.200 provides “[i]ntention is manifested by the circumstances connected with the perpetration of the offense....”

The testimony of the clerk provided the Court with the slight or marginal evidence of the intent necessary for the Defendant to be held to answer to the charges, when the entirety of the circumstances were considered in conjunction. Not only had the Defendant come into the store earlier in the day, but when he entered the second time he disputed with the clerk over the price of an item and the method of payment for the item until the clerk turned to consult the manager, and then the Defendant smashed the glass of the cabinet next to where the clerk had been looking at the item with him. PHT p. 4-6, 9. When taken together, the evidence suggests that the Defendant entered the store earlier in the day to “case” the store, identify the location of items and how many employees were working, later returning without identification and creating a situation where the clerk had to leave the counter and then smashing a different case than that of the item they had been discussing and running from the store. From the totality of the circumstances it can be inferred that the Defendant had the intent to commit larceny upon entry rather than deciding to commit the theft while inside, which is highlighted by the fact that he did not take the item he was bartering over. Thus, the Justice Court properly held him to answer to the charge.

**II. The Testimony Regarding Value Was Sufficient to Hold the Defendant to Answer**

NRS 205.251(1) provides “[t]he value of property involved in a larceny offense shall be deemed to be the highest value attributable to the property by any reasonable standard.” “A party to a lawsuit may testify as to the value of her personal or real property when that value is an issue in the case, and expert testimony is not required.” Dugan v. Gotsopoulos, 117 Nev. 285, 288, 22 P.3d 205, 207 (2001). Such a party may testify “at least so long as the owner has



1 personal knowledge... and non-owners who are called to testify to property value must have  
2 some personal knowledge on which to base their estimate.” Stephans v. State, 127 Nev. 712,  
3 716-17 (2011) The Nevada Supreme Court found that testimony from a Loss Prevention  
4 Officer about what price tags read was not sufficient to establish value, however that does not  
5 preclude an employee from testifying regarding the value of an item belonging to the business  
6 where he works. Stephans v. State, 127 Nev. at 713 (2011). In Stephans the Defendant objected  
7 to the testimony of the loss prevention officer that the amounts reflected on the price tags of  
8 the stolen items. The Defense objected that the testimony violated the best evidence and was  
9 hearsay. The Court cited several cases that in summary found that security officers who are  
10 not involved in the pricing or selling of items do not have personal knowledge of value and as  
11 such are not qualified to testify to value. Id. at 716. The Court clearly stated, however, that  
12 “[a]ny witness with knowledge of facts that exist independent of the contents of a  
13 writing...may testify without raising an issue under the best evidence rule... include[ing]  
14 knowledge in the form of recollection that has been refreshed...” Id. at 719 (citations omitted).

15 The Defendant here challenges not a loss prevention officer’s testimony regarding  
16 value, but rather the testimony of the store clerk. Furthermore, the testimony regarding value  
17 was not analogous to that in Stephans as the clerk testified from his memory as to the price of  
18 the items, not to the writing on a price tag. The Defendant complains that the witness, at the  
19 preliminary hearing, did not remember the specific prices, however the testimony, the weight  
20 of which is determined by the presiding magistrate, was that the value of the items were  
21 roughly \$1,800 and \$2,000. PHT p. 7. For the purposes of preliminary hearing the State need  
22 only establish a value over \$3,500 for the Court to properly hold the Defendant to answer to  
23 the charge, while the Defendant may not like the lack of specificity it is not required for  
24 adequate evidence to have been presented. Furthermore, the clerk had personal knowledge of  
25 the prices as demonstrated by the testimony from the witness that he had conversed with the  
26 Defendant “about getting a better price” regarding another item on sale, demonstrating not  
27 only that he would have knowledge but that knowledge of pricing was within his job duties.  
28 PHT p. 4.

1 Here, the testimony was sufficient to establish a value over \$3,500 and was received  
2 from the clerk in the store, responsible for interaction with customers regarding merchandise  
3 and the price of items for sale. Thus, the State presented sufficient evidence for the Court to  
4 hold the Defendant to answer to the Count of Grand Larceny, value over \$3,500.

5 **CONCLUSION**


6 The State presented sufficient evidence to infer the Defendant's criminal intent upon  
7 entry and the value of the items taken, thus the Defendant was properly held to answer, and  
8 the Defendant's Pretrial Petition for Writ of Habeas Corpus should be DENIED.

9 DATED this 17th day of July, 2020.

10 Respectfully submitted,

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

14 BY

15   
16 MEGAN THOMSON  
17 Chief Deputy District Attorney  
18 Nevada Bar #11002

19 **CERTIFICATE OF SERVICE**

20 I hereby certify that service of Return To Writ of Habeas Corpus, was made this 17<sup>th</sup>  
21 day of July, 2020, by email to:

22 MICHAEL VAN LUVEN, Deputy Public Defender  
23 Email: Michael.VanLuven@ClarkCountyNV.gov

24 BY:

25   
26 Secretary of the District Attorney's Office

27 20F02659X/MT/mt/L4  
28

# EXHIBIT 1

*Steven D. Grierson*

1 INFM  
2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 MEGAN THOMSON  
6 Chief Deputy District Attorney  
7 Nevada Bar #011002  
8 200 Lewis Avenue  
9 Las Vegas, Nevada 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

12 I.A. 06/01/20  
13 8:00 AM  
14 PD-VAN LUVEN

DISTRICT COURT  
CLARK COUNTY, NEVADA

15 THE STATE OF NEVADA,

16 Plaintiff,

17 -vs-

18 JAMAL SNEED, aka  
19 Jamal Lashawn Sneed, #2583410

20 Defendant.

CASE NO: C-20-348559-1

DEPT NO: X

INFORMATION

21 STATE OF NEVADA }  
22 COUNTY OF CLARK } ss.

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

25 That JAMAL SNEED, aka Jamal Lashawn Sneed, the Defendant(s) above named,  
26 having committed the crimes of BURGLARY (Category B Felony - NRS 205.060 - NOC  
27 50424) and GRAND LARCENY (Category B Felony - NRS 205.220.1, 205.222.3 - NOC  
28 56008), on or about the 29th day of November, 2019, within the County of Clark, State of  
Nevada, contrary to the form, force and effect of statutes in such cases made and provided,  
and against the peace and dignity of the State of Nevada,

COUNT 1 - BURGLARY

did willfully, unlawfully, and feloniously enter a building, owned or occupied by  
SUPER PAWN, located at 2645 South Decatur Boulevard, Las Vegas, Clark County, Nevada,  
with intent to commit larceny.


V:\2020\06\1\2\202006112C-INFM-(SNEED, JAMAL)-001.DOCX

COUNT 2 - GRAND LARCENY

did then and there willfully, unlawfully, feloniously, and intentionally, with intent to deprive the owner permanently thereof, steal, take and carry away, lead away or drive away property owned by SUPER PAWN, having a value of \$3,500.00, or greater, to wit: Digital cameras.

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

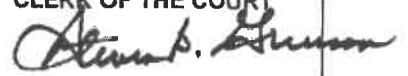
BY

  
MEGAN THOMSON  
Chief Deputy District Attorney  
Nevada Bar #011002

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

<u>NAME</u>	<u>ADDRESS</u>
CUSTODIAN OF RECORDS	CCDC
CUSTODIAN OF RECORDS	LVMPD - DISPATCH/COMMUNICATIONS
CUSTODIAN OF RECORDS	LVMPD - RECORDS
DOUGHERTY, EDWARD	DA INVESTIGATOR AND/OR DESIGNEE
JOVERO, RALPH JUSTIN	2645 S. DECATUR BLVD., LV, NV 89102
PAWN DECATUR COR-SUPER	2645 S. DECATUR BLVD., LV, NV 89102
ROSTON, JACQUAR	LVMPD P#14005
TOLENTINO, MARK B.	LVMPD P#14730

20F02659X/eg/L4  
LVMPD EV#191100137796  
(TK3)



DARIN F. IMLAY, PUBLIC DEFENDER  
NEVADA BAR NO. 5674  
MICHAEL VAN LUVEN, DEPUTY PUBLIC DEFENDER  
NEVADA BAR NO. 13975  
**PUBLIC DEFENDERS OFFICE**  
309 South Third Street, Suite 226  
Las Vegas, Nevada 89155  
Telephone: (702) 455-4685  
Facsimile: (702) 455-5112  
*Attorneys for Defendant*

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,  
Plaintiff,

v.

JAMAL SNEED,  
Defendant,

CASE NO. C-20-348559-1

DEPT. NO. X

DATE: July 20, 2020  
TIME: 8:30 a.m.

**OPPOSITION TO STATE'S MOTION TO CONSOLIDATE CASES**

COMES NOW, the Defendant, JAMAL SNEED, by and through MICHAEL VAN LUVEN, Deputy Public Defender and hereby files this Opposition to the State's Motion to Consolidate C-20-348559-1 (the instant case) Into District Court XXX's Case C-20-346752-1.

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

DATED this 17th day of July, 2020.

DARIN F. IMLAY  
CLARK COUNTY PUBLIC DEFENDER

By: /s/Michael Van Luven  
MICHAEL VAN LUVEN, #13975  
Deputy Public Defender

1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8

2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8

3  
4  
5

6  
7  
8  
9

01

2

45

## MEMORANDUM OF POINTS AND AUTHORITIES

### 1. Facts

The Defendant in this matter is charged by way of Information with one (1) count of Burglary; and one (1) count of Grand Larceny. The two counts were bound over to district court following preliminary hearing held on May 28, 2020.

In this case, the Defendant is accused of entering the SuperPawn at 2645 S. Decatur Blvd., Las Vegas, NV 89102, on November 29, 2019, breaking a display case, and running out of the business with two cameras. The State alleges that the cameras were worth a combined total of \$3,500 or more. See *Information* at 2.

### 2. Legal Standard

Under NRS 174.155, the court “may order two or more indictments or information” to be “tried together if the offenses . . . could have been joined in a single indictment or information.” Nevada statute allows that “[t]wo or more offenses may be charged in the same indictment or information” if the offenses charged are “1) [b]ased on the same act or transaction; or 2) [b]ased on two or more acts or transactions connected together or constituting parts of a common scheme or plan.” *NRS 173.115*. The Nevada Supreme Court has stated, however, that a district court should not consolidate “charges that otherwise could be joined under NRS 173.115 . . . where joinder would cause unfair prejudice to the defendant.” *Weber v. State*, 121 Nev. 554, 571, 119 P.3d 107, 119 (2005) (citing *Floyd v. State*, 118 Nev. 156, 164, 42 P.3d 249, 255 (2002)). NRS 174.165 grants the district court discretion to preclude consolidation of cases where it appears that a defendant “is prejudiced by a joinder of offenses.”

The Nevada Supreme Court has defined charges as “connected together” for the purpose of joinder under NRS 173.115 where “evidence of each [charge] would have been relevant and admissible at separate trials of the other crimes.” *Weber*, 118 Nev. at 573. Acknowledging that evidence of other charges generally constitutes impermissible character evidence of “other crimes” under NRS 48.045(2), the Nevada Supreme Court noted that the charges would be “relevant and admissible” as “bad act” evidence if introduced for other purposes “such as proof



1 of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or  
2 accident,” *Id.* (citing NRS 48.045). The State is required to prove the bad act by clear and  
3 convincing evidence, that the bad act evidence is relevant, and that it “has probative value that is  
4 not substantially outweighed by the risk of unfair prejudice.” *Weber*, 118 Nev. at 573 (citing  
5 *Butler v. State*, 120 Nev. 879, 102 P.3d 71 (2004)).

### 6 3. Argument

7 The State’s sole basis for seeking consolidation is that “The Detective investigating the  
8 theft at the South Decatur location necessarily relied upon information that he was able to gather  
9 from the video surveillance at the Boulder Hwy location.” *St. ’s Mot.* at 7. The State claims that it  
10 cannot possibly explain to a jury how the Defendant was allegedly identified without receiving  
11 evidence and/or testimony relating back to, or relying upon, this other investigation. *Id.* This is  
12 not only a simplification of the standard for consolidation, it ignores the inverse reasoning that  
13 argues *against* consolidation.

14 As set forth in the *Weber* case, evidence from another case must be cross-admissible  
15 against the Defendant. Here the State presumes much, and suggests in its motion that the  
16 allegations of other thefts somehow satisfy the requirements of a prior bad act, and thus would be  
17 cross-admissible. The statute on the admissibility of a prior bad act requires that it not be used to  
18 prove character, but may be offered “for other purposes, such as proof of motive, opportunity,  
19 intent, preparation, plan, knowledge, identity, or absence of mistake or accident.” *St. ’s Mot.* at 7  
20 (citing NRS 48.045(2)).

21 Comparing the facts of the two cases as the State has presented them,<sup>1</sup> no evidence from  
22 the Dept. XXX allegations is admissible here for any such purpose under NRS 48.045(2). In that  
23 case, the Defendant is accused of robbing three locations at gunpoint (a smoke shop, a Sally  
24 Beauty Supply, and a Buffalo Exchange), and of using a tool to break a display case in Super  
25 Pawn to steal a laptop. *St. ’s Mot.* at 2-3. In this case, the Defendant is accused of entering a  
26 Super Pawn twice in the same day, engaging with an employee, and breaking a display case

27 <sup>1</sup> The Defendant is not stipulating to the State’s version of the facts in either case, but references them here for  
28 illustrative purposes.

1 when the employee went to summon a manager- at which point the Defendant allegedly fled  
2 with two digital cameras. *Id.* at 4-5.

3 The only apparent similarity is that in the Super Pawn incident in the Dept. XXX case,  
4 the Defendant allegedly drove a blue Porsche Cayenne. *Id.* at 2. In the instant case, the  
5 Defendant allegedly drove a "dark colored SUV appearing to be a Porsche," or a "Black Porsche  
6 Cheyanne." *Id.* at 4, 5. However, in addition to the obvious discrepancies with the vehicle  
7 descriptions, the State's facts further diverge even with regard to the Defendant's alleged  
8 conduct regarding the vehicle(s).

9 In Dept. XXX's case, the Defendant allegedly parked the blue Porsche on the side of the  
10 building but left the driver door open while he went inside and allegedly broke the display with a  
11 tool, stealing a laptop. *Id.* at 2. In this case, the Defendant arrived at the different Super Pawn  
12 earlier in the day, parked in the parking lot, exited his vehicle (closing the door behind him), and  
13 entered the store where, by all accounts, he conducted himself as any other customer would. *Id.*  
14 at 4. The State then alleges that the Defendant returned later that night, but this time approached  
15 the Super Pawn on foot. *Id.* He entered the store, engaged in discussion with an employee again,  
16 and had a disagreement over providing identification "in order to complete a transaction." *Id.*  
17 When the employee went to summon a manager, the Defendant allegedly broke the display, took  
18 two digital cameras, and fled the store on foot. *Id.* at 4-5.

19 Thus, any evidence purported to be cross-admissible for consolidation purposes appears  
20 necessarily to be related to the two Super Pawn incidents (the other incidents in Dept. XXX's  
21 case are armed robberies of store clerks). To satisfy the limitations on admissibility as a prior bad  
22 act, the State must seek admission of Dept. XXX's Super Pawn incident on a theory that it  
23 demonstrates a motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of  
24 mistake or accident. Of these options, the State appears to be arguing for identity and intent ("In  
25 order to explain to a jury how the suspect was identified, the jury hearing the facts of the South  
26 Decatur incident would necessarily need to know about the theft of the laptop from the Boulder  
27 Hwy location..."; "Furthermore, the event at the South Decatur location, with the two entrances  
28

1 and peculiar conduct to distract the clerk before committing the theft speaks to the Defendant's  
2 intent upon entering the Boulder Highway location four days later..."). *St. 's Mot.* at 7.

3         Primarily, the State has not articulated why it would need to reference the Boulder  
4 Highway incident to show the identity of the Defendant. At preliminary hearing, the State  
5 proceeded with the Decatur location Super Pawn clerk, Ralph Jovero, and asked him to identify  
6 the person who came into the Super Pawn on the day of the incident. It is not clear why a jury  
7 would need to hear how law enforcement located the Defendant and arrested him in relation to  
8 the Decatur incident, or even what the State would be offering such information to show (for the  
9 purposes of determining admissibility, such as relevance, confusion, waste of time, etc.).  
10 Whatever information detectives may have developed subsequent to either incident has no  
11 bearing on what allegedly occurred in the Decatur Super Pawn- especially in light of the State's  
12 prior reliance on a percipient witness.

13         Likewise, the State does not properly raise an "intent" basis for admission. The State's  
14 description of both Super Pawn incidents are disparate even upon a plain reading. For example,  
15 the Boulder Highway incident does not describe any "peculiar conduct" to distract a clerk, as the  
16 State alleges (nor an explanation as to how conducting normal business with an employee is  
17 "peculiar"). The State also does not account for the differences in vehicle description at either  
18 location, and it does not account for the differences in the Defendant's alleged behavior.

19         The State's attempt to find similarities sufficient to consolidate the cases is insufficient  
20 under the case law to support trying the Defendant under a single action. Instead, the State is  
21 seeking to bolster the weak evidence in the instant case by stacking charges in another case with  
22 more serious allegations and, possibly, more/stronger evidence. As the State's own descriptions  
23 of the two cases show marked differences, the State has not met the standard required to  
24 consolidate the cases.

1 **CONCLUSION**

2 For the foregoing reasons, the State's motion should be DENIED.

3 DATED this 17<sup>th</sup> day of July, 2020.

4 DARIN F. IMLAY  
5 CLARK COUNTY PUBLIC DEFENDER

6  
7 By: /s/Michael Van Luven  
8 MICHAEL VAN LUVEN, #13975  
9 Deputy Public Defender

10  
11  
12  
13  
14 **CERTIFICATE OF ELECTRONIC SERVICE**

15 I hereby certify that service of the above and forgoing OPPOSITION was served via  
16 electronic e-filing to the Clark County District Attorney's Office at motions@clarkcountydac.com  
17 on this 17th day of July, 2020.

18  
19 By: /s/Carolyn Gray, Administrative Secretary  
20 Clark County Public Defender's Office



0014  
DARIN F. IMLAY, PUBLIC DEFENDER  
NEVADA BAR NO. 5674  
MICHAEL VAN LUVEN, DEPUTY PUBLIC DEFENDER  
NEVADA BAR NO. 13975  
**PUBLIC DEFENDERS OFFICE**  
309 South Third Street, Suite 226  
Las Vegas, Nevada 89155  
Telephone: (702) 455-4685  
Facsimile: (702) 455-5112  
*Attorneys for Defendant*

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,	)	
	)	
Plaintiff,	)	CASE NO. C-20-348559-1
	)	
v.	)	DEPT. NO. X
	)	
JAMAL SNEED,	)	
	)	
Defendant,	)	DATE: July 22, 2020
	)	TIME: 8:30 a.m.

**EMERGENCY PETITION FOR WRIT OF HABEAS CORPUS OR, IN THE  
ALTERNATIVE, MOTION TO VACATE DETENTION ORDER**  
**(Custody Status Issue)**

TO: The Honorable Judge of the Eighth Judicial District Court of  
The State of Nevada, in and for the County of Clark

The Petition of Jamal Sneed submitted by MICHAEL VAN LUVEN, Deputy  
Public Defender, as attorney for the above-captioned individual, respectfully affirms:

1. That he/she is a duly qualified, practicing and licensed attorney in the City  
of Las Vegas, County of Clark, State of Nevada.

2. That Petitioner makes application for a Writ of Habeas Corpus; that the  
place where the Petitioner is imprisoned actually or constructively imprisoned and restrained of  
his liberty is the Clark County Detention Center; that the officer by whom he is imprisoned and  
restrained is the Sheriff of Clark County Nevada.

3. That the imprisonment and restraint of said Petitioner is unlawful in that:  
Petitioner is presently being held on \$10,000 monetary bail, which is operating as an unlawful

1 detention order in violation of the Petitioner's right to equal protection under the law.

2 4. That Petitioner personally authorized his aforementioned attorney to  
3 commence this action.

4 WHEREFORE, Petitioner prays that this Honorable Court make an order  
5 directing the County of Clark to issue a Writ of Habeas Corpus directed to the said the Sheriff of  
6 Clark County Nevada, commanding him to bring the Petitioner before your Honor, and return the  
7 cause of his imprisonment.

8 DATED this 20<sup>th</sup> of July, 2020.

9 DARIN F. IMLAY  
10 CLARK COUNTY PUBLIC DEFENDER

11 By: /s/Michael Van Luven  
12 MICHAEL VAN LUVEN, #13975  
13 Deputy Public Defender  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**DECLARATION**

MICHAEL VAN LUVEN makes the following declaration:

1. I am an attorney duly licensed to practice law in the State of Nevada; I am the Deputy Public Defender assigned to represent the Defendant in the instant matter, and I am familiar with the facts and circumstances of this case.

2. That I am the attorney of record for Petitioner in the above matter; that I have read the foregoing Petition, know the contents thereof, and that the same is true of my own knowledge, except for those matters therein stated on information and belief, and as to those matters, I believe them to be true; that Petitioner, JAMAL SNEED, personally authorizes me to commence this Writ of Habeas Corpus action.

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

EXECUTED this 20<sup>th</sup> day of July, 2020.

/s/Michael Van Luven  
MICHAEL VAN LUVEN

1                                   **MEMORANDUM OF POINTS AND AUTHORITIES**  
2                                   **IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS**

3           COMES NOW the Petitioner, JAMAL SNEED, by and through his counsel, MICHAEL  
4   VAN LUVEN, the Clark County Public Defender's Office, and submits the following Points and  
5   Authorities in Support of Defendant's Petition for a pre-trial Writ of Habeas Corpus.

6                                   **STATEMENT OF FACTS**

7           Petitioner is currently charged by way of Information with 1 count each of Burglary  
8   (NRS 205.060(2)) and Grand Larceny (NRS 205.222(3)).

9           The State alleges that on November 29, 2019, the Petitioner entered the Super Pawn store  
10   at 2645 S. Decatur Blvd., in Las Vegas, NV. See *Exhibit A – Information*. The State further  
11   alleges that the Petitioner broke the glass on a display case and ran out of the store with two  
12   cameras. See *Exhibit B – Declaration of Warrant/Summons*. The value of the camera taken is  
13   alleged to be over \$3,500. *Ex. A* at 2. An arrest warrant was issued and filed on March 9, 2020,  
14   with a total bail of \$10,000.

15           Following the Petitioner's preliminary hearing on May 28, 2020, the justice court bound  
16   the Petitioner over on the instant charges and ordered that the current bail setting of \$10,000  
17   would stand.

18           Petitioner cannot pay the \$10,000 required to secure his release. As such, he remains  
19   jailed at the Clark County Detention Center. To date, no court has determined that preventative  
20   detention is the least restrictive means of ensuring community safety and assuring Petitioner's  
21   return to court. In the absence of such a finding by clear and convincing evidence, Petitioner's  
22   continued incarceration violates his constitutional and statutory rights. Thus, Petitioner requests  
23   that this Honorable Court issue a Writ of Habeas Corpus directing the Clark County Sherriff to  
24   release him from custody.

25   ///

26   ///

27   ///



1  
2                                   **STATEMENT OF THE ISSUE**

3           Petitioner is currently being detained pursuant to a \$10,000 money-bail setting. The  
4 justice of the peace issued this *de facto* detention order<sup>1</sup> in the absence of finding, by clear and  
5 convincing evidence, that detention is the least restrictive means of assuring Petitioner's return to  
6 court and ensuring community safety. This violates Petitioner's constitutional rights.

7    ///

8                                   **LEGAL STANDARD**

9           As set forth more fully below, Petitioner's incarceration is unlawful. Pursuant to NRS  
10 34.360, "Every person unlawfully committed, detained, confined or restrained of his or her  
11 liberty . . . may prosecute a writ of habeas corpus to inquire into the cause of such imprisonment  
12 or restraint." Additionally, under NRS 33.170, "a writ of mandamus shall issue in all cases  
13 where there is not a plain, speedy and adequate remedy in the ordinary course of law." A writ of  
14 mandamus is available to compel the performance of an act which the law requires as a duty  
15 resulting from an office, trust or station<sup>2</sup> or to control an arbitrary or capricious exercise of  
16 discretion.<sup>3</sup> With the instant Emergency Petition, Petitioner seeks a Writ of Habeas Corpus  
17 directing the Clark County Sherriff to release him from custody.

18  
19                                   **SUMMARY OF ARGUMENT**

20           The justice court issued Petitioner's *de facto* detention order without conducting the  
21 constitutionally required hearing or making the findings necessary for a detention order to issue.  
22 The court permitted and entertained the prosecutor's money-bail request without requiring the  
23 prosecutor to specify whether the requested money-bail setting amounted to a request for  
24 preventative detention or a request for conditioned release. The court then set Petitioner's

25  
26                                   

---

<sup>1</sup> Unattainable bail settings amount to pretrial detention orders. See *U.S. v. Mantecon-Zayas*, 949 F.2d 548, 550 (1st  
27 Cir. 1991); *ODonnell v. Harris Co.*, 251 F.Supp.3d 1052, 1143-44 (S.D. Tex. Apr. 28, 2017) (holding that secured  
28 money bail set in an amount that an arrestee cannot afford is constitutionally equivalent to an order of detention).

<sup>2</sup> See *NRS 34.160*

<sup>3</sup> See *Round Hill Gen. Imp. Dist. v. Newman*, 97 Nev. 601, 637 P.2d 534 (1981).

1 money-bail without determining his ability to pay and without finding clear and convincing  
2 proof that pretrial detention is the least restrictive way of assuring Petitioner's return to court and  
3 ensuring community safety. This violated Petitioner's constitutional rights.

## 4 **POINTS AND AUTHORITIES**

### 5 **A. Argument**

#### 6 **1. Petitioner's *De Facto* Detention Order Violates his Due Process Rights** 7 **Because it Was Issued Absent a Finding that Detention Is Necessary to** 8 **Mitigate Flight Risk and Community Safety Concerns**

##### 9 a. *Petitioner's Unattainable Money-Bail Setting Amounts to a Detention* 10 *Order*

11 Petitioner is currently incarcerated pursuant to an unattainable money-bail setting. This  
12 amounts to a *de facto* detention order. *Valdez-Jimenez v. District Court*, 136 Nev. Adv. Op. 20,  
13 p. 18 (Nev. April 9, 2020) ("We agree with petitioners that when bail is set in an amount that  
14 results in continued detention, it functions as a detention order..."); *State v. Brown*, 338 P.3d  
15 1276 (N.M. 2014) ("Intentionally setting bail so high as to be unattainable is simply a less honest  
16 method of unlawfully denying bail altogether. . ."); *United States v. Mantecon-Zayas*, 949 F.2d  
17 548, 550 (1st Cir. 1991); *United States v. Leathers*, 412 F.2d 169, 171 (D.C. Cir. 1969) ("[T]he  
18 setting of bond unreachable because of its amount would be tantamount to setting no conditions  
19 at all."); *ODonnell v. Harris County, Texas*, 251 F.Supp. 1052, 1143-45 (S.D. Tex. Apr. 28,  
20 2017) (holding that secured money bail set in amount that an arrestee cannot afford is  
21 constitutionally equivalent to an order of detention). Since unattainable money-bail is the same  
22 as detention, the constitutional requirements necessary for detention apply with equal force.

##### 23 b. *Pretrial Detention Orders, Including Those Issued In the Form Of* 24 *Unattainable Money-Bail, Are Permissible Only if They Comply With* 25 *Substantive and Procedural Due Process Principles*

26 Any pretrial detention order, whether a *de facto* detention order or otherwise, must  
27 comply with due process guarantees. *Valdez-Jimenez v. District Court*, 136 Nev. Adv. Op. 20 at  
28 \*18 (Nev. April 9, 2020) (holding that unattainable money-bail resulting in detention "is subject  
to the same due process requirements applicable to a deprivation of liberty"); *United States v.*

1 *Salerno*, 481 U.S. 739, 750 (1987); *see also*, *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001)  
2 (“Freedom from imprisonment -- from government custody, detention, or other forms of physical  
3 restraint -- lies at the heart of the liberty that [the Due Process] Clause protects.”); *Foucha v.*  
4 *Louisiana*, 504 U.S. 71, 80 (1992) (“Freedom from bodily restraint has always been at the core  
5 of the liberty protected by the Due Process Clause from arbitrary governmental action.”); *United*  
6 *States v. Montalvo-Murillo*, 495 U.S. 711, 716 (1990) (holding that release prior to trial is a  
7 “vital liberty interest”). This includes both substantive<sup>4</sup> and procedural<sup>5</sup> due process guarantees.  
8 *Valdez-Jimenez*, 136 Nev. Adv. Op. 20 at \*13, 18; *See also*, *Simpson v. Miller*, 387 P.3d 1270,  
9 1276 (Ariz. 2017) (“[I]t is clear from *Salerno* and other decisions that the constitutionality of a  
10 pretrial detention scheme turns on whether particular procedures satisfy substantive due process  
11 standards.”); *Lopez-Valenzuela v. Arpaio*, 770 F.3d 772, 781 (9th Cir. 2014) (*en banc*) (applying  
12 strict scrutiny to strike down an Arizona law that required detention after arrest without  
13 individualized consideration of an arrestee’s circumstances); *ODonnell*, 251 F. Supp. 3d at 1055.

14 *Substantive* due process requires that pre-trial detention orders be narrowly limited to  
15 serve the State’s compelling interest in managing flight risk and community safety concerns.  
16 *Valdez-Jimenez*, 136 Nev. Adv. Op. 20 at \*13 (“[S]ubstantive due process requires that any  
17 [liberty] infringement be necessary to further a legitimate and compelling governmental  
18 interest”) (*citing Salerno*, 481 U.S. at 746, 750). This means that pre-trial detention orders are  
19 lawful only if no other, less restrictive means are available to ensure reappearances in court or to  
20 protect the community. *Valdez-Jimenez*, 136 Nev. Adv. Op. 20 at \*19 (*citing Foucha v.*  
21 *Louisiana*, 504 U.S. 71, 81 (1992)). To make this determination, courts must employ the rigorous  
22 *procedures* demanded by the Due Process Clause. This includes an adversarial hearing at which

23  
24 <sup>4</sup> “Because bail may be set in an amount that an individual is unable to pay, resulting in continued detention pending  
25 trial, it infringes on the individual’s liberty interest. And given the fundamental nature of this interest, substantive  
26 due process requires that any infringement be necessary to further a legitimate and compelling government interest.”  
27 *Valdez-Jimenez*, 136 Nev. Adv. Op. 20 at \*13.

28 <sup>5</sup> “[W]hen bail is set in an amount that results in continued detention, it functions as a detention order, and  
accordingly is subject to the same due process requirements applicable to a deprivation of liberty... We conclude  
that to ensure the accuracy of the court’s bail assessment and to comport with procedural due process, additional  
procedural safeguards are necessary before bail may be set in an amount that results in continued detention.” *Id.* at  
\*18.

1 a judicial officer finds clear and convincing proof that detention is the least restrictive way of  
2 mitigating the risk of flight and community danger posed by a particular defendant. *Valdez-*  
3 *Jimenez*, 136 Nev. Adv. Op. 20 at \*18-20.

4 c. *Due Process Principles Require a Hearing at Which a Court Finds Proof*  
5 *That Detention Is the Least Restrictive Means of Assuring Return to Court*  
6 *and Protecting the Community*

7 In order to deprive a presumptively innocent person of his or her physical liberty, the  
8 State must establish, and the court must find, “clear and convincing evidence that no less  
9 restrictive alternative will satisfy [the State’s] interests in ensuring the defendant’s presence and  
10 the community’s safety.” *Valdez-Jimenez*, 136 Nev. Adv. Op. 20 at \*18-19 (citing *Foucha v.*  
11 *Louisiana*, 504 U.S. 71, 81 (1992); *See also, Salerno*, 481 U.S. at 750-51 (emphasis added);  
12 *Weatherspoon v. Oldham*, 2018 WL 1053548, at \*14-15, \*17 (W.D. Tenn. Feb. 26, 2018). A  
13 procedure that fails meet these requirements violates due process. *Valdez-Jimenez*, supra; *See*  
14 *also, e.g., Rodriguez v. Providence Cmty. Corr., Inc.*, 155 F.Supp.3d 758, 767-70 and n. 10  
15 (M.D. Tenn. 2015); *Jones v. City of Clanton*, No. 215CV34-MHT, 2015 WL 5387219, at \*2  
16 (M.D. Ala. Sept. 14, 2015) (holding that the “use of a secured bail schedule to detain a person . .  
17 . without an individualized hearing regarding the person’s indigence and the need for bail or  
alternatives to bail, violates the Due Process Clause”).

18 While NRS 178.4853 sets forth factors bearing the issue of pretrial release,<sup>6</sup> those factors  
19 must be considered in the context of the inquiry required by *Valdez-Jimenez* -- i.e., whether the  
20 accused presents an immitigable flight risk and danger to the community. *Valdez-Jimenez*, supra  
21 (“In order to determine whether bail is necessary, the district court should consider first whether,  
22 given the individual circumstances of the defendant, including his or her character and ties to the  
23

24 <sup>6</sup> 1. The length of residence in the community; 2. The status and history of employment; 3. Relationships with the  
25 person’s spouse and children, parents or other family members and with close friends; 4. Reputation, character and  
26 mental condition; 5. Prior criminal record, including, without limitation, any record of appearing or failing to appear  
27 after release on bail or without bail; 6. The identity of responsible members of the community who would vouch for  
28 the reliability of the person; 7. The nature of the offense with which the person is charged, the apparent probability  
of conviction and the likely sentence, insofar as these factors relate to the risk of not appearing; 8. The nature and  
seriousness of the danger to the alleged victim, any other person or the community that would be posed by the  
person’s release; 9. The likelihood of more criminal activity by the person after release; and 10. Any other factors  
concerning the person’s ties to the community or bearing on the risk that the person may willfully fail to appear.

1 community, his or her criminal history, and the nature of and potential sentence for the alleged  
2 offenses, release on personal recognizance or subject to non-monetary conditions would be  
3 sufficient to reasonable ensure the purposed of bail are met.”) (*citing* NRS 178.4853).

4 To date, the inquiry and findings required by *Valdez-Jimenez* (and the authority from  
5 which it derives) for a detention order to issue has not occurred. Despite this, Petitioner remains  
6 jailed on an unattainable money-bail amount.

7 d. *Because No Court Has Found That Detention Is the Least Restrictive*  
8 *Means of Ensuring Petitioner’s Return to Court and Community Safety,*  
9 *His De Facto Detention Order Violates Due Process*

10 Petitioner is currently incarcerated pursuant to a *de facto* detention order in the form of an  
11 unattainable money-bail amount. However, no court has found that pre-trial detention is the least  
12 restrictive means of managing flight risk and/or community safety concerns.<sup>7</sup> So Petitioner is  
13 laboring under a detention order without any court having found that detention is necessary.  
14 Under *Valdez-Jimenez*, this violates due process.

15 **2. Petitioner’s Detention Order Also Violates His Equal Protection Rights**  
16 **Because it Fails to Account for His Financial Means**

17 The failure to conduct the inquiry compelled by the Due Process Clause inexorably leads,  
18 as it did here, to wealth-based discrimination in violation of the equal protection clause.<sup>8</sup> The  
19 Equal Protection Clause prohibits the pretrial detention of defendants solely because of their  
20 inability to afford money-bail. *ODonnell v. Harris County, Texas*, 892 F.3d 147, 162-63 (5<sup>th</sup> Cir.  
21 2018) (money-bail system violates equal protection when poor arrestees are incarcerated due to  
22 inability to pay secured bond where similarly situated wealthy arrestees are not); *See also,*  
23 *Weatherspoon v. Oldham*, 2018 WL 1053548, at \*6 (W.D. Tenn. Feb. 26, 2018); *Jones v. City of*  
24 *Clanton*, 2015 WL 5387219, at \*4.<sup>9</sup> When a defendant is jailed because of an inability to pay

25 <sup>7</sup> When issuing an order of detention, a court must at least state its reasons on the record. *Valdez-Jimenez*, 136 Nev.  
26 Adv. Op. 20 at \*20-21; *See also Mantecon-Zayas*, 949 F.2d at 551 (citing *Salerno* as holding that “procedural  
27 safeguards, including requirement of written findings and reasons, [were] sufficient to repel facial due process  
28 challenge to Bail Reform Act”); *Morrissey v. Brewer*, 408 U.S. 471, 491 (1972) (Brennan, J., concurring).

<sup>8</sup> U.S. Const. amend. XIV

<sup>9</sup> The U.S. Justice Department recently endorsed this view, asserting that “[i]ncarcerating individuals solely because  
of their inability to pay for their release” violates equal protection guarantees. *Jones*, 2015 WL 5387219, at \*4.

1 money-bail rather than a judicial determination that detention is necessary, this is precisely what  
2 occurs.

3 For this reason, the *Valdez-Jimenez* Court held that money-bail settings must be tailored  
4 to a defendant's unique financial circumstances:

5 [A]fter a consideration of all the relevant factors, the court finds that no  
6 combination of non-monetary conditions would be sufficient to reasonably ensure  
7 the defendant's appearance or the safety of the community, then the court must  
8 determine the amount of bail that is necessary. For that determination, the court  
9 must take into consideration the defendant's financial resources as well as other  
10 factors relevant to the purposes of bail. Though there is no constitutional  
11 requirement that bail be set in an amount the defendant can afford to pay,  
12 consideration of how much the defendant can afford is essential to determining  
13 the amount of bail that will reasonably ensure his or her appearance and the safety  
14 of the community.

15 *Valdez-Jimenez*, 136 Nev. Adv. Op. 20 at \*16-17.<sup>10</sup> In other words, if the State proves the need  
16 for detention by clear and convincing evidence, the court may fix money-bail in an unattainable  
17 amount. If, however, the State fails to meet this burden, money-bail must be set *in an amount the*  
18 *defendant can afford*. Setting a random money-bail amount – without first determining whether  
19 the defendant can pay that amount and, if not, whether detention is necessary – amounts to  
20 nothing other than wealth-based detention in violation of equal protection guarantees.

21 The Petitioner's current money-bail setting of \$10,000 would allow for his release if he  
22 were wealthy but, instead, operates as a detention mechanism because he is poor. The prior court  
23 issued this *de facto* detention order despite the State's failure to seek detention and the court's  
24 failure to find that detention was necessary. Under the authority set forth above, this violates  
25 Petitioner's equal protection rights.

## 26 **B. Conclusion**

27 Petitioner's ongoing pretrial detention violates his due process and equal protection  
28 rights. It violates his *procedural* due process rights because the prior court issued a *de facto*  
detention order – in the form of an unattainable money bail setting -- without finding clear and

---

<sup>10</sup> See also, NRS 178.498(2) (requiring a court setting "reasonable bail" to consider "the financial ability of the defendant to give bail").

1 convincing proof that detention is the least restrictive means of assuring reappearance and  
2 ensuring community safety. It violates Petitioner's *substantive* due process rights because, in the  
3 absence of such findings, the state court failed to ensure that the money-bail was narrowly  
4 tailored to advance the State's compelling interest in managing flight risk and community safety  
5 concerns. Finally, it violates Petitioner's equal protection guarantees because the unattainable  
6 money-bail setting, which resulted from the constitutionally deficient custody inquiry, operates  
7 as a detention order for him only because he is poor.

8  
9 **RELIEF REQUESTED**

10 Based upon the foregoing, Petitioner requests that the instant Writ issue, and that this  
11 Honorable Court vacate his unattainable money-bail setting and release him from custody. unless  
12 the Court finds, following an individualized adversarial hearing (at which the State seeks a  
13 transparent detention order -- in the form of unattainable money-bail or otherwise), clear and  
14 convincing proof that Petitioner represents a flight risk or a danger to the community, and that no  
15 release condition (or combination of conditions) can reasonably assure his presence at trial and  
16 ensure the safety of the community.

17 Respectfully submitted this 20<sup>th</sup> day of July, 2020.

18 DARIN F. IMLAY  
19 CLARK COUNTY PUBLIC DEFENDER

20  
21 /s/Michael Van Luven  
22 MICHAEL VAN LUVEN  
23 DEPUTY PUBLIC DEFENDER  
24  
25  
26  
27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8

YOU WILL PLEASE TAKE NOTICE that the foregoing PETITION FOR WRIT OF HABEAS CORPUS will be heard on the 22<sup>nd</sup> day of July, 2020, at 8:30 a.m. in District Court, Department X.

DARIN F. IMLAY  
CLARK COUNTY PUBLIC DEFENDER

## CERTIFICATE OF ELECTRONIC SERVICE

By: /s/Kayleigh Lopatic  
An employee of the  
Clark County Public Defender's Office



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**DISTRICT COURT  
CLARK COUNTY, NEVADA**  
\*\*\*\*

Electronically Filed  
7/21/2020 12:58 PM  
Steven D. Grierson  
CLERK OF THE COURT



State of Nevada  
vs  
Jamal Sneed

Case No.: C-20-348559-1  
Department 10

**NOTICE OF HEARING**

Please be advised that the Defendant's Emergency Petition For Writ Of Habeas Corpus Or, In The Alternative, Motion To Vacate Detention Order in the above-entitled matter is set for hearing as follows:

**Date:** July 27, 2020  
**Time:** 8:30 AM  
**Location:** RJC Courtroom 14B  
Regional Justice Center  
200 Lewis Ave.  
Las Vegas, NV 89101

**NOTE: Under NEFCR 9(d), if a party is not receiving electronic service through the Eighth Judicial District Court Electronic Filing System, the movant requesting a hearing must serve this notice on the party by traditional means.**

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Joshua Raak  
Deputy Clerk of the Court

**CERTIFICATE OF SERVICE**

I hereby certify that pursuant to Rule 9(b) of the Nevada Electronic Filing and Conversion Rules a copy of this Notice of Hearing was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

By: /s/ Joshua Raak  
Deputy Clerk of the Court



DISTRICT COURT  
CLARK COUNTY, NEVADA

\*\*\*\*

STATE OF NEVADA  
VS  
JAMAL SNEED

CASE NO.: C-20-348559-1  
DEPARTMENT 10

NOTICE OF HEARING

TO: Bryan A Cox  
Public Defender  
Steven B Wolfson

Please be advised that the above-entitled matter has been scheduled for Central Trial Readiness Conference, to be heard by the Honorable LINDA MARIE BELL, at the Regional Justice Center, 200 Lewis Ave, Las Vegas, Nevada 89155, on the 29th day of July, 2020, at the hour of 11:30 AM, in RJC Lower Level Arraignment, Department 10.

YOUR PRESENCE IS NECESSARY

HONORABLE LINDA MARIE BELL

/s/ Sylvia Perry  
By: Sylvia Perry  
Judicial Executive Assistant

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on or about the date e-filed, I served a copy of the foregoing  
3 document


4 X - A copy of this notice electronically served on all parties.

5 ☐ by placing a copy in the attorney's folder located in the Regional Justice Center to:

6 Public Defender  
7 Clark County Public Defender  
8 309 S. 3rd Street , Suite #2  
9 Las Vegas, NV 89101

10 Steven B Wolfson  
11 Clark County District Attorney  
12 200 Lewis Avenue, 3rd Floor  
13 Las Vegas, NV 89155

14 /s/ Sylvia Perry  
15 \_\_\_\_\_  
16 Sylvia Perry  
17 Judicial Executive Assistant  
18 Department 7  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28



1 **RET**  
2 **STEVEN B. WOLFSON**  
3 **Clark County District Attorney**  
4 **Nevada Bar #001565**  
5 **MEGAN THOMSON**  
6 **Chief Deputy District Attorney**  
7 **Nevada Bar #11002**  
8 **200 Lewis Avenue**  
9 **Las Vegas, Nevada 89155-2212**  
10 **(702) 671-2500**  
11 **State of Nevada**

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

9 In the Matter of Application,

10 of

11 **JAMAL SNEED, aka**  
12 **Jamal Lashawn Sneed, #2583410**

13 for a Writ of Habeas Corpus.

CASE NO: C-20-348559-1

DEPT NO: X

14 **STATE'S RETURN TO WRIT OF HABEAS CORPUS OR IN THE ALTERNATIVE,**  
15 **OPPOSITION TO DEFENDANT'S MOTION TO VACATE DETENTION ORDER**

16 **DATE OF HEARING: July 29, 2020**  
17 **TIME OF HEARING: 8:30 A.M.**

18 COMES NOW, JOE LOMBARDO, Sheriff of Clark County, Nevada, Respondent,  
19 through his counsel, STEVEN B. WOLFSON, Clark County District Attorney, through  
20 MEGAN THOMSON, Chief Deputy District Attorney, in obedience to a writ of habeas corpus  
21 issued out of and under the seal of the above-entitled Court on the 20 day of JULY, 2020, and  
22 made returnable on the 27 day of JULY, 2020, at the hour of 8:30 o'clock A.M., before the  
23 above-entitled Court, and states as follows:

24 1. Respondent admits the allegations of Paragraphs 1 and 2 of the  
25 Petitioner's Petition for Writ of Habeas Corpus.

26 2. Respondent denies the allegations of Paragraph 3 of the Petitioner's  
27 Petition for Writ of Habeas Corpus.

28 //

//

1           3.     Paragraph 4 do not require admission or denial.

2           4.     The Petitioner is in the actual custody of JOE LOMBARDO, Clark  
3 County Sheriff, Respondent herein, pursuant to a Criminal Information, a copy of which is  
4 attached hereto as Exhibit 1 and incorporated by reference herein.

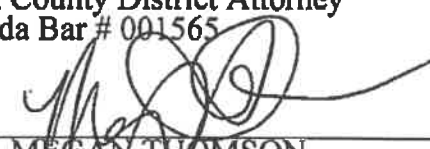
5           Wherefore, Respondent prays that the Writ of Habeas Corpus be discharged and the  
6 Petition be dismissed.

7           DATED this 27th day of July, 2020.

8                               Respectfully submitted,

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

12                           BY

13     
14   MEGAN THOMSON  
15   Chief Deputy District Attorney  
16   Nevada Bar #11002

17   **POINTS AND AUTHORITIES**

18   **STATEMENT OF FACTS**

19           **Instant Case**

20           Defendant is charged with Burglary and Grand Larceny for an event on November 29,  
21 2019 wherein he entered a Super Pawn and after distracting the clerk, causing him to walk  
22 away from the counter, broke the glass of the display case and ran from the store with two  
23 digital cameras. The clerk in the store recognized the Defendant from having come into the  
24 store earlier in the day and video from that visit shows him parking a dark SUV deep in the  
25 empty parking lot. An arrest warrant was issued for the Defendant once he was identified and  
upon finding probable cause the Justice Court deemed \$10,000 to be an appropriate bail  
amount.

26           **Investigation**

27           In investigating this case Detectives were able to link this event with a series of other  
28 Burglaries and Robberies that happened in the following days using the same vehicle, which

1 they were able to identify as a Porsche. Police identified the registered owner of the SUV as  
2 Hayley Bray. Ms. Bray reported the vehicle stolen on December 4, 2019. Ms. Bray identified  
3 a possible suspect as "her cousin's boyfriend, Jamal". Mr. Bray contacted detectives on  
4 December 10, 2019 and indicated she had recovered the vehicle but would not provide the  
5 circumstances surrounding the recovery. Detectives sent Ms. Bray a surveillance photo of  
6 Defendant from one of the robbery events. Ms. Bray refused to answer whether the person in  
7 the photo was "Jamal".

8 Detectives searched Ms. Bray's apartment and she spoke with detectives once again  
9 and gave more information about Defendant. Ms. Bray identified herself as Defendant's  
10 girlfriend and said Defendant lives with her. Ms. Bray admitted she told Defendant detectives  
11 were looking for him and sent him the surveillance photo from detectives. Ms. Bray admitted  
12 she previously lied to police to protect Defendant. Ms. Bray described that, when she told  
13 Defendant about the investigation, he responded that he "would not go back to jail".

#### 14 **Criminal History**

15 Defendant has five (5) prior felony convictions and eleven (11) misdemeanor  
16 convictions. Defendant's first two (2) felonies are a Grand Larceny and Attempt Burglary from  
17 2010 (separate cases). See, C321187 PSI. Defendant was sentenced to prison and committed  
18 multiple parole violations in both cases before ultimately having his parole revoked to  
19 expiration. According to the C321187 PSI, Defendant absconded multiple times during parole  
20 for the 2010 cases. Between 2014 and 2016 Defendant picked up several misdemeanor cases.

21 Between 2016 and 2017 Defendant picked up a series of felony cases. First, between  
22 November and December 2016 Defendant committed a series of thefts from retail stores  
23 totaling over \$14,000.00. Id. Defendant pled guilty to Burglary in C321187 and was placed on  
24 probation with drug court. Defendant bench warranted from drug court in July 2017. While in  
25 bench warrant status, Defendant picked up two (2) new felony cases. The Court ultimately  
26 revoked Defendant's probation.

27 As of July 2017, Defendant was on house arrest at Freedom House as part of his  
28 probation term in C321187. However, on July 6, 2017, house arrest officers received a tamper

1 alert from Defendant's bracelet. Officers responded to Freedom House and discovered  
2 Defendant's severed house arrest bracelet under a couch in his room. Officers could not locate  
3 Defendant. Defendant subsequently pled guilty to felony Escape in C326995.

4 On August 10, 2017, while in bench warrant status from drug court, Defendant  
5 attempted to use a stolen Western Union card to attempt to make a purchase at a gas station.  
6 When the clerk confronted the clerk about the card Defendant made threats and took the  
7 property. A security guard caught Defendant fleeing the area and found a gun on his person.  
8 Defendant subsequently pled guilty to Possession of a Firearm By a Prohibited Person in  
9 C326496.

10 Defendant was released from prison on the 2017 cases on May 31, 2019. Defendant  
11 absconded from the Department of Probation and Parole in September, 2019. The Department  
12 issued a warrant in October, which was still outstanding when Defendant committed the  
13 underlying offenses. Defendant's parole has since been revoked.

#### 14 Procedural History

15 As Defendant committed the instant offenses while on parole, a no bail setting would  
16 not be inappropriate, however the Justice Court set bail at \$10,000. On July 20, 2020,  
17 Defendant filed a Motion for Bail Setting requesting a release. The State responds below.

#### 18 ARGUMENT

19 Defendant requests an own recognizance release. However, no bail is appropriate given  
20 the risk of flight and danger to the community.

21 Pursuant to NRS 178.484(2), a person arrested for a felony offense while released on  
22 probation or parole must not be admitted to bail unless the Court issues an order directing  
23 otherwise. If the Court were to consider setting bail, the following factors are noteworthy –

- 24 1) Nature and circumstances of the crime charged;
- 25 2) Financial ability of the defendant to give bail;
- 26 3) Defendant's character;
- 27 4) Length of residence in the community;
- 28 5) Status and history of employment;

- 1 6) Relationships with spouse and family members;
- 2 7) Reputation, character, and mental condition;
- 3 8) Prior criminal record, including failures to appear in court;
- 4 9) The identity of responsible members of the community who would vouch for
- 5 reliability of the defendant;
- 6 10) The nature of the charged offense and the strength of the evidence;
- 7 11) Nature and seriousness of the danger to the victim and members of community if
- 8 released;
- 9 12) The likelihood of criminal activity if the person is released; and
- 10 13) Any other factors concerning the person's ties to the community or bearing on the
- 11 risk that that person may fail to appear.

12 NRS 178.4853, 178.498.

13 There is no indication that the Defendant has ties to the community sufficient to support  
14 a conclusion that he is neither a flight risk nor a danger to the community in that whatever  
15 family he has was insufficient to deter Defendant from committing violent offenses and thefts  
16 thus far, and therefore are unpersuasive to a bail reduction argument. To the contrary,  
17 Defendant's girlfriend, who he lived with at the time of the offenses, assisted him in evading  
18 law enforcement.

19 Here, the Court should follow the statutory default of no bail for a defendant who  
20 commits crimes while on parole. The underlying facts of this case are not terribly egregious in  
21 a vacuum however when combined with his demonstrated willingness to perform a series of  
22 crimes, as reflected by his other pending trial, and his criminal history dating back to 2009  
23 including two convictions for Escape where he has been granted opportunities at electronic  
24 monitoring and has demonstrated that even that high level of supervision on release does not  
25 deter him from flight. He is a threat to the community. Further, the risk of flight is remarkable.  
26 Defendant absconded from parole and probation multiple times in the past. Defendant was  
27 actually in absconder status at the time he committed the underlying offenses. The last time  
28 the Court took Defendant's word that he would comply with its instruction he cut off his house



1 arrest monitor, bench warranted from drug court, went out and committed new offenses while  
2 in possession of a firearm. Defendant actually warned his girlfriend when he heard police were  
3 looking for him that he "would not go back to jail".

4 If the Court is inclined to set any bail, the State would recommend the current setting  
5 remain given that was what the Justice Court deemed to be appropriate. However, Defendant's  
6 history of absconding, and the strength of the evidence warrant the added conditions of house  
7 arrest and no contact with victims or witnesses, including Hayley Bray.

8 **CONCLUSION**

9 Considering the foregoing, the State respectfully requests that the Court deny  
10 Defendant's Motion and order no bail status.

11 DATED this 27<sup>th</sup> day of July, 2020.

12 Respectfully submitted,

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

15 BY

16 MEGAN THOMSON  
17 Chief Deputy District Attorney  
Nevada Bar #11002

18 **CERTIFICATE OF ELECTRONIC FILING**

19 I hereby certify that service of Return To Writ of Habeas Corpus, was made this  
20 27<sup>th</sup> day of July, 2020, by electronic filing to:

21  
22 MICHAEL VAN LUVEN, Deputy Public Defender  
23 Email: [Michael.VanLuven@clarkcountynv.gov](mailto:Michael.VanLuven@clarkcountynv.gov)

24 BY:

25 CE Bush  
26 Secretary for the District Attorney's Office  
27  
28

20F02659X/MT/mt/L-4

*Steven D. Grierson*

1 INFM  
2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 MEGAN THOMSON  
6 Chief Deputy District Attorney  
7 Nevada Bar #011002  
8 200 Lewis Avenue  
9 Las Vegas, Nevada 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

7 I.A. 06/01/20  
8 8:00 AM  
9 PD-VAN LUEN

9 THE STATE OF NEVADA,

10 Plaintiff,

CASE NO: C-20-348559-1

11 -vs-

DEPT NO: X

12 JAMAL SNEED, aka  
13 Jamal Lashawn Sneed, #2583410

14 Defendant.

INFORMATION

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

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

19 That JAMAL SNEED, aka Jamal Lashawn Sneed, the Defendant(s) above named,  
20 having committed the crimes of BURGLARY (Category B Felony - NRS 205.060 - NOC  
21 50424) and GRAND LARCENY (Category B Felony - NRS 205.220.1, 205.222.3 - NOC  
22 56008), on or about the 29th day of November, 2019, within the County of Clark, State of  
23 Nevada, contrary to the form, force and effect of statutes in such cases made and provided,  
24 and against the peace and dignity of the State of Nevada,

25 COUNT 1 - BURGLARY

26 did willfully, unlawfully, and feloniously enter a building, owned or occupied by  
27 SUPER PAWN, located at 2645 South Decatur Boulevard, Las Vegas, Clark County, Nevada,  
28 with intent to commit larceny.

**EXHIBIT "1"**


V:\2020\061\12\202006112C-INFM-(SNEED, JAMAL)-001.DOCX

COUNT 2 - GRAND LARCENY

did then and there willfully, unlawfully, feloniously, and intentionally, with intent to deprive the owner permanently thereof, steal, take and carry away, lead away or drive away property owned by SUPER PAWN, having a value of \$3,500.00, or greater, to wit: Digital cameras.

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

BY

  
MEGAN THOMSON  
Chief Deputy District Attorney  
Nevada Bar #011002

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

<u>NAME</u>	<u>ADDRESS</u>
CUSTODIAN OF RECORDS	CCDC
CUSTODIAN OF RECORDS	LVMPD - DISPATCH/COMMUNICATIONS
CUSTODIAN OF RECORDS	LVMPD - RECORDS
DOUGHERTY, EDWARD	DA INVESTIGATOR AND/OR DESIGNEE
JOVERO, RALPH JUSTIN	2645 S. DECATUR BLVD., LV, NV 89102
PAWN DECATUR COR-SUPER	2645 S. DECATUR BLVD., LV, NV 89102
ROSTON, JACQUAR	LVMPD P#14005
TOLENTINO, MARK B.	LVMPD P#14730

20F02659X/eg/L4  
LVMPD EV#191100137796  
(TK3)

*Heaven's Honor*  
CLERK OF THE COURT

1 **ORDR**

4 **EIGHTH JUDICIAL DISTRICT COURT**

5 **CLARK COUNTY, NEVADA**

6 THE STATE OF NEVADA,

7 Plaintiff,

8 v.

9 JAMAL SNEED,

10 Defendant.

CASE NO.: C-20-348559-1

DEPT. NO.: X

13 **PRE-TRIAL ORDER SETTING BAIL OR**  
14 **PRE-TRIAL RELEASE CONDITIONS PENDING TRIAL**

15 Based on the allegations set forth in the Information, the information the State has  
16 provided and the information defendant or his counsel has provided, the Court has considered the  
17 statutory factors relevant to the determination of the need or amount of bail to ensure the  
18 presence of the defendant at trial and minimize the risk of danger to the community. Having  
19 considered the factors set forth in NRS 178.4853, as well as the defendant's financial resources,  
20 and the other reasons set forth on the record, the Court finds as to defendant:

21 **✖ BAIL IS APPROPRIATE**

22 **✖** The Court finds by the following factors the State of Nevada has met its burden by  
23 clear and convincing evidence that the Defendant poses a Risk of Non-Appearance  
(*check all that apply*):



The length of defendant's residence in the community;

Existence of pending charges against the Defendant at time of current arrest;



Defendant's history of failure to appear;



Defendant's lack of familial, residential, community and employment ties (not  
limited to Clark County or Nevada);



Defendant's lack of property, and financial ties (not limited to Clark County or  
Nevada);

- ☐ Defendant's lack of verifiable, legitimate employment
- ☐ Defendant's ties to a foreign country;
- ☐ Defendant's possession of a passport or travel documents;
- ☒ Defendant's history of criminal activity while on prior or current pretrial release or under prior or current probation or parole supervision;
- ☐ The nature of the offense with which Defendant is charged, the apparent probability of conviction and the likely sentence;
- ☐ Defendant's living situation is unstable or unsuitable, or insufficient information about proposed living situation;
- ☐ Defendant's substance abuse history;
- ☐ Defendant's mental health history;--
- ☒ Defendant's prior criminal record;
- ☒ Defendant's status and compliance on pretrial release, probation, parole, or other supervised release;
- ☐ Defendant's use of aliases or false identifications
- ☐ Defendant's possession or access to unexplained assets;
- ☒ Lack of verified information about Defendant;

☒ The Court finds by the following factors the State of Nevada has met its burden by clear and convincing evidence that the Defendant poses a Risk of Danger to the Community (*check all that apply*):

- ☐ The nature of the instant offense of which Defendant is accused;
- ☒ Existence of pending charges against Defendant at time of current arrest;
- ☐ Defendant's history or charge involving violence or domestic violence;
- ☐ Defendant's history or charge involving a sex offense or abuse;
- ☐ Defendant's history or charge involving a juvenile;
- ☐ Defendant's history or charge involving the use of a computer to facilitate the alleged offense;
- ☐ Defendant's history of illegal weapons possession or use;
- ☐ Defendant's criminal associations;
- ☐ Defendant's pattern of similar criminal history activity;
- ☒ Defendant's prior criminal record of arrests and convictions;
- ☐ Safety concerns for the community or a specific person upon Defendant's release;
- ☐ Defendant's gang involvement;
- ☒ Defendant's history of criminal activity while on prior or current pretrial release or under prior or current probation or parole supervision;
- ☐ Defendant's substance abuse history;
- ☐ Defendant's mental health history;
- ☐ Defendant's status and compliance on pretrial release, probation, parole, or other supervised release;
- ☐ Lack of verified information about Defendant;

1 Based on the above findings, the Court concludes no combination of nonmonetary conditions  
2 would be sufficient to reasonably ensure the defendant's appearance or the safety of the community.

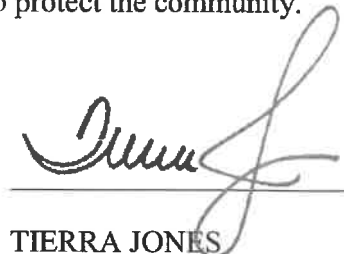
3 In determining an appropriate bail, the Court has considered the defendant's  
4 representations concerning his financial resources, including any representations as to available  
5 assets and liabilities and income, and any representation of the State as to Defendant's financial  
6 resources. The Court has also considered defendant's representations that defendant cannot  
7 afford the current bail amount.

8 Considering Defendant's financial resources and the factors listed above demonstrating  
9 Defendant's Risk of Flight and Risk of Danger to the Community, the Court orders that the bail  
10 remain in the amount of \$10,000.  
11

12 The Court finds by clear and convincing evidence that this amount and any additional  
13 conditions are necessary to ensure the defendant's appearance at future court proceedings and to  
14 protect the safety of the community. If defendant cannot make the bail amount or meet the other  
15 conditions and remains in custody pending trial, the Court further finds the State has met its  
16 burden by clear and convincing evidence that no other less restrictive conditions are available to  
17 assure defendant's future appearances and to protect the community.  
18

Dated this 27th day of July, 2020

19 Dated this \_\_\_\_ day of \_\_\_\_, 20\_\_.

20   
21 \_\_\_\_\_  
22 TIERRA JONES  
23 DISTRICT COURT JUDGE  
24 DEPARTMENT X  
25 8B9 87E D6AA D6B0  
26 Tierra Jones  
27 District Court Judge  
28

1 CSERV

2 DISTRICT COURT  
3 CLARK COUNTY, NEVADA  
4

5  
6 State of Nevada

CASE NO: C-20-348559-1

7 vs

DEPT. NO. Department 10

8 Jamal Sneed  
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 7/27/2020

15 G. Cox

Coxgd@clarkcountynv.gov

16 Kayleigh Lopatic

lopaticb@clarkcountynv.gov

17 D A

motions@clarkcountyda.com

18 Michael Van Luven

Michael.VanLuven@ClarkCountyNV.gov

19 Department X

Dept10LC@ClarkCountyCourts.us  
20  
21  
22  
23  
24  
25  
26  
27  
28

*Heather S. Smith*  
CLERK OF THE COURT

**ORDR**  
**STEVEN B. WOLFSON**  
Clark County District Attorney  
Nevada Bar #001565  
**MEGAN S. THOMSON**  
Chief Deputy District Attorney  
Nevada Bar #011002  
200 Lewis Avenue  
Las Vegas, NV 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

**THE STATE OF NEVADA,**  
**Plaintiff,**

**-vs-**

**JAMAL SNEED, aka,**  
**Jamal Lashawn Sneed,**  
**#2583410**

**Defendant.**

**CASE NO: C-20-348559-1**

**DEPT NO: X**

**ORDER DENYING DEFENDANT'S PETITION FOR**  
**WRIT OF HABEAS CORPUS**

**DATE OF HEARING: JULY 29, 2020**  
**TIME OF HEARING: 8:30 A.M.**

**THIS MATTER** having come on for hearing before the above entitled Court on the 29th day of July, 2020, the Defendant being present via video through Blue Jeans technology, represented by MCHAE L VAN LUVEN, DEPUTY PUBLIC DEFENDER, the Plaintiff being represented by STEVEN B. WOLFSON, District Attorney, through MEGAN S. THOMSON, Chief Deputy District Attorney, and the Court having heard the arguments of counsel, based on the pleadings and good cause appearing therefor,

**///**

**///**

**///**



1 IT IS HEREBY ORDERED that the Defendant's Petition for Writ of Habeas Corpus,  
2 shall be, and it is DENIED. Dated this 6th day of August, 2020

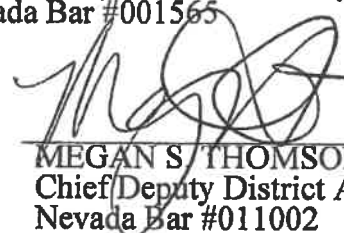
3 DATED this \_\_\_\_\_ day of August, 2020.

4  
5   
DISTRICT JUDGE

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

60B C88 AAD9 5DF3  
Tierra Jones  
District Court Judge

9 BY

  
MEGAN S. THOMSON  
Chief Deputy District Attorney  
Nevada Bar #011002

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27 20F02659X  
28

1 CSERV

2 DISTRICT COURT  
3 CLARK COUNTY, NEVADA  
4

5  
6 State of Nevada

CASE NO: C-20-348559-1

7 vs

DEPT. NO. Department 10

8 Jamal Sneed  
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 8/6/2020

15 G. Cox

Coxgd@clarkcountynv.gov

16 Kayleigh Lopatic

lopatikb@clarkcountynv.gov

17 D A

motions@clarkcountyda.com

18 Michael Van Luven

Michael.VanLuven@ClarkCountyNV.gov

19 Department X

Dept10LC@ClarkCountyCourts.us  
20  
21  
22  
23  
24  
25  
26  
27  
28



1 **NOTM**  
2 **STEVEN B. WOLFSON**  
3 **Clark County District Attorney**  
4 **Nevada Bar #001565**  
5 **MEGAN S. THOMSON**  
6 **Chief Deputy District Attorney**  
7 **Nevada Bar #011002**  
8 **200 Lewis Avenue**  
9 **Las Vegas, Nevada 89155-2212**  
10 **(702) 671-2500**  
11 **Attorney for Plaintiff**

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

9 **THE STATE OF NEVADA,**

10 **Plaintiff,**

11 **-vs-**

**CASE NO: C-20-348559-1**

12 **JAMAL SNEED, aka,**  
13 **Jamal Lashawn Sneed**  
14 **#2583410**

**DEPT NO: X**

14 **Defendant.**

15 **STATE'S NOTICE OF MOTION AND MOTION TO ADMIT EVIDENCE**  
16 **PURSUANT TO THE DOCTRINE OF RES GESTAE AND PURSUANT TO 48.045**

17 **DATE OF HEARING: \_\_\_\_\_, 2020**  
18 **TIME OF HEARING: \_\_\_\_ A.M./P.M.**

18 **HEARING REQUESTED**

19  
20 **COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County**  
21 **District Attorney, through MEGAN S. THOMSON, Chief Deputy District Attorney, and files**  
22 **this Notice of Motion and Motion to Admit Evidence Pursuant to the Doctrine of Res Gestae**  
23 **and Pursuant to 48.045.**

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

27 **///**

28 **///**


1 **NOTICE OF HEARING**

2 YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the undersigned  
3 will bring the foregoing Motion on for setting before the above entitled Court, in Department  
4 X thereof, on the \_\_\_\_ day of \_\_\_\_\_, 2020, at the hour of \_\_\_\_ o'clock A.M./P.M.,  
5 or as soon thereafter as counsel may be heard.

6 DATED this 23<sup>rd</sup> day of September, 2020.

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

10 BY

  
MEGAN S. THOMSON  
Chief Deputy District Attorney  
Nevada Bar #011002

12 ///

13 ///

14 ///

15 ///

16 ///

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 **STATEMENT OF FACTS**

2 ***FACTS OF CURRENT CASE:***

3 On November 11, 2019 Ralph Jovero was working at the SuperPawn at 2645 S. Decatur  
4 Boulevard. On that day an individual, later identified as Jamal Sneed (hereinafter the  
5 Defendant) came into the store on two occasions. Per the original police report the Defendant  
6 entered the store the second time at about 7:45 PM and began speaking with Jovero about an  
7 iPad. The Defendant then began arguing with Jovero about purchasing the iPad without  
8 identification and when Jovero went to speak with his manager the male shattered the display  
9 case and took two digital cameras and ran from the store and entered into a Black Porsche  
10 Cayanne. The Defendant was described as wearing an Adidas hoodie and black sweatpants.  
11 When reporting the crime to police, Jovero told the officers that the Defendant had been into  
12 the store at about 4:40 that same day wearing a different sweatshirt. Video was subsequently  
13 provided by the company and upon watching one can see a black male adult wearing a baseball  
14 cap enter the store and converse with the clerk. Exhibit 1, video 1. As the clerk, Jovero, walks  
15 away the Defendant's movements can be observed in the reflection created by the glass at the  
16 front of the store. While the specifics of what the Defendant is holding are not visible, his  
17 movements and positioning make clear that he is using some type of tool to shatter the glass  
18 of the display cabinet before grabbing the cameras and running. A Preliminary Hearing was  
19 held in this matter and the Defendant was held to answer to the counts of Burglary and  
20 Grand Larceny. A Motion to consolidate this case into the Defendant's other pending trial,  
21 C-20-346752-1, was denied by Eighth Judicial District Court Department 30. The State now  
22 asks this Court to permit admission of evidence from the other case to be presented in the  
23 instant trial pursuant to the doctrine of res gestae or in the alternative admitted as other acts of  
24 the Defendant.

25 ///

26 ///

27 ///

28 ///

1 ***RES GESTAE EVIDENCE:***

2 Specifically, the State seeks to admit evidence of the Defendant's access to the Porsche  
3 Cayenne that he was captured on video arriving and leaving in on November 11, 2019 during  
4 his first visit to the store, and then later seen fleeing in after breaking the display case and  
5 running with the cameras. Detectives investigating the series of crimes which ultimately were  
6 filed as C-20-346752-1 identified the getaway vehicle from a robbery which occurred on  
7 December 8 as a Porsche Cayenne. With little else to investigate to identify the perpetrator  
8 Detective Snyder attempted to locate and identify the vehicle and owner. In his attempt to do  
9 so he located a crime report wherein the caller, Hayley Bray, reported her dark blue Porsche  
10 Cayenne missing and indicated that she suspected the cousin of her ex-boyfriend, Jamal. She  
11 further indicated that she was concerned that Jamal would be using the vehicle to steal items  
12 from businesses. Detective Snyder obtained a photo of her vehicle from Hayley. Upon  
13 reviewing the photo, the vehicle had similar unique characteristics including rims, trim, and  
14 chrome door handles. Through family relationships Detective Snyder was able to locate a  
15 relation by the name of Jamal Sneed (the Defendant). He then compared a law enforcement  
16 photo of Sneed with the video from his incident and determined they had similar  
17 characteristics. Thereafter, Bray contacted Detective Snyder and indicated that she had located  
18 her vehicle but refused to provide any details as to how that had occurred, and when asked if  
19 the law enforcement photo of Sneed was the same suspect she had referred to in her initial  
20 report she refused to answer. Ultimately, upon further contact with law enforcement Bray  
21 admitted that Jamal Sneed was her boyfriend and lived in her apartment with her. While  
22 completing follow up investigation Detective Snyder located another robbery in which the  
23 Cayenne was used and ultimately identified a burglary at the Super Pawn on December 3 and  
24 was able to place the vehicle in the Defendant's sole custody, based upon Bray's statements,  
25 and in the vicinity of the crime on the same day with use of a license plate reader. While  
26 Detective Snyder was working backwards from the robberies to the Burglary on December 3,  
27 2019, Detective Roston, who was investigating the incident charged in the current case, had  
28 located the December 3 incident and determined that based upon the similarities of the crime,

1 clothing, appearance and temporal proximity that the same suspect had committed the two  
2 crimes, however it wasn't until Detective Snyder identified the Porsche that either of them  
3 knew the identity of their suspect.

4 ***OTHER BAD ACTS EVIDENCE:***

5 Additionally, the State seeks to admit evidence of a second Burglary/Grand Larceny  
6 which occurred on December 3, 2019 under event number 191200012098, which was  
7 investigated by Detective Snyder. In that event at about 12:30 in the afternoon the suspect,  
8 later identified as the Defendant, entered the store and looked around some. About a minute  
9 later the suspect used a small sharp tool (recovered and impounded by the Metro) to shatter  
10 the display glass and then fled with a laptop from the store. The video surveillance from this  
11 incident shows the suspect wearing very similar pants to the individual in the November 11,  
12 2019 incident and using the same method of breaking the glass before fleeing with the stolen  
13 property. Exhibit 1, video 2. As he leaves the store with the laptop a camera by the door  
14 captures his face. Exhibit 1, Face. Furthermore, the stores outside cameras shows him arriving  
15 and leaving in a dark colored Porsche Cayanne. Exhibit 1, video 3. A still provided by the  
16 store shows that he visited the store the day before he committed the Burglary on December  
17 3<sup>rd</sup>.

18 **ARGUMENT**

19 **I. EVIDENCE OF THE DEFENDANT'S RELATIONSHIP TO THE PORSCHE**  
20 **CHEYNNE SHOULD BE ADMITTED PURSUANT TO THE DOCTRINE**  
21 **OF RES GESTAE**

22 The complete story of the crime doctrine, or res gestae, applies whenever witnesses  
23 cannot describe the crime charged without referring to related uncharged acts. State v. Shade,  
24 111 Nev. at 887, 900 P.2d 327, 331 (1995). Nev. Rev. Stats. §48.035(3) codifies the complete  
25 story of the crime doctrine, or res gestae rule, and provides as follows:

26 ///

27 ///

28 ///

///

1 Evidence of another act or crime which is so closely related to an  
2 act in controversy or a crime charged that an ordinary witness  
3 cannot describe the act in controversy without referring to the  
4 other act or crime shall not be excluded, but at the request of an  
5 interested party, a cautionary instruction shall be given explaining  
6 the reason for its admission.

7 Nev. Rev. Stats. §48.035(3). In reading this statute as a whole, the Nevada Supreme Court  
8 has held that when the doctrine of res gestae is invoked, no weighing of prejudicial effect  
9 against the probative value of the evidence is done. Instead, if res gestae applies, this  
10 Honorable Court must not exclude the evidence the Defendant's access to the Porsche. State  
11 v. Shade, 111 Nev. 887, 900 P.2d 327 (1995).

12 In this case, absent the thorough investigative work completed by Detective Snyder the  
13 likelihood is that this crime would never have been solved. For the jury to understand how law  
14 enforcement got from a top down video shot of a black male adult in a baseball cap to Jamal  
15 Sneed as their suspect the jury needs to know his connection and access to Hayley Bray's  
16 Porsche. While the actual path of identification involves the use of video from uncharged  
17 crimes, specifically the robberies in his other case, the State believes that it would be able to  
18 present the evidence of the Defendant's connection and Detective Snyder's investigation  
19 without reference to those charges by simply asking the Detective if he was assigned to  
20 investigate a case where a dark colored Cayanne was used as the getaway vehicle. By  
21 excluding the specifics of the case Detective Snyder was investigating which led him to the  
22 discovery of Ms. Bray's report the Jury can get a fair, if not exactly accurate, picture of how  
23 the Defendant was developed as a suspect without having to discuss the rest of his crimes for  
24 them to understand the connection.

25 The Defendant's access to, and the Detectives investigation of, the Porsche Cayanne  
26 should be admitted pursuant to the doctrine of *Res Gestae*. However, if the Court disagrees  
27 that it is part of the complete story of the crime, the evidence should still be admitted under  
28 NRS 48.045 as discussed below.

///



1 **II. EVIDENCE OF DEFENDANT'S OTHER ACTS SHOULD BE ADMITTED**  
2 **PURSUANT TO NRS 48.045**

3 Section 48.045(2) of the Nevada Revised Statutes provides:

4 Evidence of other crimes, wrongs or acts is not admissible to prove  
5 the character of a person in order to show that he acted in  
6 conformity therewith. It may, however, be admissible for other  
7 purposes, such as proof of motive, opportunity, intent, preparation,  
8 plan, knowledge, identity, or absence of mistake or accident.

8 Nevada's statute is identical to the Federal Rules of Evidence, Rule 404(b).

9 Prior to admitting such evidence, the State must establish that (1) the prior act is  
10 relevant to the crime charged; (2) the act is proven by clear and convincing evidence; and (3)  
11 the evidence is more probative than prejudicial. Cipriano v. State, 111 Nev. 534, 541, 894  
12 P.2d 347, 352 (1995), overruled on other grounds by State v. Sixth Judicial District Court, 114  
13 Nev. 739, 964 P.2d 48 (1998). With regard to a determination of prejudice:

14 "prejudicial" is not synonymous with "damaging." Rather,  
15 evidence is unduly prejudicial...only if it "uniquely tends to evoke  
16 an eMotional bias against the Defendant as an individual and...has  
17 very little effect on the issues" or if it invites the jury to prejudge  
18 "a person or cause on the basis of extraneous factors." Painting a  
19 person faithfully is not, of itself, unfair.

19 People v. Johnson, 185 Cal.App.4th 520, 534 (2010). The admissibility of prior bad  
20 acts is within the sound discretion of the trial Court and will not be overturned on appeal unless  
21 the decision is manifestly wrong. Canada v. State, 104 Nev. 288, 291-293, 756 P.2d 552, 554  
22 (1988).

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 Most recently, in Bigpond v. State, 128 Nev. 108, 270 P.3d 1244 (2012), the Nevada  
2 Supreme Court affirmed the District Court's decision to admit evidence of prior acts of  
3 domestic violence pursuant to NRS 48.045(2). In upholding the trial Court's decision, the  
4 Court specifically acknowledged that evidence may be admitted pursuant to NRS 48.045 for  
5 reasons other than those delineated in the statute. Additionally, it found that the evidence was  
6 admissible because they provided context to the relationship between the victim and  
7 Defendant and the victim's possible reasons for recanting her testimony.

8 **A. EVIDENCE OF THE DEFENDANT'S ACCESS TO BRAY'S PORSCHE**  
9 **SHOULD BE ADMITTED UNDER NRS 48.045(b)**

10 Similar to the Nevada Supreme Court's holding in Bigpond, the Federal Court has held  
11 that its 'bad acts' rule, "Rule 404(b) 'is a rule of inclusion' " United States v. Jackson, 84 F.3d  
12 1154, 1158–59 (9th Cir.1996). "Unless the evidence of other crimes tends only to prove  
13 propensity, it is admissible." *Id.* The Ninth Circuit has specifically ruled, with regard to the  
14 federal rule, "[e]vidence of prior bad acts may be admitted "for the purpose of providing the  
15 context in which the charged crime occurred." United States v. Rrapi, 175 F.3d 742, 748 (9th  
16 Cir. 1999); citing United States v. Collins, 90 F.3d 1420, 1428 (9th Cir.1996). Thus, where  
17 the evidence is "inextricably intertwined" with the underlying offense it is admissible under  
18 Rule 404(b). Rrapi, 175 F.3d at 748. "Evidence is 'inextricably intertwined' if it constitutes a  
19 part of the transaction that serves as a basis for the criminal charge, or "was necessary to ...  
20 permit the prosecutor to offer a coherent and comprehensible story regarding the commission  
21 of the crime." *Id.* 175 F.3d at 749 (citations omitted).

22 Similarly, the Nevada Supreme Court held that evidence of prior drug transactions were  
23 admissible in a murder trial where they were relevant to establish animosity between the  
24 accused and the victim and to show motive and rebut a claim of self-defense. Ochoa v. State,  
25 115 Nev. 194, 201, 981 P.2d 1201, 1205 (1999).

26 ///

27 ///

28 ///

1 In Fields v. State, 125 Nev. 785, 220 P.3d 709 (2009), the Nevada Supreme Court  
2 affirmed the District Court Judge's determination to admit evidence that the Defendant owed  
3 debts to the victim and that he had previously engaged in a conversation about killing a man  
4 to whom he owed money. The Nevada Supreme Court agreed with the District Court's  
5 decision that such evidence was admissible as proof of motive, to disprove his contention that  
6 he was just an innocent bystander to his wife's scheme, and to prove identity.

7 As discussed above, the facts of the Defendant's access to the Porsche are not highly  
8 prejudicial. The probative value of the Defendant's access to Bray's vehicle is highly relevant  
9 evidence for the Jury when determining if the person charged, the Defendant, is the individual  
10 who committed the crime. Beyond the prejudice inherent in the State proving facts that make  
11 it more likely that the accused is the person who committed the crime, the Defendant's access  
12 to Bray's vehicle is not prejudicial to him if admitted at trial, and certainly not more prejudicial  
13 than probative.

14 **B. EVIDENCE OF THE BURGLARY ON DECEMBER 3 SHOULD**  
15 **BE ADMITTED PURSUANT TO 48.045(b)**

16 **1. THE DECEMBER 3<sup>RD</sup> INCIDENT IS PROBATIVE OF IDENTITY**

17 While the concept of Identity is closely linked with *modus operandi* the Nevada  
18 Supreme Court has given guidance as to how unique a crime must be in order for it to be  
19 probative of Identity. In Canada v. State, 104 Nev. 288, 756 P.2d 552 (1988), the accused  
20 complained that the Court had admitted an uncharged robbery for purposes of Identity. Within  
21 the appeal the Defendants asserted that there was nothing unique in the crimes, that they were  
22 little more than "a brutal, straightforward armed robbery." Canada, 104 Nev. at 293. The Court  
23 was notably unpersuaded with this evaluation of the facts stating unequivocally "that the  
24 similarities between the two crimes make evidence of the second highly probative of the  
25 identities of the perpetrators of the first" listing specifically, the deserted bars as victims, the  
26 time of day, the fact that one co-conspirator first entered and ordered a beer to case the place  
27 before the crime, that in both at least one participant wore a mask, in both crimes both  
28 participants had shotguns and finally the level of violence inflicted upon the victims. Canada,

1 104 Nev. at 293. The Court concluded "that the difficulty in identifying the perpetrators  
2 coupled with the high degree of similarity between the crimes made the evidence of other  
3 robbery more probative than prejudicial." Id.

4 In Reed v. State, 95 Nev. 190, 591 P.2d 274 (1979), the Nevada Supreme Court  
5 explained that "questions raised as to the credibility of the witnesses' trial identification of  
6 appellant served to highlight the necessity for additional evidence which could help establish  
7 the identity of the perpetrator, and buttress the decision of the trial Court to admit evidence of  
8 other crimes for that purpose." Reed, 95 Nev. at 193, 591 P.2d at 276.

9 Here, as in Canada, the December 3 incident is so similar to the charged offense that  
10 the crime is highly probative of identity. In each offense the perpetrator goes in prior to the  
11 crime to get the layout of the business, in our case just hours before and on December 3<sup>rd</sup> the  
12 day before, and then returns having changed his sweatshirt. Additionally, in both cases the  
13 perpetrator choses an electronics case, ensures that he is not being observed, uses a tool to  
14 shatter the front of the case, and each incident flees with electronics to a dark colored Porsche  
15 Cayanne. Furthermore, the facial characteristics visible in the video from the incident charged  
16 here show similar facial hair to the facial hair shown on the Defendant on December 3<sup>rd</sup> and  
17 the pants worn in each video appear to be the same pants and the shoes appear to be the same  
18 Adidas shoes. Though the time of day differs between incidents, the surrounding  
19 circumstances of each crime is such that the admission of the December 3<sup>rd</sup> incident would be  
20 highly probative of identity of the perpetrator of the charged November offense. To further  
21 demonstrate the necessity of the evidence and the probative value, a brief review of the  
22 Preliminary Hearing demonstrates that the challenge most aggressively pursued was that of  
23 identity and the credibility of the identifying clerk, Jovero, which as the Court has found  
24 weighs in favor of the admission of other bad act identity evidence.

25 ///

26 ///

27 ///

28 ///

1                   **2. THE DECEMBER 3<sup>RD</sup> INCIDENT IS PROBATIVE OF INTENT**

2           Intent, by reason of the words of the statute, is an element of the crime and directly  
3 placed in issue by the not guilty plea of the accused. Findley v. State, 94 Nev. 212, 214, 577  
4 P.2d 867, 868 (1978), overruled on other grounds by Braunstein v. State, 118 Nev. 68, 40 P.3d  
5 413 (2002) citing Overton v. State, 78 Nev. 198, 205, 370 P.2d 677 (1962).

6           In Ford v. State, the Supreme Court found that in a trial for, among other crimes,  
7 Burglary while in Possession of a Deadly Weapon, the Court was proper in admitting three  
8 prior incidents in which the Defendant had broken into other residences because they were  
9 “admissible to prove his intent and/or the absence of mistake when he broke into [the]  
10 residence.” Id. 122 Nev. 796, 138 P. 3d 500, 504 (2006).

11           In addition to the Not Guilty plea entered by the Defendant, the defense argued at the  
12 Preliminary Hearing level that there was insufficient intent upon entry shows to sustain the  
13 charge. It is unquestionable that the intent upon entry is an issue in this case. While going to a  
14 store and returning later the same day does not in itself evidence an illegal intent, when  
15 combined with the commission of a crime during the second visit and then similar casing  
16 behaviors before committing an extremely similar crime less than a month later is highly  
17 probative of intent. The scenario of the crime on December 3<sup>rd</sup> wherein the Defendant visited  
18 the store on the day prior and then returned to break the glass of the case and take a laptop  
19 (electronic item) should be admitted as evidence toward the Defendant’s intent upon entry in  
20 the instant case given that the pattern of behaviors between the two incidents is very similar.

21                   **C. EVIDENCE OF THE DECEMBER 3<sup>RD</sup> INCIDENT IS**  
22                   **MORE PROBATIVE THAN PREJUDICIAL**

23           Finally, as is always the case, evidence that is probative to the State’s case is inherently  
24 going to be prejudicial to the defense case, and Nevada law only prohibits the introduction of  
25 the evidence if there is UNFAIR prejudice. This inherent prejudice is not sufficient to  
26 substantially outweigh the probative value of such evidence. To ensure such evidence is  
27 considered by the jury only for the proper purposes for which it would be admitted a limiting  
28 instruction to the jury should be given both at the time the evidence is presented and in the

1 closing instructions. Tavares v. State, 117 Nev. 725, 30 P.3d 1128 (2001). The State expressly  
2 requests such an instruction be given. Such a limiting instruction will reduce the risk of any  
3 unfair prejudice to the Defendant or confusion of issues to the jury members. As such, the  
4 State contends any prejudicial effect of this evidence does not substantially outweigh its  
5 probative value.

6 Here, with the limiting instruction, the evidence of the Defendant's subsequent conduct  
7 is more probative than prejudicial because it is highly relevant to the Defendant's identity and  
8 intent upon entering the store on December 3<sup>rd</sup>. The video from the charged incident, while  
9 clear from the perspective of observing the movements and interactions of the parties is at  
10 such an angle that the specifics of facial features and identity are not determinate. The  
11 combination of the observable characteristics of the perpetrator in the instant offense when  
12 compared to those of the December 3<sup>rd</sup> crime form a strong argument that the same individual  
13 is involved in both crimes, as discussed above. Furthermore, the video from December 3 is  
14 highly probative because, as this Court is aware, the reliability of eyewitness testimony is  
15 challenged in nearly every trial where there is not some other damning evidence as to identity.  
16 In this case the prejudicial effect of the December 3<sup>rd</sup> incident would be quite minimal as it is  
17 quite similar to the crime charged and does not involve any violence, thus running a minimal  
18 to non-existent risk of inflaming the passions of the jury. Furthermore, the evidence is such  
19 that the Jurors would be able to receive the video and admission of the tool collected from that  
20 event and make the determination as to the relationship to the charged incident rather than it  
21 being a far removed and less intertwined type of offense, such as admission of a prior  
22 conviction to show intent or identity. Here, the jury would not be instructed in essence (as with  
23 a guilty plea) that he committed a similar crime but rather receive the evidence of the similar  
24 crime and make the determination for themselves if the Defendant is in fact the perpetrator.  
25 Because any prejudicial effect is minimal, and the probative value is overwhelming the  
26 evidence of the December 3<sup>rd</sup> incident (including the visit the day prior) should be admitted as  
27 proof of intent and identity.

28 ///

1           **D. THE STATE REQUESTS A PETTROCELLI HEARING.**

2           Before evidence of other bad acts is admissible before a jury the Court must conduct a  
3 Petrocelli hearing. Petrocelli v. State, 101 Nev. 46, 692 P.2d 503 (1985). Before admitting  
4 the evidence of other acts,

5                     "The Court must determine three (3) things on the record and  
6 outside the presence of the jury: whether admission of the  
7 evidence is justified, whether it is proven by clear and convincing  
8 evidence, and whether the danger of unfair prejudice substantial  
outweighs its probative value."

9           Salgado v. State, 114, Nev. 1039 (1998). The Salgado Court likewise addressed the issue as  
10 to whether or not a formal Evidentiary Hearing with live witness testimony is required during  
11 this Petrocelli hearing. The Court concluded that this was not necessary, that indeed the State  
12 can meet its obligation through a verbal offer of proof. The Court concluded as follows:

13                     Thus, under Petrocelli, clear and convincing proof of collateral acts can be established  
14 by an offer of proof outside the presence of the jury combined with the quality of the evidence  
15 actually presented to the jury.

16                     This Court must hold a Petrocelli Hearing, if the Court grants the State's Motion to  
17 admit Evidence of other Wrongs, Crimes or Bad Acts. At this hearing, the State will make a  
18 formal offer of proof on the record as to what it intends to introduce at trial. This does not  
19 require live testimony of witnesses. Furthermore, attached to this Motion are the relevant  
20 portions of the Grand Jury presentation for this Court to consider in making its determination.  
21 Exhibit 2.

22                     In State v. Salgado, 114 Nev. 1039, 968 P.2d 324 (1998), the Nevada Supreme Court  
23 stated:

24                             In Petrocelli, "the state apprised the trial Judge of the  
25 quantum and quality of its evidence proving that the  
26 Defendant had committed the prior offense." Petrocelli,  
27 101 Nev. at 52, 692 P. 2d at 507 (emphasis added). We  
28 concluded that this procedure "was correct." Id. at 52, 692  
P. 2d at 508.

///

1 Before evidence of a prior bad act can be admitted, the state must show, by plain, clear  
2 and convincing evidence that the Defendant committed the offense. The state's offer of proof  
3 fulfilled this requirement. Id. (Citation Omitted). (Emphasis Added). Id. at 327, 1043.

4 Incredibly, the Nevada Supreme Court has even affirmed a conviction wherein the  
5 Court held a conference at the Bench regarding the Petrocelli offer of proof of other bad acts.  
6 The District Court made a record of the representations made at the Bench conference outside  
7 of the jury's presence regarding the discussions. The Supreme Court found that this too was  
8 proper. Wesley v. State, 112 Nev. 503, 512, 916 P.2d 793, 799-800 (1996).

9 Any assertion by the Defendant that the State must present live testimony which could  
10 take days or weeks to procure would be ludicrous and not grounded in the law. Thus, in  
11 Petrocelli, Salgado, and Chappell, the State formally made an offer of proof as to the testimony  
12 to be presented at trial and offered no live testimony from witnesses. The Supreme Court only  
13 requires a hearing outside of the jury's presence to ensure a meaningful record upon which it  
14 may determine whether the District Court's decision was proper. See also, Qualls v. State,  
15 114 Nev. 900 (1998) and Armstrong v. State, 110 Nev. 1322 (1994).

16 In Qualls, supra, the Nevada Supreme Court reminded the trial Courts that the efficient  
17 administration of justice depends on their conscientious adherence to the dictates of our  
18 previous decisions requiring on-the-record hearings." The Nevada Supreme Court upheld a  
19 Defendant's conviction for attempt murder with use of a deadly weapon despite the fact that a  
20 hearing was not held on the record for review. In Qualls, the State introduced evidence that  
21 the Defendant and co-Defendant attempted to kill a young woman because of her association  
22 with a rival gang, and that Qualls was a "wannabe" member of the rival gang.

23 The Nevada Supreme Court emphasized its preference that such a hearing be held to  
24 make a record for review, and did not reverse Qualls' conviction despite the District Court's  
25 failure to hold such a hearing, under harmless error analysis.

26 Between the video and segments of the Grand Jury transcript attached it is the State's  
27 position that a short offer of proof to the Court is all that is necessary for the hearing required  
28 by Petrocelli.




1 **CONCLUSION**

2 Evidence of access to the Hayley Bray's Porsche is part of the complete story of the  
3 crime and as such should be admitted under the doctrine of *Res Gestae*, however, if the Court  
4 disagrees that access along with the events associated to the December 3<sup>rd</sup> incident should be  
5 admitted pursuant to NRS 48.045(b).

6 DATED this 23<sup>rd</sup> day of September, 2020.

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

10 BY

  
11 MEGAN S. THOMSON  
12 Chief Deputy District Attorney  
13 Nevada Bar #011002

14 **CERTIFICATE OF ELECTRONIC FILING**

15 I hereby certify that service of the above and foregoing was made this 23<sup>rd</sup> day of  
16 September, 2020, by Electronic Filing to:

17 MICHAEL VANLUVEN  
18 DEPUTY PUBLIC DEFENDER  
19 [michael.vanluven@clarkcountynv.gov](mailto:michael.vanluven@clarkcountynv.gov)

20 BY

21 /s/ E. Goddard  
22 E. Goddard  
23 Secretary for the District Attorney's Office

24  
25  
26  
27 20F02659X/erg/L-4  
28

# EXHIBIT 1

1 **NOTC**  
2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 MEGAN S. THOMSON  
6 Chief Deputy District Attorney  
7 Nevada Bar #011002  
8 200 Lewis Avenue  
9 Las Vegas, Nevada 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

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

14 THE STATE OF NEVADA,  
15  
16 Plaintiff,

17 -vs-

CASE NO: C-20-348559-1

18 JAMAL SNEED, aka,  
19 Jamal Lashawn Sneed,  
20 #2583410

DEPT NO: X

21 Defendants.

22 **STATE'S NOTICE OF MANUAL FILING OF EXHIBIT 1**

23 DATE OF HEARING: \_\_\_\_\_, 2020  
24 TIME OF HEARING: \_\_\_\_\_ A.M.

25 COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County  
26 District Attorney, through ROBERT A. STEPHENS, Chief Deputy District Attorney, and  
27 notifies this Court that the State is one (1) compact disc containing the following:

28 **Exhibit 1 – Disc 1: 3 Videos and a Photo from Novemer 29, 2019 and December 3, 2019**

This exhibit is noted in the State's Notice of Motion and Motion to Admit Evidence  
Pursuant to the Doctrine of Res Gestae and Pursuant to 48.045.

DATED this 23<sup>rd</sup> day of September, 2020.

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

BY /s/ Megan S. Thomson  
MEGAN S. THOMSON  
Chief Deputy District Attorney  
Nevada Bar #011002

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

**MICHAEL VANLUVEN**  
**DEPUTY PUBLIC DEFENDER**  
[michael.vanluven@clarkcountynv.gov](mailto:michael.vanluven@clarkcountynv.gov)

27 20F02659X/erg/L-4

# EXHIBIT 2

*Steven D. Grier*

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

JAMAL SNEED, aka Jamal Lashawn  
Sneed,

Defendant.

GJ No. 19CGJ008X

DC No. C346752

Taken at Las Vegas, Nevada

Thursday, February 6, 2020

2:17 p.m.

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Reported by: Danette L. Antonacci, C.C.R. No. 222

02:18 1           You do solemnly swear the testimony you are  
2 about to give upon the investigation now pending before  
3 this Grand Jury shall be the truth, the whole truth, and  
4 nothing but the truth, so help you God?

02:18 5           THE WITNESS: Yes.

6           THE FOREPERSON: Thank you. Please be  
7 seated.

8           You are advised that you are here today to  
9 give testimony in the investigation pertaining to the  
02:18 10 offenses of burglary, burglary while in possession of a  
11 firearm, robbery with use of a deadly weapon, attempted  
12 robbery with use of a deadly weapon, involving Jamal  
13 Sneed.

14           Do you understand this advisement?

02:19 15           THE WITNESS: Yes.

16           THE FOREPERSON: Please state your first  
17 and last name and spell both for the record.

18           THE WITNESS: Christian Solorzano-Saldana.

19 C-H-R-I-S-T-I-A-N, S-O-L-O-R-Z-A-N-O, hyphen,  
02:19 20 S-A-L-D-A-N-A.

21           THE FOREPERSON: Thank you.

22           CHRISTIAN SOLORZANO-SALDANA,

23 having been first duly sworn by the Foreperson of the  
24 Grand Jury to testify to the truth, the whole truth,  
02:19 25 and nothing but the truth, testified as follows:

02:19

1

EXAMINATION

2

3

BY MS. MENDOZA:

4

Q. I'm going to direct your attention back to

02:19

5

December 3rd of this year. On that -- or of '19. On

6

that date were you working at Super Pawn located at 5695

7

Boulder Highway?

8

A. Yes ma'am.

9

Q. Is that located here in Clark County?

02:19

10

A. Yes, it is.

11

Q. What are the closest major cross streets?

12

A. Boulder Highway and Tropicana.

13

Q. What is your position at that store?

14

A. I am the store manager.

02:20

15

Q. Now at approximately 12:30 that day, did

16

some employees let you know that there had been a

17

disturbance in the store?

18

A. Yes, they did.

19

Q. When that happened where were you?

02:20

20

A. I was in my safe.

21

Q. Is that someplace open to the public that

22

you can see customers?

23

A. No.

24

Q. It's someplace in the back that's private?

02:20

25

A. Yes.



02:20 1 Q. So tell me how your attention was alerted  
2 to what was going on out in the store.

3 A. An employee came and knocked on my safe  
4 door letting me and my manager know that we have a  
02:20 5 burglary and that I should get out right away.

6 Q. So did you come out into the main area of  
7 the store?

8 A. I did.

9 Q. Was there anything unusual when you went  
02:20 10 out there?

11 A. When I went out there was broken glass, an  
12 item that he used to break the glass and a couple  
13 disrupted customers.

14 Q. Was anyone directing your attention towards  
02:21 15 a potential specific person who had caused a problem?

16 A. No.

17 Q. So after that happened did you go -- sorry.  
18 Let me clarify something. Do you have video cameras  
19 throughout your store?

02:21 20 A. Yes, I do.

21 Q. And are they continuously recording at all  
22 times?

23 A. Yes, they are.

24 Q. As part of your position as the manager  
02:21 25 there, do you have access to those recordings?

02:21 1 A. Yes, I do.

2 Q. So after everybody reported to you that  
3 something unusual had happened, did you go back and pull  
4 the video of what had happened right before you came  
02:21 5 out?

6 A. Yes, I did.

7 Q. And what did you see on the video?

8 A. On the video I saw a gentleman walk into  
9 the store, use an item to break a glass after looking in  
02:21 10 the glass for quite some time, grab the item and run  
11 out.

12 Q. I'm going to show you what has been marked  
13 as Grand Jury Exhibit 7. Do you recognize this?

14 A. Yes, I do.

02:21 15 Q. What is this?

16 A. It is my video from the shop.

17 Q. On a CD?

18 A. On a CD, correct.

19 Q. How do you know that's what's on the CD?

02:22 20 A. You showed it to me.

21 Q. Out in the hallway before you came in?

22 A. Yes.

23 Q. And that's a fair and accurate depiction of  
24 the video you reviewed from your store on the day were  
02:22 25 talking about, right?

02:22 1 A. Yes, it was.

2 Q. Also showing you Grand Jury Exhibit 3,  
3 several photos stapled together. Are these all screen  
4 shots from the same video we've been discussing?

02:22 5 A. Yes, they are.

6 Q. If you wouldn't mind stepping up to the TV.  
7 Can you point the grands jurors' attention to the person  
8 that you described seeing break the glass in the video?  
9 And he's crouching down in front of -- what is that case  
02:22 10 that he's crouching down in front of?

11 A. That is my tablet and electronic case.

12 Q. And going onto the second page here. Can  
13 you describe what we see in the second page of this  
14 exhibit?

02:22 15 A. The suspect has the 2014 Mac Book Air.

16 Q. Is that what he removed from that case?

17 A. Yes.

18 Q. That you saw on the video?

19 A. Yes.

02:23 20 Q. Going to the next page, is this just the  
21 same person moving towards the door?

22 A. Yes.

23 Q. It's a closer up view of his face?

24 A. Yes.

02:23 25 Q. Now when you came out, can you point to the

02:23 1 area where your safe is that you're talking about?

2 A. Behind this wall here.

3 Q. So when you came out, did you inspect this

4 cabinet area and notice anything different about it?

02:23 5 A. Yes.

6 Q. What was that?

7 A. It was shattered, I was missing something,

8 and there was a tool used to break the glass.

9 Q. The tool was left behind?

02:23 10 A. Yes.

11 Q. And the item that was missing was?

12 A. It was a glass punch of some sort.

13 Q. The item that was missing?

14 A. Oh, sorry. Mac Book.

02:23 15 Q. And that's what we see him, in this guy's

16 hands on the video?

17 A. Yes.

18 Q. Does your store also have cameras on the

19 exterior?

02:24 20 A. Yes.

21 Q. Now were you able to include in this video

22 some video of the suspect arriving and both leaving the

23 store?

24 A. Yes.

02:24 25 Q. Can you show, or this photo that we're

02:24 1 looking at here, is this the exterior of your store?

2 A. Yes, it is.

3 Q. And there's a blue Porsche SUV it looks  
4 like pulling in. Why did you save that specific video?

02:24 5 A. That was the car that he showed up in.

6 Q. Going to the next page. Can you see where  
7 that same SUV is on this page?

8 A. Right here.

9 Q. And did you notice anything unusual about  
02:24 10 when he parked and went into the store on the video?

11 A. It seemed that the car was running and that  
12 the door was open.

13 Q. When he went in?

14 A. Yes.

02:24 15 Q. Never closed the door behind him?

16 A. No.

17 MS. MENDOZA: All right. You can have a  
18 seat.

19 Does anybody have any questions for this

02:25 20 witness?

21 BY A JUROR:

22 Q. Yes. Would you spell your last name again?  
23 It was kind of long.

24 A. Yeah. S-O-L-O-R-Z-A-N-O, hyphen,

02:25 25 S-A-L-D-A-N-A.

02:58 1 attempt robbery with use of a deadly weapon, involving  
2 Jamal Sneed.

3 Do you understand this advisement?

4 THE WITNESS: Yes, sir.

02:58 5 THE FOREPERSON: Please state your first  
6 and last name and spell both for the record.

7 THE WITNESS: Colin Snyder. C-O-L-I-N,  
8 S-N-Y-D-E-R.

9 THE FOREPERSON: Thank you.

02:58 10 COLIN SNYDER,  
11 having been first duly sworn by the Foreperson of the  
12 Grand Jury to testify to the truth, the whole truth,  
13 and nothing but the truth, testified as follows:

02:58 14  
15 EXAMINATION

16  
17 BY MS. MENDOZA:

18 Q. Are you currently employed as a robbery  
19 detective with the Las Vegas Metropolitan Police

02:59 20 Department?

21 A. Yes, ma'am.

22 Q. Were you working in that position back in  
23 December of 2019?

24 A. Yes, ma'am.

02:59 25 Q. Around then did you investigate a series of

02:59 1 events for which you ultimately identified a suspect by  
2 the name of Jamal Sneed?

3 A. Yes, ma'am.

4 Q. I'm going to show you what's been marked as  
02:59 5 Grand Jury Exhibit 12. Do you recognize this?

6 A. I do.

7 Q. Who is that?

8 A. That is Jamal Sneed.

9 Q. Okay. On the event that I mentioned, did  
02:59 10 that include a December 8th robbery at Vape and Smoke?

11 A. Yes, ma'am.

12 Q. Did that include a December 9th, or 3rd  
13 burglary at Super Pawn?

14 A. Yes.

02:59 15 Q. How about a December 11th robbery at Sally  
16 Beauty?

17 A. Yes, ma'am.

18 Q. And also it involved an attempted robbery  
19 at Buffalo Exchange on December 15th?

02:59 20 A. Yes, ma'am.

21 Q. During the course of your investigation did  
22 you have the opportunity to review surveillance from  
23 each of those events?

24 A. I did.

02:59 25 Q. Did you notice anything when you watched

02:59 1 all those videos that you thought connected them  
2 together?

3 A. I did.

4 Q. Describe those things for us.

03:00 5 A. The physical characteristics, because he  
6 didn't cover his face, the gun used was very distinct,  
7 and the clothing, as well as the MO of each robbery.

8 Q. And was there something that you had heard  
9 described about the possible vehicle involved in some of  
03:00 10 the events that you thought connected them?

11 A. Yes, ma'am, in two events a Porsche Cayenne  
12 was mentioned.

13 Q. When you described a similar MO, was there  
14 something specific about these events where the person  
03:00 15 did the same thing over and over again as opposed,  
16 besides just threatening the victim with a gun and  
17 taking property?

18 A. Yes, ma'am. In two of the events he  
19 shopped in the store, picked out product and brought it  
03:00 20 to the counter. It was only when he was checking out  
21 that he then commit the robbery.

22 Q. On December 10th did you obtain a search  
23 warrant for 8321 West Sahara, unit -- or I'm sorry.  
24 Shortly after this happened, at some point in your  
03:01 25 investigation did you obtain a search warrant for 8321



03:01 1 West Sahara, unit 1071?

2 A. Yes, ma'am.

3 Q. Whose residence was that?

4 A. Hayley Bray. H-A-Y-L-E-Y, Bray, B-R-A-Y.

03:01 5 Q. Now did Miss Bray describe anything to you  
6 in terms of her relationship with a Mr. Jamal Sneed?

7 A. From what I knew at the time it was her  
8 ex-boyfriend's cousin.

9 Q. Do you have access to DMV registration  
03:01 10 records?

11 A. I do.

12 Q. Were you able to review those to see if  
13 Miss Bray was the registered owner of any vehicles?

14 A. Yes, ma'am.

03:01 15 Q. Was she in fact the registered owner of any  
16 vehicle that you thought was relevant?

17 A. Yes, ma'am, the Porsche Cayenne, a Porsche  
18 Cayenne.

19 Q. Now when you searched this residence, did  
03:02 20 you find anything that you thought was of evidentiary  
21 value?

22 A. Yes, ma'am.

23 Q. Can you describe that for us?

24 A. Top of the washer machine in the hallway  
03:02 25 there was a Golden Knights hoodie and black athletic

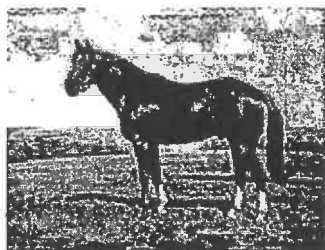
## **Evelyn Goddard**

---

**From:** Evelyn Goddard  
**Sent:** Wednesday, September 23, 2020 8:09 AM  
**To:** michael.vanluven@clarkcountynv.gov  
**Subject:** C348559 - SNEED  
**Attachments:** Black and White0912.pdf

Please find attached a courtesy copy of State's Notice of Motion and Motion to Admit Evidence Pursuant to the Doctrine of Res Gestae and Pursuant to 48.045

*Evelyn R. Goddard – Legal Secretary  
Clark County District Attorney's Office  
Litigation Team L-4  
Ph. (702) 671-2818  
E-Mail – [evelyn.goddard@clarkcountynyda.com](mailto:evelyn.goddard@clarkcountynyda.com)*



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**DISTRICT COURT  
CLARK COUNTY, NEVADA**  
\*\*\*\*

Electronically Filed  
9/23/2020 8:25 AM  
Steven D. Grierson  
CLERK OF THE COURT



State of Nevada  
vs  
Jamal Sneed

Case No.: C-20-348559-1  
Department 10

**NOTICE OF HEARING**

Please be advised that the State's Motion to Admit Evidence Pursuant to the Doctrine of Res Gestae and Pursuant to 48.045 in the above-entitled matter is set for hearing as follows:

**Date:** October 05, 2020  
**Time:** 8:30 AM  
**Location:** RJC Courtroom 14B  
Regional Justice Center  
200 Lewis Ave.  
Las Vegas, NV 89101

**NOTE: Under NEFCR 9(d), if a party is not receiving electronic service through the Eighth Judicial District Court Electronic Filing System, the movant requesting a hearing must serve this notice on the party by traditional means.**

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Imelda Murrieta  
Deputy Clerk of the Court

**CERTIFICATE OF SERVICE**

I hereby certify that pursuant to Rule 9(b) of the Nevada Electronic Filing and Conversion Rules a copy of this Notice of Hearing was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

By: /s/ Imelda Murrieta  
Deputy Clerk of the Court



1 **NOTC**  
2 **STEVEN B. WOLFSON**  
3 **Clark County District Attorney**  
4 **Nevada Bar #001565**  
5 **MEGAN S. THOMSON**  
6 **Chief Deputy District Attorney**  
7 **Nevada Bar #011002**  
8 **200 Lewis Avenue**  
9 **Las Vegas, Nevada 89155-2212**  
10 **(702) 671-2500**  
11 **Attorney for Plaintiff**

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

10 **THE STATE OF NEVADA,**

11 **Plaintiff,**

12 **-vs-**

**CASE NO: C-20-348559-1**

13 **JAMAL SNEED, aka,**  
14 **Jamal Lashawn Sneed,**  
15 **#2583410**

**DEPT NO: X**

16 **Defendants.**

17 **STATE'S NOTICE OF MANUAL FILING OF EXHIBIT 1**

18 **DATE OF HEARING: OCTOBER 5, 2020**  
19 **TIME OF HEARING: 8:30 A.M.**

20 **COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County**  
21 **District Attorney, through ROBERT A. STEPHENS, Chief Deputy District Attorney, and**  
22 **notifies this Court that the State is one (1) compact disc containing the following:**

23 **Exhibit 1 – Disc 1: 3 Videos and a Photo from Novemer 29, 2019 and December 3, 2019**

24 **This exhibit is noted in the State's Notice of Motion and Motion to Admit Evidence**  
25 **Pursuant to the Doctrine of Res Gestae and Pursuant to 48.045.**

26 **DATED this 23<sup>rd</sup> day of September, 2020.**

27 **STEVEN B. WOLFSON**  
28 **Clark County District Attorney**  
**Nevada Bar #001565**

**BY /s/ Megan S. Thomson**  
**MEGAN S. THOMSON**  
**Chief Deputy District Attorney**  
**Nevada Bar #011002**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**CERTIFICATE OF ELECTRONIC FILING**

I hereby certify that service of the above and foregoing was made this 23<sup>rd</sup> day of  
September, 2020, by Electronic Filing to:

MICHAEL VANLUVEN  
DEPUTY PUBLIC DEFENDER  
michael.vanluven@clarkcountynv.gov

BY /s/ E. Goddard  
E. Goddard  
Secretary for the District Attorney's Office

20F02659X/erg/L-4



**OPPS**

DARIN F. IMLAY, PUBLIC DEFENDER  
NEVADA BAR NO. 5674

MICHAEL VAN LUVEN, DEPUTY PUBLIC DEFENDER  
NEVADA BAR NO. 13975

**PUBLIC DEFENDERS OFFICE**

309 South Third Street, Suite 226

Las Vegas, Nevada 89155

Telephone: (702) 455-4685

Facsimile: (702) 455-5112

*Attorneys for Defendant*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,

Plaintiff,

v.

JAMAL SNEED,

Defendant,

CASE NO. C-20-348559-1

DEPT. NO. X

DATE: October 5, 2020

TIME: 8:30 a.m.

**OPPOSITION TO STATE'S MOTION TO ADMIT EVIDENCE PURSUANT TO THE  
DOCTRINE OF RES GESTAE AND PURSUANT TO NRS 48.045**

COMES NOW, the Defendant, JAMAL SNEED, by and through MICHAEL VAN LUVEN, Deputy Public Defender and hereby files this Opposition to the State's Motion to Admit Evidence Pursuant to the Doctrine of Res Gestae, and Pursuant to NRS 48.045.

This Opposition is made and based upon all the papers and pleadings on file herein, the attached Declaration of counsel, and oral argument at the time set for hearing on the State's Motion.

DATED this 1<sup>st</sup> day of October, 2020.

DARIN F. IMLAY  
CLARK COUNTY PUBLIC DEFENDER

By: /s/Michael Van Luven  
MICHAEL VAN LUVEN, #13975  
Deputy Public Defender

## MEMORANDUM OF POINTS AND AUTHORITIES

### **1. Statement of Facts**

The Defendant in this matter is charged by way of Information with one (1) count of Burglary; and one (1) count of Grand Larceny. The two counts were bound over to district court following preliminary hearing held on May 28, 2020.

In this case, the Defendant is accused of entering the SuperPawn at 2645 S. Decatur Blvd., Las Vegas, NV 89102, on November 29, 2019, breaking a display case, and running out of the business with two cameras. The State alleges that the cameras were worth a combined total of \$3,500 or more. See *Information* at 2. As evidence of its allegations, the State has offered still photos from the surveillance cameras located at the SuperPawn location, as well as clips of surveillance videos.

In one video, the exterior parking lot can be seen. A dark colored SUV arrives and parks in the parking lot. The State describes this vehicle as “a Black Porsche Cayanne.” *St. 's Mot.* at 3. A black male exits the vehicle and approaches the business. He is wearing a grey hoodie, black pants, blue tennis shoes, and a plain, black baseball style cap. The second video is the interior of the SuperPawn, showing the front door and immediate interior area of the establishment. The individual from the parking lot is seen entering the business. He approaches the counter, appears to examine some merchandise, and then leaves after approximately fifty seconds. The time on the video indicates it is approximately 3:59 p.m.

The State then alleges that this same individual returned to the SuperPawn location later that evening. In another surveillance clip of the exterior parking lot, a black male is seen *walking* toward the SuperPawn at approximately 6:32 p.m. The exact details of this individual are difficult to discern as it is nighttime, and the camera recorded in black-and-white.

The final clip provided by the State is the same interior angle of the front door. This clip begins at approximately 6:44 p.m., however- twelve minutes after the apparent same individual is seen walking on-foot outside the store. This individual is wearing a black or dark blue hoodie with an Adidas logo on the chest and track stripes on the sleeves, dark pants, white Adidas

1 sneakers, and a black baseball style cap with a decorative stipe. This individual is also wearing  
2 dark-rimmed glasses. At 6:44 and 51 seconds, the camera freezes for approximately three  
3 minutes. When it resumes, the individual is seen conversing with a store employee. The  
4 employee walks away. The individual then leans in, shatters a display case, appears to grab  
5 something, and then runs out of the door. The employee with whom he had been conversing does  
6 not follow him outside.

7 The State alleges that the same Defendant committed a series of other offenses, charged  
8 under C-20-346752-1.<sup>1</sup> The State previously sought to have this matter consolidated into that  
9 case, and raised much the same arguments as it makes in its underlying Motion here. District  
10 Court Department XXX, the Hon. Judge Wiese presiding, disagreed:

11 Although the crimes alleged are similar in nature, and the identity of the  
12 suspect may depend upon information which may be cross-admissible,  
13 there is nothing in the details of the crimes, or in the evidence or argument  
14 submitted to the Court which indicates that there is a “common plan or  
15 scheme.” This appears to be more like the conclusion in [*Richmond v.*  
16 *State*, 118 Nev. 924, 933 (2002)], that the suspect’s crimes “were not part  
17 of a single overarching plan, but independent crimes.” Further, the  
18 Defense argues that even though a jury might find such evidence useful, if  
19 the evidence of C348559 [this case] is admitted in [Dept. XXX’s case], it  
20 will be used by the jury to establish propensity, and the jury would simply  
21 conclude that the Defendant is a bad person with a propensity to commit  
22 crime. The Court sees this as a possibility, and consequently, concludes  
23 that consolidation would potentially result in prejudice to the Defendant.  
24 See *Minute Order, C-20-346752-1, Aug. 11, 2020* at p.3.

25 With nothing connecting the two cases besides, perhaps, a vehicle and the Defendant  
26 himself, the State now seeks to admit all other evidence from Dept. XXX’s case as *res gestae* or,  
27 in the alternative, as a prior bad act.

## 28 **2. Legal Authority**

Any evidence admitted must be relevant evidence, defined as “having any tendency to  
make the existence of any fact that is of consequence to the determination of the action more or

---

<sup>1</sup> Burglary; Burglary While In Possession of Deadly Weapon (3 counts); Robbery with Use of a Deadly Weapon (3 counts); and Attempt Robbery with Use of a Deadly Weapon. This matter is currently before Department XXX, with a jury trial scheduled for March 1, 2021.



1 less probable than it would be without the evidence.” *NRS 48.015*. However, even if evidence is  
2 relevant it may still be excluded on other grounds. Specifically, if any probative value of the  
3 evidence is “substantially outweighed by the danger of unfair prejudice” it may have on a jury,  
4 that evidence is improper. *NRS 48.035(1)*. “Unfair prejudice” is defined as “appeal to ‘the  
5 emotional and sympathetic tendencies of a jury, rather than the jury’s intellectual ability to  
6 evaluate evidence.’” *Krause v. Little*, 117 Nev. 929, 935, 34 P.3d 566, 570 (2001). Similarly,  
7 unfair prejudice may result from any evidence that suggests a decision “on an improper basis,  
8 commonly, though not necessarily, an emotional one[.]” *State v. Dist. Ct. (Armstrong)*, 127 Nev.  
9 927, 933, 267 P.3d 777, 781 (2011) (citing *Tome v. United States*, 513 U.S. 150, 160 (1995)).

10 Often, evidence of other acts—even other crimes, alleged wrongs, or prior bad acts—is  
11 offered as evidence in a current case under the doctrine of *res gestae*. This is codified under NRS  
12 48.035(3):

13 Evidence of another act or crime which is so closely related to an act in  
14 controversy or a crime charged that an ordinary witness cannot describe  
15 the act in controversy or the crime charged without referring to the other  
16 act or crime shall not be excluded, but at the request of an interested party,  
a cautionary instruction shall be given explaining the reason for its  
admission.

17 Accordingly, the *res gestae* exception requires that evidence of one crime or act be  
18 inextricable from another:

19 [W]hen several crimes are intermixed or blended with one another, or  
20 connected such that they form an indivisible criminal transaction, and  
21 when full proof by testimony, whether direct or circumstantial, of any one  
of them cannot be given without showing the others, evidence of any or all  
of them is admissible against a defendant on trial for any offence which is  
itself a detail of the whole criminal scheme.

22 *State v. Shade*, 111 Nev. 887, 893, 900 P.2d 327, 330 (1995) (citing *Allan*  
23 *v. State*, 92 Nev. 318, 321, 549 P.2d 1402, 1404 (1976)).

24  
25 In *Shade*, the Court described the proper analysis a court should engage when collateral  
26 evidence is offered for a “complete story”: “If the doctrine of *res gestae* is invoked, the  
27 controlling question is whether witnesses can describe the crime charged without referring to  
28

1 related uncharged acts.” 111 Nev. at 894.

2 The Court revisited its holding in *Shade* in the case *Sutton v. State*, 114 Nev. 1327, 972  
3 P.2d 334 (1998). In *Sutton*, the Court once again considered the *res gestae* doctrine as applied to  
4 “intertwined” evidence. While acknowledging its prior holding in *Shade*, the Court nevertheless  
5 distinguished—and further clarified—the applicability of *res gestae*:

6 Although the police discovered the illegal drugs in close proximity to the  
7 prescription pills, this case is distinguishable from *Shade* in several  
8 important respects. In *Shade*, the State could not introduce evidence of the  
9 charged offenses without reference to Shade’s uncharged heroin purchase;  
10 here the State could have easily introduced testimony pertaining to the  
11 discovery and seizure of the illegal drugs and short-barrelled [sic] shotgun  
12 without introducing the container of highly prejudicial prescription pills  
13 for which Sutton was not charged. Moreover, in *Shade*, the State could not  
14 effectively prosecute Shade on any of the charged offenses without  
15 proffering evidence of Shade’s uncharged heroin purchase and  
16 concomitant police surveillance activity; in the instant case, the State’s  
17 case against Sutton for trafficking in and possession of a controlled  
18 substance, and possession of a short-barrelled [sic] shotgun was in no way  
19 predicated upon the uncharged container of pills.

114 Nev. at 1332.

15  
16 This is an important distinction, as propensity evidence is strictly proscribed by statute.  
17 Specifically, “Evidence of other crimes, wrongs or acts is not admissible to prove the character  
18 of a person in order to show that the person acted in conformity therewith.” *NRS 48.045(2)*.  
19 Instead, the State may only offer such evidence of other bad acts “for other purposes, such as  
20 proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of  
21 mistake or accident.” *Id.*

22 The State bears the burden of seeking admission of prior bad acts. *Rhymes v. State*, 121  
23 Nev. 17, 21, 107 P.3d 1278, 1280-81 (2005). To warrant admission, the State must demonstrate  
24 that “(1) the incident is relevant to the crime charged; (2) the act is proven by clear and  
25 convincing evidence; and (3) the probative value of the evidence is not substantially outweighed  
26 by the danger of unfair prejudice.” *Id.*

### 27 3. Argument

1           A. Res Gestae

2           Here, the State seeks to introduce evidence concerning the apparent Porsche, although  
3 such evidence is not at issue in this case:

4           For the jury to understand how law enforcement got from a top down  
5 video shot of a black male adult in a baseball cap to Jamal Sneed as their  
6 suspect the jury needs to know his connection and access to Hayley Bray's  
7 Porsche. While the actual path of identification involves the use of video  
8 from uncharged crimes, specifically the robberies in his other case, the  
9 State believes that it would be able to present the evidence of the  
10 Defendant's connection and Detective Snyder's investigation without  
11 reference to those charges by simply asking the Detective if he was  
12 assigned to investigate a case where a dark colored Cayenne was used as  
13 the getaway vehicle. By excluding the specifics of the case Detective  
14 Snyder was investigating which led him to the discovery of Ms. Bray's  
15 report the Jury can get a fair, if not exactly accurate, picture of how the  
16 Defendant was developed as a suspect without having to discuss the rest of  
17 his crimes for them to understand the connection.

18           *St. 's Mot.* at 6.

19           Turning to statute, the admissibility of extraneous evidence is reliant on the *witness*:  
20 "Evidence of another act or crime which is so closely related to an act in controversy or a crime  
21 charged that an *ordinary witness* cannot describe the act in controversy or the crime charged ..."  
22 *NRS 48.035(3)* (emphasis added). The State's proffered witness in this case is Detective Snyder-  
23 a sophisticated witness and certainly not an "ordinary witness" by virtue of his profession and,  
24 according to testimony the State no doubt will elicit, his years of training and experience.

25           Likewise, the evidence must be admissible "by testimony, whether direct or  
26 circumstantial ..." *Shade*, 111 Nev. at 893, *supra*. The State's reliance on the alleged theft of  
27 Hayley Bray's is not only misplaced; it is highly questionable even as "circumstantial  
28 testimony."

          First and foremost, any testimony by Det. Snyder on this point would be hearsay as it  
necessarily would rely on statements made by Hayley Bray. The State lays this out in its Motion:  
"[Det. Snyder] located a crime report wherein the caller, Hayley Bray, reported her dark blue  
Porsche Cayenne missing and indicated that she suspected the cousin of her ex-boyfriend,

1 Jamal.” *St. ’s Mot.* at 4. As suggested in the State’s narrative, this was a *phone call* and not a  
2 formal report, hence any attempt to utilize Bray’s statements runs afoul of the numerous, myriad  
3 proscriptions on hearsay testimony.<sup>2</sup> Worse, further details provided by the State indicated that  
4 Bray is a highly unreliable source of information.

5 Farther down in the State’s factual narrative, it appears that Bray was not telling the truth  
6 in her initial phone call to authorities, and later became uncooperative with Det. Snyder:

7 Thereafter, Bray contacted Detective Snyder and indicated that she had  
8 located her vehicle but refused to provide any details as to how that had  
9 occurred, and when asked if the law enforcement photo of Sneed was the  
10 same suspect she had referred to in her initial report she refused to answer.  
11 Ultimately, upon further contact with law enforcement Bray admitted that  
12 Jamal Sneed was her boyfriend and lived in her apartment with her.  
13 *Id.*

14 In essence what the State is proposing here is that it be permitted to admit, for the jury’s  
15 consideration, evidence of a phone call Bray placed to police wherein she made certain  
16 demonstrably false claims. The State is proposing that this apparent evidence be admitted  
17 entirely through Det. Snyder’s testimony alone, despite there being clear concerns over the  
18 veracity and reliability of the information. Not only would this work substantial prejudice to the  
19 Defendant in terms of an uncharged bad act (the theft of a vehicle), it would leave the Defendant  
20 unable to confront and cross-examine Bray’s claims as they would be rendered by a secondary  
21 source with a decidedly prosecutorial objective and bias.

22 Lastly as to this point, the State has not offered a reason why Det. Snyder needs to testify  
23 at all. The allegations in this case are that the Defendant entered a SuperPawn, smashed a display  
24 case, and stole merchandise. The reliance on a questionable claim of auto theft has no bearing on  
25 this case. While the State claims that the Porsche is relevant as the Defendant allegedly drove it  
26 to the SuperPawn earlier in the day, there are factual inconsistencies in the State’s narrative.

27 For example, the State first alleges that the SuperPawn employee, Ralph Jovero, “told the  
28 officers that the Defendant had been into the store at about 4:40 that same day wearing a

---

<sup>2</sup> The State has only provided Bray’s 311 call regarding the vehicle, a CAD Log, and a photo of the vehicle allegedly provided by Bray to Det. Snyder.

1 different sweatshirt.” *Id.* at 3. However, the video provided of this Porsche-driving individual’s  
2 arrival is timestamped 3:59 p.m. Likewise, the State glosses over that the individual who broke  
3 the display case “ran from the store and entered into a Black Porsche Cayanne.” *Id.* This raises  
4 questions not only as to why the color of the vehicle is different (Bray’s Porsche is  
5 unquestionably blue in color), but how this claim can even be made when the video surveillance  
6 provided shows the suspect approach SuperPawn on foot, but does not show him leave  
7 (presumably he went a different direction). Likewise, reviewing the surveillance footage from  
8 inside the store shows clearly that Jovero did not follow the individual out of the store once the  
9 display case was broken, thus Jovero was not in a position to see if the individual entered a  
10 vehicle—Porsche or otherwise—or fled on foot.<sup>3</sup>

11 Indeed, the State’s narrative places Jovero as the primary witness. He claims to have  
12 waited on the individual who entered SuperPawn at 3:59 p.m. that afternoon, and he was the  
13 employee who waited on the individual who allegedly broke the display case and stole  
14 merchandise. Jovero testified at preliminary hearing that he recognized the two individuals as  
15 one-and-the-same, and identified the Defendant as that individual. Accordingly, the State does  
16 not need to introduce evidence of an uncharged and questionable auto theft, supported by a  
17 spotty claimant who saw fit only to call 311 to report a theft and demonstrably lied about the  
18 details of this alleged theft.

19 Accordingly, the State’s Motion should be denied, and it should be prohibited from  
20 referencing the Bray phone call and alleged theft.

#### 21 B. Prior Bad Acts

22 The State’s alternative motion to admit other bad acts “seeks to admit evidence of a  
23 second Burglary/Grand Larceny which occurred on December 3, 2019 under event number  
24 191200012098, which was investigated by Detective Snyder.” *St.’s Mot.* at 5. The State  
25 acknowledges the danger of propensity evidence, but instead argues that evidence of this other  
26

---

27 <sup>3</sup> This is an interesting point as the Declaration of Warrant/Summons completed by Det. J. Roston, P# 14005,  
28 suggests that Jovero had seen the Porsche (which has now been incorporated into the State’s factual narrative in the  
underlying Motion). This is clearly contradicted by the surveillance video provided by the State.

1 bad act is admissible to show identity and intent.

2 With regard to intent, the State argues that intent should be grounds for admission  
3 because the events of Dec. 3<sup>rd</sup> are somehow specific/intrinsic to the Defendant, and not to a  
4 smash-and-grab crime in general. First the State summarizes the Dec. 3<sup>rd</sup> incident as follows:

5 In that event at about 12:30 in the afternoon the suspect, later identified as  
6 the Defendant, entered the store and looked around some. About a minute  
7 later the suspect used a small sharp tool (recovered and impounded by the  
8 Metro) to shatter the display glass and then fled with a laptop from the  
9 store. The video surveillance from this incident shows the suspect wearing  
very similar pants to the individual in the November 11, 2019 incident and  
using the same method of breaking the glass before fleeing with the stolen  
property. ... A still provided by the store shows that he visited the store  
the day before he committed the Burglary on December 3<sup>rd</sup>.

10 *St. 's Mot.* at 5.

11  
12 The State expands on this somewhat when making its pitch for “identity”:

13 In each offense the perpetrator goes in prior to the crime to get the layout  
14 of the business, in our case just hours before and on December 3<sup>rd</sup> the day  
15 before, and then returns having changed his sweatshirt. Additionally, in  
both cases the perpetrator choses [sic] an electronics case, ensures that he  
is not being observed, uses a tool to shatter the front of the case, and each  
incident flees with electronics to a dark colored Porsche Cayanne.

16 *Id.* at 10.

17  
18 The State also claims that cross-admission for identity purposes is appropriate because  
19 “the pants worn in each video appear to be the same pants and the shoes appear to be the same  
20 Adidas shoes.” *Id.*

21 As support for this “*modus-cum-identity*” approach, the State cites to *Canada v. State*,  
22 104 Nev. 288, 756 P.2d 552 (1988). Specifically, “the deserted bars as victims, the time of day,  
23 the fact that one co-conspirator first entered and ordered a beer to case the place before the  
24 crime, that in both at least one participant wore a mask, in both crimes both participants had  
25 shotguns and finally the level of violence inflicted upon the victims.” *St. 's Mot.* at 9. However,  
26 the actual holding of the *Canada* case is much more informative.

27 First, the Court stated that the appellant’s argument in *Canada* was “singularly  
28

1 unconvincing,” given the specifics of *that* case. 104 Nev. at 293 (emphasis added). Furthermore,  
2 *Canada* did not stand for the proposition that identity and *modus operandi* are interchangeable,  
3 as the State suggests in its Motion; rather *modus operandi* was *one* of the things that the *Canada*  
4 Court considered in its *singular* evaluation of the facts of that case, and was compelling because  
5 of its specificity: “Finally, the *modus operandi* common to the two robberies was unique in  
6 comparison with other robberies in the manner in which the perpetrators savaged their victims.”  
7 *Id.*<sup>4</sup>

8 Applying this wisdom to the instant case, the State’s attempt to patch over one bad act  
9 onto this case is dubious at best. Most immediately, *Canada* found as probative the specific time  
10 frame involved: “very late at night.” *Id.* By contrast, this case involves two pawn shop thefts-  
11 one occurring during broad daylight (“at about 12:30 in the afternoon”), and the other occurring  
12 at night time (approximately 6:30 p.m., during the winter season).

13 Similarly, the *modus operandi* of the two cases is dissimilar once additional details are  
14 considered. The State has attempted to boil this down to its bare essentials: that a suspect walks  
15 in, smashes a display, steals something, and flees. In doing so, the State says that the individual  
16 in the Dec. 3<sup>rd</sup> incident entered, “looked around some,” and then smashed the display a minute  
17 later. In the instant case, the suspect entered the store and conversed with an employee *at length*-  
18 approximately fifteen minutes.<sup>5</sup> The State then claims that the individual in the instant case  
19 “use[d] a tool to shatter the front case...” *St. ’s Mot* at 10. However, review of the surveillance  
20 video in the instant case does not appear to show anything in the individual’s hand when the  
21 display case is broken, and in any event no such tool was left behind as with the Dec. 3<sup>rd</sup>  
22 incident.

23 The choice of merchandise is similar, but not identical. In the Dec. 3<sup>rd</sup> incident a laptop  
24 was taken. Here, an uncertain number of cameras were taken. Reducing these items to  
25 “electronics” is a gross oversimplification in that such a classification ignores the wide swath of

26 <sup>4</sup> This of course is distinct from mere “level” of violence, as the State improperly summarized in its Motion.

27 <sup>5</sup> The State’s factual narrative states that the individual entered the store “at about 7:45 PM...” *St. ’s Mot.* at 3. The  
28 State does, however, acknowledge that the individual “began speaking with” and then later “arguing with Jovero  
about purchasing the iPad ...” *Id.*

1 items covered by the term “electronics,” and speaks more to the relative value of that  
2 classification of merchandise more than a specific *modus operandi* or, more importantly, the  
3 identity of the perpetrator. Indeed, the State’s argument may have been *more* compelling if the  
4 same type of items—laptops or cameras—were taken at both incidents, and instead operates to  
5 show the weakness of the State’s Motion here.

6 Lastly, as to identity, the State concludes with the similarities between pants and shoes.  
7 The pants in question are simple, non-descript, black pants. Moreover, the State cannot even  
8 specify the type of pants (sweat pants, nylon, denim, etc.), the size, the brand, etc. Similarly, the  
9 shoes in question are white tennis shoes with apparent Adidas markings. Adidas is obviously a  
10 name brand, and quite popular. Beyond any other identifying features, the State has not offered  
11 any evidence to suggest that the shoes in each incident are the same, but instead that they are  
12 merely similar.

13 The State’s own cited case law (and the Defendant’s cited case law) show that to admit  
14 evidence of other bad acts, the State must prove that cross-admission is warranted by “clear and  
15 convincing evidence.” The mere similarities of two sets of footwear certainly does not—  
16 cannot—rise to a level that is “clear and convincing.”

17 Instead what the State is attempting to do here is introduce evidence for propensity  
18 purposes. There is no reason why the State needs to admit evidence of other allegations—yet  
19 unproven—other than to attempt to sway a jury into finding against the Defendant for improper  
20 reasons based on emotion and prejudice rather than reason.

21 Accordingly, the State’s Motion should be denied as it is not relevant, or proper, to show  
22 the identity of the perpetrator in this incident.

23 The State next argues that the evidence in the Dec. 3<sup>rd</sup> case should be introduced in this  
24 case to show the Defendant’s intent. As support for this, the State relies on arguments rendered  
25 by defense counsel at preliminary hearing: “In addition to the Not Guilty plea entered by the  
26 Defendant, the defense argued at the Preliminary Hearing level that there was insufficient intent  
27 upon entry shows [sic] to sustain the charge.”  
28



1 First and foremost, if the arguments made at preliminary hearing are somehow  
2 controlling, and otherwise compel results at the district court level, then it should be noted that  
3 the State's *only* witness at preliminary hearing was Ralph Jovero. Accordingly, by the State's  
4 metric, this Motion should be categorically denied as the State has already demonstrated that it  
5 can proceed with only Jovero as a witness and thus any reliance on detectives, other cases,  
6 Bray's hearsay, etc. are unnecessary.

7 Second, just because the State bears the burden of proving all of the elements of the  
8 offenses charges—such as the intent element in a burglary count—does not itself pave the way  
9 for the wholesale admission of other bad acts evidence. As set forth above, and acknowledged in  
10 the State's Motion, the State must prove by “clear and convincing evidence” that the other bad  
11 acts it seeks to admit here are relevant to *this* case and not unfairly prejudicial. In attempting to  
12 connect the two, the State reveals a fatal flaw in its case, and precisely why it desperately needs  
13 evidence from other cases to make its case here: “[G]oing to a store and returning later the same  
14 day does not in itself evidence an illegal intent ...” *St. 's Mot.* at 11.

15 Not only is this admission fatal to the State's burden in this case alone, but it also  
16 undermines its efforts to bolster this case with another. In the Dec. 3<sup>rd</sup> incident, the suspect in  
17 that case did not visit the store the same day; he allegedly visited the store the previous day. If  
18 the State's entire pitch for admission of patch-over evidence is based on a similar *modus*  
19 *operandi* to show intent, somehow, then this disparity contradicts that effort. Put another way, as  
20 before, the State's argument would be stronger if, on Dec. 3<sup>rd</sup>, the suspect did in fact visit the  
21 store the same day, same time frame, mere hours before the theft. The fact that the State's pitch  
22 for bad acts admission *can* get stronger serves to highlight instead how weak it is.

23 As such, the State's Motion should be denied.  
24  
25  
26  
27  
28

1 CONCLUSION

2 Based on the foregoing, the State's Motion should be denied. The State seeks admission  
3 of an uncharged bad act—the alleged theft of Bray's vehicle—based only on the phone call of  
4 Bray. Bray later proved to be not only unreliable, but uncooperative as well. Worse, details  
5 provided by Bray in her phone call to 311 were later revealed to be an outright lie. Bray's  
6 motives are highly suspect, and only further enhance the hearsay problems of admitting her  
7 allegations through the testimony of a Metro detective wholly interested in the prosecution of the  
8 Defendant.

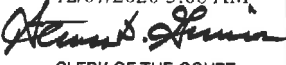
9 As for the State's efforts to admit evidence of other bad acts, the State offers only  
10 incidental, circumstantial, and coincidental similarities. Upon closer review of the details of each  
11 incident, however, it is apparent that the State has oversimplified matters to paint a factual  
12 narrative that supports its move for admission. In fact, no evidence or details of the Dec. 3<sup>rd</sup>  
13 incident are necessary to proceed on this case. The State previously relied on one witness who  
14 testified as to the suspect's identity, the actions in question, and even the value of the items  
15 taken. The State cannot even be clear what evidence it is seeking to admit, and instead mentions  
16 the other bad acts in summary fashion. Not only has the State made no showing of relevance to  
17 this case, it has not proven any of its proffered evidence (again, nothing specific) by clear and  
18 convincing evidence. As such, the reference to other allegations would only serve to be unfairly  
19 prejudicial to the Defendant.

20 Accordingly, the Defendant respectfully requests that this Court deny the State's Motion.  
21  
22  
23  
24  
25  
26  
27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8

By: /s/Kayleigh Lopatic  
An employee of the  
Clark County Public Defender's Office

14

  
CLERK OF THE COURT

1 **OCNRS**  
2 **STEVEN B. WOLFSON**  
3 **Clark County District Attorney**  
4 **Nevada Bar #001565**  
5 **CHRISTOPHER J. LALLI**  
6 **Assistant District Attorney**  
7 **Nevada Bar #005398**  
8 **200 Lewis Avenue**  
9 **Las Vegas, Nevada 89155-2212**  
10 **(702) 671-2500**  
11 **Attorney for Plaintiff**

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

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

11 **-vs-**

12 **JAMAL SNEED, aka,**  
13 **Jamal Lashawn Sneed,**  
14 **#2583410**

15 **Defendant.**

**CASE NO: C-20-348559-1**

**DEPT NO: VII**

15 **ORDER OF COMMITMENT PURSUANT TO NRS 178.415**

16 THIS MATTER came before the Court on the 4th day of December, 2020, when doubt arose  
17 as to competence of the Defendant, the Defendant being present with counsel, CLAUDIA  
18 ROMNEY, Chief Deputy Public Defender, the State being represented by STEVEN B.  
19 WOLFSON, District Attorney, through GLEN O'BRIEN, his Deputy, and the Court having  
20 considered the reports of Doctors Dodge Slagle and Daniel Sussman, licensed and practicing  
21 psychologists and/or psychiatrists in the State of Nevada, finds the Defendant needs further  
22 evaluation and treatment, and that he is dangerous to himself and to society and that  
23 commitment is required for a determination of his ability to receive treatment to competency  
24 and to attain competence, and good cause appearing, it is hereby

25 ORDERED that, pursuant to NRS 178.425(1), the Sheriff and/or a designee(s) of the  
26 Division of Public and Behavioral Health of the Department of Health and Human Services,  
27 shall convey the Defendant forthwith, together with a copy of the complaint, the commitment  
28 and the physicians' certificate, if any, into the custody of the Administrator of the Division of

1 Public and Behavioral Health of the Department of Health and Human Services or his or her  
2 designee for detention and treatment at a secure facility operated by that Division; and, it is

3 FURTHER ORDERED that, pursuant to NRS 433A.165, before the defendant may be  
4 transported to a public or private mental health facility he must:

5 1. First be examined by a licensed physician or physician assistant or an  
6 advanced practitioner of nursing to determine whether the person has a medical problem, other  
7 than a psychiatric problem, which requires immediate treatment; and

8 2. If such treatment is required, be admitted to a hospital for the appropriate  
9 medical care; and, it is

10 FURTHER ORDERED that the Defendant is required to submit to said medical  
11 examination which may include, but is not limited to, chest x-rays and blood work; and, it is

12 FURTHER ORDERED that the cost of the examination must be paid by Clark County,  
13 unless the cost is voluntarily paid by the Defendant or on his behalf, by his insurer or by a state  
14 or federal program of medical assistance; and, it is

15 FURTHER ORDERED that, pursuant to NRS 178.425(2), the Defendant must be held  
16 in such custody until a court orders his release or until he is returned for trial or judgment as  
17 provided in NRS 178.450, 178.455 and 178.460; and, it is

18 FURTHER ORDERED that, pursuant to NRS 178.425(4), these proceedings against  
19 the Defendant are suspended until the Administrator or his or her designee finds him capable  
20 of standing trial as provided in NRS 178.400; and, it is

21 FURTHER ORDERED that, pursuant to NRS 178.435, the expenses of the examination  
22 and of the transportation of the Defendant to and from the custody of the Administrator of the  
23 Division of Public and Behavioral Health of the Department of Health and Human Services or  
24 his or her designee are chargeable to Clark County; and, it is

25 FURTHER ORDERED that the Administrator of the Division of Public and Behavioral  
26 Health of the Department of Health and Human Services or his or her designee shall keep the  
27 Defendant under observation and evaluated periodically; and, it is

28 //

1 FURTHER ORDERED that the Administrator or his or her designee shall report in  
2 writing to this Court and the Clark County District Attorney whether, in his opinion, upon  
3 medical consultation, the Defendant is of sufficient mentality to be able to understand the  
4 nature of the criminal charge against him and, by reason thereof, is able to aid and assist his  
5 counsel in the defense interposed upon the trial or against the pronouncement of the judgment  
6 thereafter. The administrator or his or her designee shall submit such a report within 6 months  
7 after this order and at 6 month intervals thereafter. If the opinion of the Administrator or his  
8 or her designee about the Defendant is that he is not of sufficient mentality to understand the  
9 nature of the charge against him and assist his own defense, the Administrator or his or her  
10 designee shall also include in the report his opinion whether:

11 1. There is a substantial probability that the Defendant can receive treatment  
12 to competency and will attain competency to stand trial or receive pronouncement of judgment  
13 in the foreseeable future; and

14 2. The Defendant is at that time a danger to himself or to society.

15 Dated this 7th day of December, 2020

16 

17  
18  
19 DISTRICT JUDGE  
599 464 B01E D1F8  
Linda Marie Bell  
District Court Judge

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

22  
23 BY /s/CHRISTOPHER J. LALLI  
24 CHRISTOPHER J. LALLI  
25 Assistant District Attorney  
Nevada Bar #005398

26  
27  
28 aw

1 CSERV

2 DISTRICT COURT  
3 CLARK COUNTY, NEVADA  
4

5  
6 State of Nevada

CASE NO: C-20-348559-1

7 vs

DEPT. NO. Department 10

8 Jamal Sneed  
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District  
12 Court. The foregoing Order of Commitment Pursuant to NRS 178.425 was served via the  
13 court's electronic eFile system to all recipients registered for e-Service on the above entitled  
case as listed below:

14 Service Date: 12/7/2020

15 G. Cox

Coxgd@clarkcountynv.gov

16 Kayleigh Lopatic

lopatikb@clarkcountynv.gov

17 DeLois Williams

Delois.Williams@clarkcountynv.gov

18 Michael Van Luven

Michael.VanLuven@ClarkCountyNV.gov

19 Department X

Dept10LC@ClarkCountyCourts.us  
20  
21  
22  
23  
24  
25  
26  
27  
28

*Heaven & Shinn*  
CLERK OF THE COURT

**ORDR**

Christy Craig  
District Court Judge, Department XXXII  
200 Lewis Avenue  
Las Vegas, Nevada 89155  
(702) 671-3639

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

Jamal Sneed  
ID# 2583410

Defendant.

Case No: **C-20-346752-1**

**C-20-348559-1**

Dept No: 32

**ORDER TO TRANSPORT DEFENDANT FROM LAKE'S CROSSING**

TO: LAKE'S CROSSING CENTER AND/OR CLARK COUNTY DETENTION  
CENTER:

WHEREAS, on the 7<sup>th</sup> day of December, 2020 pursuant to Order of the above-entitled Court, you were directed to transport the above-named Defendant to the custody of the Division of Mental Health and Developmental Services of the Department of Human Resources, or his designee, for necessary care and treatment; and,

WHEREAS, the Defendant having been examined by **Drs. Zuchowski and Patterson** pursuant to NRS 178.455, with the reports of that examination being forwarded to the Court for its review thereof;

IT IS ORDERED that you, the Sheriff of Clark County and/or designee(s) of the Division of Mental Health and Developmental Services of the Department of Human Resources, are hereby ordered to transport the Defendant from the Lake's Crossing Center, Washoe County, Nevada, to the Clark County Detention Center, Las Vegas, Nevada, by **Friday, February 19, 2021 at 10:30 a.m.** when further proceedings have been scheduled by the Court in this matter.



1 IT IS FURTHER ORDERED that the Sheriff of Clark County, Nevada, shall accept  
2 and retain custody of said Defendant in the Clark County Detention Center pending  
3 completion of proceedings in the above-captioned matter, or until the further Order of this  
4 Court, and that you continue the course of treatment of the Defendant as prescribed by the  
5 Administrator of the Division of Mental Health and Developmental Services, of the  
6 Department of Human Resources or his designee.

7 DATED: February 16, 2021

8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

  
CHRISTY CRAIG  
DISTRICT JUDGE

D0A 34B 9EA3 14E5  
Christy Craig  
District Court Judge

1 CSERV

2 DISTRICT COURT  
3 CLARK COUNTY, NEVADA  
4

5  
6 State of Nevada

CASE NO: C-20-348559-1

7 vs

DEPT. NO. Department 10

8 Jamal Sneed  
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 2/16/2021

15 G. Cox

Coxgd@clarkcountynv.gov

16 Kayleigh Lopatic

lopatikb@clarkcountynv.gov

17 DeLois Williams

Delois.Williams@clarkcountynv.gov

18 Michael Van Luven

Michael.VanLuven@ClarkCountyNV.gov

19 Department X

Dept10LC@ClarkCountyCourts.us  
20  
21  
22  
23  
24  
25  
26  
27  
28

**FOC**  
STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
CHRISTOPHER J. LALLI  
Assistant District Attorney  
Nevada Bar #005398  
200 Lewis Avenue  
Las Vegas, Nevada 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,  
  
Plaintiff,

-vs-

JAMAL SNEED, aka,  
Jamal Lashawn Sneed, #2583410

Defendant.

CASE NO: C-20-348559-1

DEPT NO: XXXII

**FINDINGS OF COMPETENCY**

THIS MATTER having come on for hearing before the above-entitled Court on the 4th day of December, 2020, and it appearing to the Court that, pursuant to NRS 178.425(1), the Sheriff was ordered to convey the Defendant forthwith, together with a copy of the complaint, the commitment and the physicians' certificate, if any, into the custody of the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services or his or her designee for detention or treatment at a secure facility operated by that Division or his designee; and, it appearing that, upon medical consultation, the Administrator or his or her designee has reported to the Court in writing his specific findings and opinion that the Defendant is of sufficient mentality to be able to understand the nature of the criminal charge against him and, by reason thereof, is able to assist his counsel in the defense interposed upon the trial or against the pronouncement of the judgment thereafter; now, therefore,

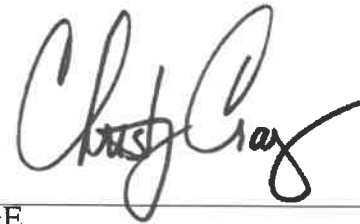
///

1 THE COURT FINDS, pursuant to NRS 178.460, that the said Defendant is competent  
2 to stand trial in the above-entitled matter; and,

3 IT IS HEREBY ORDERED that you, the Administrator of the Division of Public and  
4 Behavioral Health of the Department of Health and Human Services or his or her designee,  
5 shall provide forthwith to the Director of Mental Health of the Clark County Detention Center,  
6 true and complete copies of the Defendant's psychological evaluations, hospital course of  
7 treatment and discharge summary; and,

8 IT IS FURTHER ORDERED that you, the Sheriff of Clark County, Nevada, shall  
9 accept and retain custody of said Defendant in the Clark County Detention Center pending  
10 completion of proceedings in the above-captioned matter, or until the further Order of this  
11 Court.

Dated this 8th day of March, 2021



JUDGE

17 STEVEN B. WOLFSON  
18 District Attorney  
Nevada Bar #001565

45A 3A9 A749 15AD  
Christy Craig  
District Court Judge

19  
20 BY /s/CHRISTOPHER J. LALLI  
21 CHRISTOPHER J. LALLI  
22 Assistant District Attorney  
23 Nevada Bar #005398  
24  
25  
26  
27

28 aw

1 CSERV

2 DISTRICT COURT  
3 CLARK COUNTY, NEVADA  
4

5  
6 State of Nevada

CASE NO: C-20-348559-1

7 vs

DEPT. NO. Department 10

8 Jamal Sneed  
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 3/8/2021

15 G. Cox

Coxgd@clarkcountynv.gov

16 Kayleigh Lopatic

lopatikb@clarkcountynv.gov

17 DeLois Williams

Delois.Williams@clarkcountynv.gov

18 Michael Van Luven

Michael.VanLuven@ClarkCountyNV.gov

19 Department X

Dept10LC@ClarkCountyCourts.us  
20  
21  
22  
23  
24  
25  
26  
27  
28



NWEW  
STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
MEGAN S. THOMSON  
Chief Deputy District Attorney  
Nevada Bar #011002  
200 Lewis Avenue  
Las Vegas, Nevada 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,  
Plaintiff,

-vs-

CASE NO: C-20-348559-1

JAMAL SNEED, aka,  
Jamal Lashawn Sneed,  
#2583410

DEPT NO: X

Defendant.

STATE'S NOTICE OF WITNESSES  
[NRS 174.234(1)(a)]

TO: JAMAL SNEED, aka, Jamal Lashawn Sneed, Defendant; and

TO: MICHAEL VANLUVEN, Deputy Public Defender, Counsel of Record:

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

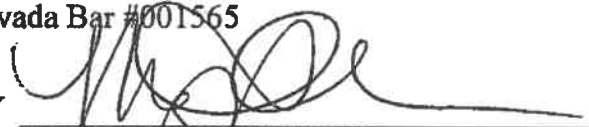
<u>NAME</u>	<u>ADDRESS</u>
CUSTODIAN OF RECORDS	CCDC COMMUNICATIONS/DISPATCH
CUSTODIAN OF RECORDS	CCDC RECORDS
CUSTODIAN OF RECORDS	LVMPD COMMUNICATIONS/DISPATCH
CUSTODIAN OF RECORDS	LVMPD RECORDS
CUSTODIAN OF RECORDS	NV DMV
CUSTODIAN OF RECORDS	SUPER PAWN, 2645 S. Decatur Blvd., LV, NV
DOUGHERTY, E.	C/O CCDA'S OFFICE

1 HINER, TIMOTHY C/O First Cash / Cash America  
2 JOVERO, RALPH JUSTIN C/O Super Pawn, 2645 S. Decatur Blvd., LV, NV  
3 ROSTON, J. LVMPD P# 14005  
4 TOLENTINO, M. LVMPD P# 14730  
5 VARGAS, B. LVMPD P# 15044

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

9 STEVEN B. WOLFSON  
10 DISTRICT ATTORNEY  
11 Nevada Bar #001565

12 BY

  
13 MEGAN S. THOMSON  
14 Chief Deputy District Attorney  
15 Nevada Bar #011002

16 **CERTIFICATE OF ELECTRONIC FILING**

17 I hereby certify that service of the above and foregoing was made this 2<sup>nd</sup> day of  
18 April, 2021, by Electronic Filing to:

19 MICHAEL VANLUVEN  
20 DEPUTY PUBLIC DEFENDER  
21 [michael.vanluven@clarkcountynv.gov](mailto:michael.vanluven@clarkcountynv.gov)

22 BY /s/ E. Goddard

23 E. Goddard  
24 Secretary - District Attorney's Office  
25  
26  
27  
28

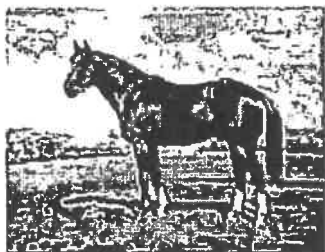
20F02659X/erg/L-4

## **Evelyn Goddard**

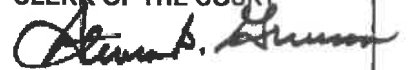
---

**From:** Evelyn Goddard  
**Sent:** Friday, April 2, 2021 12:27 PM  
**To:** 'Michael Van Luven'  
**Subject:** C348559 - NOW - STATE V SNEED  
**Attachments:** Black and White0033.pdf

*Evelyn R. Goddard – Legal Secretary  
Clark County District Attorney's Office  
Litigation Team L-4  
Ph. (702) 671-2818  
E-Mail – [evelyn.goddard@clarkcountydade.com](mailto:evelyn.goddard@clarkcountydade.com)*







1 NOTM  
2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 MEGAN S. THOMSON  
6 Chief Deputy District Attorney  
7 Nevada Bar #011002  
8 200 Lewis Avenue  
9 Las Vegas, Nevada 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

8 DISTRICT COURT  
9 CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,  
10 Plaintiff,

11 -vs-

12 JAMAL SNEED,  
13 #Defendant ID

14 Defendant.

CASE NO: C-20-348559-1

DEPT NO: X

15 STATE'S NOTICE OF MOTION AND MOTION TO CHANGE TRIAL DATE

16 DATE OF HEARING: \_\_\_\_\_, 2021  
17 TIME OF HEARING: \_\_\_\_\_ A.M./P.M.

18 HEARING REQUESTED

19 COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County  
20 District Attorney, through MEGAN S. THOMSON, Chief Deputy District Attorney, and files  
21 this Notice of Motion and Motion to Change Trial Date.

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

25 ///

26 ///

27 ///

28 ///

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

**DATED this 19<sup>th</sup> day of May, 2021.**

BY

[illegible]

**ARGUMENT**

While the defendant in this case is in custody, he is being held on a much more serious case, C-20-346752-1, the resolution of which will dictate the outcome of this case. The Defendant has waived his right to a speedy trial in this case and the trial date is currently set at the State's requested for November 15, 2021, however the notations made by the assigned deputy were unclear for the deputy appearing in Court, as the intended request was to set the trial for *after* November, rather than November or later. Given that the assigned deputy will be out of the office until roughly November 12, 2021, though the exact dates are as of yet still unconfirmed, the State would request a continuance of the trial date for at least one week to be able to be prepared to proceed should the case require resolution by trial. While the assigned deputy is well aware that this is a straight-forward case factually, the Defendant will suffer no prejudice by a one-week continuance and it is preferable to have continuity in representation, from the State's side as well as the Defendant's side.

///

///

///

///

///

///

///

///

///

///

///

///

///

///

///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28


**CONCLUSION**

The State requests continuation of the trial date by at least one week based upon a misunderstanding within the District Attorney's Office file notations, which requested a trial date for the first anticipated date of return of the assigned deputy.

DATED this 19<sup>th</sup> day of May, 2021.

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

BY

  
MEGAN S. THOMSON  
Chief Deputy District Attorney  
Nevada Bar #011002

**CERTIFICATE OF ELECTRONIC FILING**

I hereby certify that service of the above and foregoing was made this 19<sup>th</sup> day of May, 2021, by Electronic Filing to:

MICHAEL VANLUVEN,  
DEPUTY PUBLIC DEFENDER  
[michael.vanluven@clarkcountynv.gov](mailto:michael.vanluven@clarkcountynv.gov)

BY

/s/ E. Goddard

E. Goddard  
Secretary - District Attorney's Office

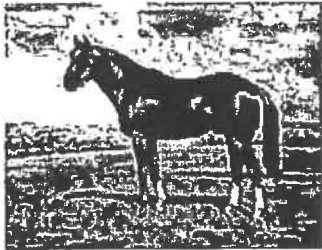
20F02659X/erg/L-4

## **Evelyn Goddard**

---

**From:** Evelyn Goddard  
**Sent:** Wednesday, May 19, 2021 4:23 PM  
**To:** Michael Van Luven  
**Subject:** C348559 - NOTM - STATE V SNEED  
**Attachments:** Black and White0395.pdf

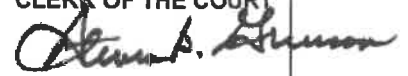
*Evelyn R. Goddard – Legal Secretary  
Clark County District Attorney's Office  
Litigation Team L-4  
Ph. (702) 671-2818  
E-Mail – [evelyn.goddard@clarkcountydade.com](mailto:evelyn.goddard@clarkcountydade.com)*



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**DISTRICT COURT  
CLARK COUNTY, NEVADA**  
\*\*\*\*

Electronically Filed  
5/20/2021 9:37 AM  
Steven D. Grierson  
CLERK OF THE COURT



State of Nevada  
vs  
Jamal Sneed

Case No.: C-20-348559-1  
Department 10

**NOTICE OF HEARING**

Please be advised that the State's Notice of Motion and Motion to Change Trial Date in the above-entitled matter is set for hearing as follows:

**Date:** June 02, 2021  
**Time:** 8:30 AM  
**Location:** RJC Courtroom 14B  
Regional Justice Center  
200 Lewis Ave.  
Las Vegas, NV 89101

**NOTE: Under NEFCR 9(d), if a party is not receiving electronic service through the Eighth Judicial District Court Electronic Filing System, the movant requesting a hearing must serve this notice on the party by traditional means.**

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Ondina Amos  
Deputy Clerk of the Court

**CERTIFICATE OF SERVICE**

I hereby certify that pursuant to Rule 9(b) of the Nevada Electronic Filing and Conversion Rules a copy of this Notice of Hearing was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

By: /s/ Ondina Amos  
Deputy Clerk of the Court



DARIN F. IMLAY, PUBLIC DEFENDER  
NEVADA BAR NO. 5674  
MICHAEL VAN LUVEN, DEPUTY PUBLIC DEFENDER  
NEVADA BAR NO. 13975  
**PUBLIC DEFENDERS OFFICE**  
309 South Third Street, Suite 226  
Las Vegas, Nevada 89155  
Telephone: (702) 455-4685  
*Attorneys for Defendant*

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,	)	
	)	
Plaintiff,	)	CASE NO. C-20-348559-1
	)	
v.	)	DEPT. NO. X
	)	
JAMAL SNEED,	)	
	)	DATE: June 3, 2021
Defendant,	)	TIME: 8:30 a.m.

**MOTION TO REINSTATE DEFENDANT'S BAIL**

COMES NOW, the Defendant, JAMAL SNEED, by and through MICHAEL VAN LUVEN, Deputy Public Defender and hereby moves this Court for an order reinstating the Defendant's bail.

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

DATED this 27<sup>th</sup> day of May 2021.

DARIN F. IMLAY  
CLARK COUNTY PUBLIC DEFENDER

By: /s/Michael Van Luven  
MICHAEL VAN LUVEN, #13975  
Deputy Public Defender

1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8

1. I am an attorney duly licensed to practice law in the State of Nevada; I am a Deputy Public Defender for the Clark County Public Defender's Office appointed to represent Defendant Jamal Sneed in the present matter;

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

*/s/ Michael Van Loven*  
MICHAEL VAN LOVEN

The purpose of this Motion is merely to seek reinstatement of the Defendant's bail previously set by this Court at \$10,000 via Order dated July 27, 2020. *See Exhibit A – Pre-Trial Order Setting Bail*. This Order followed the Defendant's Emergency Petition for Writ of Habeas Corpus or, in the Alternative, Motion to Vacate Detention Order, filed July 20, 2020.

2



1 Accordingly, the Defendant hereby moves this Court for reinstatement of the \$10,000  
2 bail.

3 DATED this 27<sup>th</sup> day of May 2021.

4 DARIN F. IMLAY  
5 CLARK COUNTY PUBLIC DEFENDER

6  
7 By: /s/Michael Van Luven  
8 MICHAEL VAN LUVEN, #13975  
9 Deputy Public Defender

10 **NOTICE OF MOTION**

11 TO: CLARK COUNTY DISTRICT ATTORNEY, Attorney for Plaintiff:

12 YOU WILL PLEASE TAKE NOTICE that the Public Defender's Office will bring the  
13 above and foregoing MOTION on for hearing before the Court on the 3<sup>rd</sup> day of June 2021, at  
14 8:30 a.m.

15 DATED this 27<sup>th</sup> day of May 2021.

16 DARIN F. IMLAY  
17 CLARK COUNTY PUBLIC DEFENDER

18  
19 By: /s/Michael Van Luven  
20 MICHAEL VAN LUVEN, #13975  
21 Deputy Public Defender

22 **CERTIFICATE OF ELECTRONIC SERVICE**

23 I hereby certify that service of the above and foregoing MOTION was served via  
24 electronic e-filing to the Clark County District Attorney's Office at [motions@clarkcountyda.com](mailto:motions@clarkcountyda.com)  
25 on this 27<sup>th</sup> day of May 2021.

26 By: /s/Sunshine Casarez  
27 An employee of the  
28 Clark County Public Defender's Office

# EXHIBIT A

*Heather L. Smith*  
CLERK OF THE COURT

1 **ORDR**

2  
3  
4 **EIGHTH JUDICIAL DISTRICT COURT**

5 **CLARK COUNTY, NEVADA**

6 THE STATE OF NEVADA,

7 Plaintiff,

8 v.

9 JAMAL SNEED,

10 Defendant.

CASE NO.: C-20-348559-1

DEPT. NO.: X

11  
12  
13 **PRE-TRIAL ORDER SETTING BAIL OR**  
14 **PRE-TRIAL RELEASE CONDITIONS PENDING TRIAL**

15 Based on the allegations set forth in the Information, the information the State has  
16 provided and the information defendant or his counsel has provided, the Court has considered the  
17 statutory factors relevant to the determination of the need or amount of bail to ensure the  
18 presence of the defendant at trial and minimize the risk of danger to the community. Having  
19 considered the factors set forth in NRS 178.4853, as well as the defendant's financial resources,  
20 and the other reasons set forth on the record, the Court finds as to defendant:

21 **✖ BAIL IS APPROPRIATE**

22 **✖** The Court finds by the following factors the State of Nevada has met its burden by  
23 clear and convincing evidence that the Defendant poses a Risk of Non-Appearance  
(*check all that apply*):



The length of defendant's residence in the community;

Existence of pending charges against the Defendant at time of current arrest;

26 ☐ Defendant's history of failure to appear;

27 ☐ Defendant's lack of familial, residential, community and employment ties (not  
limited to Clark County or Nevada);

28 ☐ Defendant's lack of property, and financial ties (not limited to Clark County or  
Nevada);

- ☐ Defendant's lack of verifiable, legitimate employment
- ☐ Defendant's ties to a foreign country;
- ☐ Defendant's possession of a passport or travel documents;
- ☒ Defendant's history of criminal activity while on prior or current pretrial release or under prior or current probation or parole supervision;
- ☐ The nature of the offense with which Defendant is charged, the apparent probability of conviction and the likely sentence;
- ☐ Defendant's living situation is unstable or unsuitable, or insufficient information about proposed living situation;
- ☐ Defendant's substance abuse history;
- ☐ Defendant's mental health history;--
- ☒ Defendant's prior criminal record;
- ☒ Defendant's status and compliance on pretrial release, probation, parole, or other supervised release;
- ☐ Defendant's use of aliases or false identifications
- ☐ Defendant's possession or access to unexplained assets;
- ☒ Lack of verified information about Defendant;

☒ The Court finds by the following factors the State of Nevada has met its burden by clear and convincing evidence that the Defendant poses a Risk of Danger to the Community (*check all that apply*):

- ☐ The nature of the instant offense of which Defendant is accused;
- ☒ Existence of pending charges against Defendant at time of current arrest;
- ☐ Defendant's history or charge involving violence or domestic violence;
- ☐ Defendant's history or charge involving a sex offense or abuse;
- ☐ Defendant's history or charge involving a juvenile;
- ☐ Defendant's history or charge involving the use of a computer to facilitate the alleged offense;
- ☐ Defendant's history of illegal weapons possession or use;
- ☐ Defendant's criminal associations;
- ☐ Defendant's pattern of similar criminal history activity;
- ☒ Defendant's prior criminal record of arrests and convictions;
- ☐ Safety concerns for the community or a specific person upon Defendant's release;
- ☐ Defendant's gang involvement;
- ☒ Defendant's history of criminal activity while on prior or current pretrial release or under prior or current probation or parole supervision;
- ☐ Defendant's substance abuse history;
- ☐ Defendant's mental health history;
- ☐ Defendant's status and compliance on pretrial release, probation, parole, or other supervised release;
- ☐ Lack of verified information about Defendant;

1 Based on the above findings, the Court concludes no combination of nonmonetary conditions  
2 would be sufficient to reasonably ensure the defendant's appearance or the safety of the community.

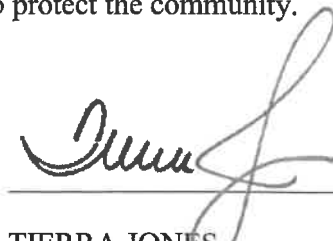
3 In determining an appropriate bail, the Court has considered the defendant's  
4 representations concerning his financial resources, including any representations as to available  
5 assets and liabilities and income, and any representation of the State as to Defendant's financial  
6 resources. The Court has also considered defendant's representations that defendant cannot  
7 afford the current bail amount.

8 Considering Defendant's financial resources and the factors listed above demonstrating  
9 Defendant's Risk of Flight and Risk of Danger to the Community, the Court orders that the bail  
10 remain in the amount of \$10,000.  
11

12 The Court finds by clear and convincing evidence that this amount and any additional  
13 conditions are necessary to ensure the defendant's appearance at future court proceedings and to  
14 protect the safety of the community. If defendant cannot make the bail amount or meet the other  
15 conditions and remains in custody pending trial, the Court further finds the State has met its  
16 burden by clear and convincing evidence that no other less restrictive conditions are available to  
17 assure defendant's future appearances and to protect the community.  
18

Dated this 27th day of July, 2020

19 Dated this \_\_\_\_ day of \_\_\_\_, 20\_\_.

20   
21 \_\_\_\_\_  
22 TIERRA JONES  
23 DISTRICT COURT JUDGE  
24 DEPARTMENT X  
25 8B9 87E D6AA D6B0  
26 Tierra Jones  
27 District Court Judge  
28

1 CSERV

2 DISTRICT COURT  
3 CLARK COUNTY, NEVADA  
4

5  
6 State of Nevada

CASE NO: C-20-348559-1

7 vs

DEPT. NO. Department 10

8 Jamal Sneed  
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 7/27/2020

15 G. Cox

Coxgd@clarkcountynv.gov

16 Kayleigh Lopatic

lopaticb@clarkcountynv.gov

17 D A

motions@clarkcountyda.com

18 Michael Van Luven

Michael.VanLuven@ClarkCountyNV.gov

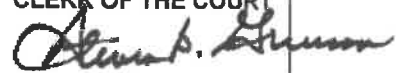
19 Department X

Dept10LC@ClarkCountyCourts.us  
20  
21  
22  
23  
24  
25  
26  
27  
28

DISTRICT COURT  
CLARK COUNTY, NEVADA

\*\*\*\*

Electronically Filed  
5/27/2021 7:36 AM  
Steven D. Grierson  
CLERK OF THE COURT



State of Nevada  
vs  
Jamal Sneed

Case No.: C-20-348559-1

Department 10

**NOTICE OF HEARING**

Please be advised that the PD's Motion to Reinstate Defendant's Bail in the above-entitled matter is set for hearing as follows:

**Date:** June 02, 2021

**Time:** 8:30 AM

**Location:** RJC Courtroom 14B  
Regional Justice Center  
200 Lewis Ave.  
Las Vegas, NV 89101

**NOTE:** Under NEFCR 9(d), if a party is not receiving electronic service through the Eighth Judicial District Court Electronic Filing System, the movant requesting a hearing must serve this notice on the party by traditional means.

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Allison Behrhorst  
Deputy Clerk of the Court

**CERTIFICATE OF SERVICE**

I hereby certify that pursuant to Rule 9(b) of the Nevada Electronic Filing and Conversion Rules a copy of this Notice of Hearing was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

By: /s/ Allison Behrhorst  
Deputy Clerk of the Court



1 RTRAN

2

3

4

5

DISTRICT COURT  
CLARK COUNTY, NEVADA

6

7

8 STATE OF NEVADA,

9

Plaintiff,

10

vs.

11

JAMAL SNEED,

12

Defendant.

13

*BEFORE THE HONORABLE TIERRA JONES, DISTRICT COURT JUDGE*

14

**MONDAY, JULY 20, 2020  
RECORDER'S TRANSCRIPT RE:  
MOTION TO CONSOLIDATE**

15

16

17

APPEARANCES:

18

For the State:

19

MEGAN THOMSON, Esq.  
Chief Deputy District Attorney

20

21

For the Defendant:

22

DANIEL JENKINS, Esq.  
Deputy Public Defender

23

24

25

RECORDED BY: VICTORIA BOYD, COURT RECORDER



1  
2 Las Vegas, Nevada, Monday, July 20, 2020 at 9:34 a.m.  
3

4  
5 THE COURT: State of Nevada v. Jamal Sneed.

6 MR. JENKINS: Your Honor, this is Mr. Vanluven's case. We can trail the  
7 matter.

8 THE COURT: Well, Mr. Jenkins, he needs to hurry up.

9 MR. JENKINS: I did text him, Your Honor.

10 THE COURT: Well, this is my question, Mr. Jenkins. Mr. Sneed is present in  
11 custody. This was on for a motion to consolidate into the Department 30 case. I  
12 believe it's your motion isn't it, Ms. Thomson.

13 MS. THOMSON: It is.

14 THE COURT: So it was on last week. Judge Weise was not here. Judge  
15 Bluth heard it and it was passed to August 13<sup>th</sup> because Mr. Vanluven might be  
16 opposing the motion. Is that what happened?

17 MS. THOMSON: No, I had filed it in both cases because I think that's what  
18 we're supposed to do. But Mr. Almase who represents Mr. Sneed in the other case  
19 wanted Mr. Vanluven to file a writ in this case before the consideration of the motion  
20 to consolidate was had in DC 30. So Mr. Vanluven filed the writ sometime recently.

21 THE COURT: It's set for July 29<sup>th</sup> for hearing, the writ is.

22 MS. THOMSON: Yes. I got the response filed on Friday so they kicked out  
23 the DC 30 so that the decision could be made.

24 THE COURT: So they want me to make a decision on the writ before they  
25 determine whether or not they want to oppose the cases being consolidated in  
Department 30?

1 MS. THOMSON: No one has said that they don't oppose it however my  
2 understanding from conversations is that I think we all sort of understand it's going  
3 to happen.

4 THE COURT: Okay. What is Mr. Vanluven's status because I need to get the  
5 jail out of here.

6 MR. JENKINS: Mr. Vanluven looks like he's stuck in the arraignment  
7 calendar with Soberski. He anticipates that calendar lasting until tomorrow morning.

8 THE COURT: Okay. Well, Mr. Jenkins - -

9 MR. JENKINS: So if we want to go ahead and continue this then.

10 THE COURT: Mr. Sneed, do you understand - - so what I'm going to do is I'm  
11 going to continue the motion to consolidate until July 29<sup>th</sup> just so it will be on  
12 calendar and we can address after the hearing on the writ understanding that if this  
13 case is consolidated Judge Weiss has the lower case number.

14 Mr. Sneed, do you understand - -

15 THE DEFENDANT: Excuse me.

16 THE COURT: I'm sorry, sir.

17 THE DEFENDANT: Yes, ma'am. From my understanding, he's filing a  
18 motion actually to get the charges dismissed.

19 THE COURT: That's what a writ is, sir.

20 THE DEFENDANT: Okay. Okay.

21 THE COURT: And you're going to be back here on July 29<sup>th</sup>, but you  
22 understand I can't hear your jury trial next week, do you understand that?

23 THE DEFENDANT: Yes, ma'am, I understand that but I don't understand  
24 exactly what's going to be done.

25 THE COURT: Well, I'm about to tell you.

1 THE DEFENDANT: Okay.

2 THE COURT: All right. So we're going to vacate the jury trial date for July  
3 27<sup>th</sup>. On July 29<sup>th</sup> I'm going to hear the writ. We'll do a status check trial setting and  
4 the motion to be consolidated will all be heard on that day. So, sir, that way you  
5 don't have to come to Court twice. I'll see you back here next Wednesday.

6 THE DEFENDANT: Yes, ma'am.

7 THE COURT: July 29<sup>th</sup> at 8:30.

8

9

10 (Proceedings concluded at 9:36 a.m.)

11

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

14

15

16 *Victoria W. Boyd*

17 11-1-21

18

19 Victoria W. Boyd  
20 Court Recorder/Transcriber

21 Date

22

23

24

25



1 RTRAN

2

3

4

5

DISTRICT COURT  
CLARK COUNTY, NEVADA

6

7

8

STATE OF NEVADA,

9

Plaintiff,

10

vs.

CASE NO. C-20-348559-1  
DEPT. 10

11

JAMAL SNEED,

12

Defendant.

13

***BEFORE THE HONORABLE TIERRA JONES, DISTRICT COURT JUDGE***

14

15

***WEDNESDAY, JULY 29, 2020  
RECORDER'S TRANSCRIPT RE:  
MOTION TO CONSOLIDATE***

16

17

APPEARANCES:

18

For the State:

19

MEGAN THOMSON, Esq.  
Chief Deputy District Attorney

20

21

For the Defendant:

22

MICHAEL VANLUVEN, Esq.  
Deputy Public Defender

23

24

25

RECORDED BY: VICTORIA BOYD, COURT RECORDER

1  
2 Las Vegas, Nevada, Wednesday, July 29, 2020 at 8:34 a.m.  
3

4  
5 THE COURT: Mr. Sneed is present in custody. Mr. Vanluven is here on his  
6 behalf. Ms. Thomson is here on behalf of the State.

7 THE DEFENDANT: Good morning, Your Honor.

8 THE COURT: Good morning.

9 This is on for a couple things. It's on for petition for writ of habeas corpus and  
10 a motion to consolidate. However, the motion to consolidate needs to be heard by  
11 Judge Weiss because if this case is consolidated it's going to be consolidated into  
12 his case because he has the lower case number so I don't get to decide whether or  
13 not he's consolidating his case into his case. And I see that he has the motion to  
14 consolidate set for hearing on August 13<sup>th</sup>. Okay. So what I'll do is I'll just do a  
15 status check - - the motion to consolidate will be status checked until August 17<sup>th</sup> at  
16 8:30.

17 In regards to the writ, we're going to argue the writ today. I have read the writ  
18 as well as I've read the State's return. Mr. Vanluven, do you have anything you  
19 want to add?

20 MR. VANLUVEN: Just briefly, Your Honor. They cited in the return  
21 specifically that an owner can testify to value. We don't have an owner in this  
22 situation. We have a clerk. And furthermore, this case law that I cited states that for  
23 a clerk to testify to value sufficient to overcome both best evidence and hearsay  
24 problems that clerk needs to have some independent basis for the value that he's  
25 testifying to. In this case two digital cameras. I think we can do away with that.  
One, he was not certified as an expert of any kind or otherwise testified to any

1 independent basis during the preliminary hearing. And second not only was his  
2 knowledge of these items so limited that the State actually had to strike from the  
3 complaint the specific mention of the range of the cameras, because he couldn't  
4 even remember that. So based on that and the case law, Your Honor, I think it's  
5 clear that him testifying imperfectly from memory is almost directly analogous to the  
6 case law I've cited, therefore it was improper and that count should be dismissed.

7 With regard to the burglary itself again the State, they rely on that case law  
8 and that authority that says you can infer intent or burglarious - - I never get that  
9 word right - - burglarious intent from the surrounding circumstances. Okay. Let's  
10 look at the surrounding circumstances in this case. Apparently, he comes to the  
11 location once, leaves. Comes to the location again. However, instead of walking in,  
12 smashing the display and stealing things he engages in conversation with the  
13 employee for a while. They haggle over the price. He selects the item says, yep, I'd  
14 like those. I'm going to pay for them now. She says well, we need an ID. He says I  
15 don't have one, what can we do here. Let me go get the manager, at which point he  
16 smashes the stuff and runs off.

17 Now the State said he's created a situation to distract the clerk away so that  
18 he can't smash them. Well, Your Honor, if the intent to burglarize was present from  
19 the moment he walked in I think he can dispense with going through the whole  
20 haggling procedure, trying to get some kind of a better deal on the items and even  
21 attempting to pay for them by handing them a card potentially could have linked him  
22 to the subsequent crime, so based on that I think the more reasonable interpretation  
23 of the actions is that the intent to form, if present, or the intent to steal, if present,  
24 was formed after he came in and was unable to pay for the items. So based on that,  
25 Your Honor, I'd ask that we dismiss these counts.

1 THE COURT: State.

2 MS. THOMSON: With regard to the value it's not best evidence or hearsay,  
3 it's the weight of the testimony was subject to what the magistrate deemed  
4 appropriate. It was the witnesses' memory not testifying that the price tag read  
5 anything, which is the case that was cited by Mr. Vanluven. With regard to the  
6 burglary just going in and smashing he runs the risk of being stopped. He runs the  
7 risk of being tackled putting himself in a situation where he can get the employees at  
8 a distance where he can then smash the cabinet makes sense, and so given the  
9 totality of the circumstances and with the very low burden at preliminary hearing it's  
10 the State's position that we properly presented evidence and the Court properly held  
11 with an answer.

12 THE COURT: Mr. Vanluven, do you have any response to that?

13 MR. VANLUVEN: I do. Just briefly, Your Honor. It's right in the case law.  
14 The Court even says in its holding that the accused cannot be subject to the  
15 imperfect memory of a witness with regard to value, Your Honor. So with that I'll  
16 submit.

17 THE COURT: Okay. Well, for the purposes of slight or marginal evidence  
18 which is the State's burden at preliminary hearing this Court finds the State has met  
19 that burden in regards to the grand larceny as well as in regards to the burglary  
20 based on the evidence that was presented, and the Justice Court properly held the  
21 defendant to answer the petition will be denied.

22 MS. THOMSON: Thank you.

23 THE COURT: And then we'll be back here for a status check after Judge  
24 Weiss makes a call as to what to do on the motion to consolidate.

25 THE DEFENDANT: Appreciate you, Mr. Vanluven. Thank you, Your Honor.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MR. VANLUVEN: No problem.  
THE COURT: Thank you.  
MS. THOMSON: Thank you, Your Honor.

(Proceedings concluded at 8:39 a.m.)

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

*Victoria W. Boyd*

11-2-21

\_\_\_\_\_  
Victoria W. Boyd  
Court Recorder/Transcriber

\_\_\_\_\_  
Date





0026  
DARIN F. IMLAY, PUBLIC DEFENDER  
NEVADA BAR NO. 5674  
MICHAEL VAN LUVEN, DEPUTY PUBLIC DEFENDER  
NEVADA BAR NO. 13975  
**PUBLIC DEFENDERS OFFICE**  
309 South Third Street, Suite 226  
Las Vegas, Nevada 89155  
Telephone: (702) 455-4685  
Facsimile: (702) 455-5112  
Michael.VanLuven@ClarkCountyNV.gov  
*Attorneys for Defendant*

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,	)	
	)	
Plaintiff,	)	CASE NO. C-20-348559-1
	)	
v.	)	DEPT. NO. X
	)	
JAMAL SNEED,	)	
	)	
Defendant,	)	DATE: November 15, 2021
	)	TIME: 8:30 a.m.

**MOTION FOR A STAY TO PURSUE WRIT RELIEF OR, IN THE ALTERNATIVE,**  
**MOTION TO CONTINUE TRIAL DATE**

COMES NOW the Defendant, JAMAL SNEED, by and through his attorney, MICHAEL VAN LUVEN, Deputy Public Defender, and respectfully moves this court for an order staying the proceedings in this case to allow for the filing and adjudication of a writ petition to the Nevada Supreme Court. If this Court is not inclined to grant a motion staying these proceedings, then the Defendant respectfully moves this Court for an Order vacating the November 15, 2021 trial date and requesting a new trial setting on a date convenient to the Court.

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

DATED this 4th day of November 2021.

DARIN F. IMLAY  
CLARK COUNTY PUBLIC DEFENDER

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

By /s/Michael Van Luven  
MICHAEL VAN LUVEN, #13975  
Deputy Public Defender

1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8

1. I am an attorney duly licensed to practice law in the State of Nevada; I am the Deputy Public Defender assigned to represent the Defendant in the instant matter, and I am familiar with the facts and circumstances of this case.

3. Having discussed this matter with the Defendant, the Defendant has asked that assigned counsel prepare a petition for a writ of mandamus, or other writ relief as appropriate, prior to jury trial.

5. The transcripts were provided on November 1, 2021- three days prior to the hearing and filing of this Motion.

7. The Defendant is aware of this request for a stay of proceedings to allow the filing, and adjudication of the writ petition(s).

9. This motion is not being prepare for the purposes of any undue delay, or in bad

EXECUTED this 4th day of November 2021.

*/s/Michael Van Luven*  
MICHAEL VAN LUVEN

## MEMORANDUM OF POINTS AND AUTHORITIES

## I. Stay of proceedings

Pursuant to the Nevada Rules of Appellate Procedure (NRAP), Rule 8, a motion for a stay of proceedings is appropriately brought first in the District Court:

(a) Motion for Stay.

(1) Initial Motion in the District Court. A party must ordinarily move first in the district court for the following relief:

(A) a stay of the judgment or order of, or proceedings in, a district court pending appeal or resolution of a petition to the Supreme Court or Court of Appeals for an extraordinary writ ...  
*NRAP, Rule 8(a)(1).*

Accordingly, the Defendant moves this Court for a stay of proceedings pending the preparation and filing of an original writ petition with the Nevada Supreme Court.

## II. Motion to continue trial

In the alternative, the Defendant moves this Court for an Order vacating the current trial setting of November 22, 2021 and resetting the trial to a date convenient to the Court.

Pursuant to the Nevada Rules of Criminal Procedure (Nev. R. Cri. P.), Rule 15(1), “Any party may, for good cause, move the court for an order continuing the day set for trial of a criminal case.” Such motion “must be supported by affidavit...”

As set forth in the foregoing Declaration, good cause exists to vacate the current trial setting and to continue this matter to a date convenient to the Court. The Defendant has requested that undersigned counsel prepare an original petition for writ relief to the Nevada Supreme Court that, if granted, would obviate the need for trial in this matter. Undersigned counsel has considered the Defendant's request and believes there is merit in such a petition.

1 In an effort to prepare the writ petition, undersigned counsel filed with the Court, on or  
2 about July 15, 2021, a request for transcripts of the relevant court hearings. Such transcripts will  
3 form the appendix of exhibits to be included with, and in support of, the contemplated writ  
4 petition. However, such transcripts were not provided to undersigned counsel until November 1,  
5 2021- three weeks before the date currently set for trial. Undersigned counsel is now working to  
6 prepare and to file the writ petition, but it has become necessary to vacate the current trial setting  
7 and to continue it to a date convenient to the Court, but that will reasonably allow for the  
8 adjudication of the forthcoming writ petition.  
9

10 As such, the Defendant, and defense counsel, respectfully request that the current trial  
11 setting be vacated.  
12

### 13 CONCLUSION

14 Based on the foregoing, the Defendant moves for an order staying the proceedings in this  
15 matter. In the alternative, the Defendant moves this Court for an order vacating and resetting the  
16 present trial date.  
17

18 DATED this 4th day of November 2021.  
19

20 DARIN F. IMLAY  
21 CLARK COUNTY PUBLIC DEFENDER

22 By /s/Michael Van Luven  
23 MICHAEL VAN LUVEN, #13975  
24 Deputy Public Defender  
25  
26  
27  
28

1 **NOTICE OF MOTION**

2 TO: CLARK COUNTY DISTRICT ATTORNEY, Attorney for Plaintiff:

3 YOU WILL PLEASE TAKE NOTICE that the foregoing MOTION TO CONTINUE  
4 TRIAL DATE will be heard on November 15, 2021, at 8:30 a.m. in District Court, Department  
5 X.

6 DATED this 4th day of November 2021.

7 DARIN F. IMLAY  
8 CLARK COUNTY PUBLIC DEFENDER

9  
10 By: /s/Michael Van Luven  
11 MICHAEL VAN LUVEN, #13975  
12 Deputy Public Defender  
13  
14  
15  
16  
17  
18  
19

20 **CERTIFICATE OF ELECTRONIC SERVICE**

21 I hereby certify that service of the above and forgoing MOTION was served via  
22 electronic e-filing to the Clark County District Attorney's Office at [motions@clarkcountyda.com](mailto:motions@clarkcountyda.com)  
23 on this 4th day of November 2021.

24 By: /s/Monique Perkins  
25 An employee of the  
26 Clark County Public Defender's Office  
27  
28



0026  
DARIN F. IMLAY, PUBLIC DEFENDER  
NEVADA BAR NO. 5674  
MICHAEL VAN LUVEN, DEPUTY PUBLIC DEFENDER  
NEVADA BAR NO. 13975  
**PUBLIC DEFENDERS OFFICE**  
309 South Third Street, Suite 226  
Las Vegas, Nevada 89155  
Telephone: (702) 455-4685  
Facsimile: (702) 455-5112  
Michael.VanLuven@ClarkCountyNV.gov  
*Attorneys for Defendant*

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,	)	
	)	
Plaintiff,	)	CASE NO. C-20-348559-1
	)	
v.	)	DEPT. NO. X
	)	
JAMAL SNEED,	)	
	)	
Defendant,	)	DATE: November 15, 2021
	)	TIME: 8:30 a.m.

**MOTION FOR A STAY TO PURSUE WRIT RELIEF OR, IN THE ALTERNATIVE,**  
**MOTION TO CONTINUE TRIAL DATE**

COMES NOW the Defendant, JAMAL SNEED, by and through his attorney, MICHAEL VAN LUVEN, Deputy Public Defender, and respectfully moves this court for an order staying the proceedings in this case to allow for the filing and adjudication of a writ petition to the Nevada Supreme Court. If this Court is not inclined to grant a motion staying these proceedings, then the Defendant respectfully moves this Court for an Order vacating the November 22, 2021 trial date and requesting a new trial setting on a date convenient to the Court.

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

DATED this 4th day of November 2021.

DARIN F. IMLAY  
CLARK COUNTY PUBLIC DEFENDER

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

By /s/Michael Van Luven  
MICHAEL VAN LUVEN, #13975  
Deputy Public Defender



1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8

1. I am an attorney duly licensed to practice law in the State of Nevada; I am the Deputy Public Defender assigned to represent the Defendant in the instant matter, and I am familiar with the facts and circumstances of this case.

3. Having discussed this matter with the Defendant, the Defendant has asked that assigned counsel prepare a petition for a writ of mandamus, or other writ relief as appropriate, prior to jury trial.

4. On or about July 15, 2021, undersigned counsel caused to be delivered to the Court an Ex Parte request for transcripts of prior proceedings with the intent that such transcripts would form the appendix of exhibits for the foregoing writ petition(s). The Ex Parte request for the transcripts was entered on the Court's docket on July 15, 2021 and filed under pending the Court's approval.

5. The transcripts were provided on November 1, 2021- three days prior to the hearing and filing of this Motion.

6. This will not allow sufficient time for undersigned counsel to prepare the mentioned writ petition(s), and to prepare for a jury trial.

7. The Defendant is aware of this request for a stay of proceedings to allow the filing, filing, and adjudication of the writ petition(s).

8. The Defendant consents to either/both a stay of proceedings, and to the vacating continuing of the current trial setting.

9. This motion is not being prepare for the purposes of any undue delay, or in bad

EXECUTED this 4th day of November 2021.

1 /s/Michael Van Luven  
2 MICHAEL VAN LUVEN

3  
4 **MEMORANDUM OF POINTS AND AUTHORITIES**

5 **I. Stay of proceedings**

6 Pursuant to the Nevada Rules of Appellate Procedure (NRAP), Rule 8, a motion for a  
7 stay of proceedings is appropriately brought first in the District Court:

8 (a) Motion for Stay.

9 (1) Initial Motion in the District Court. A party must ordinarily  
10 move first in the district court for the following relief:

11 (A) a stay of the judgment or order of, or proceedings in, a district  
12 court pending appeal or resolution of a petition to the Supreme Court or  
Court of Appeals for an extraordinary writ ...  
13 *NRAP, Rule 8(a)(1).*

14 Accordingly, the Defendant moves this Court for a stay of proceedings pending the  
15 preparation and filing of an original writ petition with the Nevada Supreme Court.

16 **II. Motion to continue trial**

17 In the alternative, the Defendant moves this Court for an Order vacating the current trial  
18 setting of November 22, 2021 and resetting the trial to a date convenient to the Court.

19 Pursuant to the Nevada Rules of Criminal Procedure (Nev. R. Cri. P.), Rule 15(1), "Any  
20 party may, for good cause, move the court for an order continuing the day set for trial of a  
21 criminal case." Such motion "must be supported by affidavit..."

22 As set forth in the foregoing Declaration, good cause exists to vacate the current trial  
23 setting and to continue this matter to a date convenient to the Court. The Defendant has  
24 requested that undersigned counsel prepare an original petition for writ relief to the Nevada  
25 Supreme Court that, if granted, would obviate the need for trial in this matter. Undersigned  
26 counsel has considered the Defendant's request and believes there is merit in such a petition.  
27  
28

1 In an effort to prepare the writ petition, undersigned counsel filed with the Court, on or  
2 about July 15, 2021, a request for transcripts of the relevant court hearings. Such transcripts will  
3 form the appendix of exhibits to be included with, and in support of, the contemplated writ  
4 petition. However, such transcripts were not provided to undersigned counsel until November 1,  
5 2021- three weeks before the date currently set for trial. Undersigned counsel is now working to  
6 prepare and to file the writ petition, but it has become necessary to vacate the current trial setting  
7 and to continue it to a date convenient to the Court, but that will reasonably allow for the  
8 adjudication of the forthcoming writ petition.  
9

10 As such, the Defendant, and defense counsel, respectfully request that the current trial  
11 setting be vacated.  
12

### 13 CONCLUSION

14 Based on the foregoing, the Defendant moves for an order staying the proceedings in this  
15 matter. In the alternative, the Defendant moves this Court for an order vacating and resetting the  
16 present trial date.  
17

18 DATED this 4th day of November 2021.  
19

20 DARIN F. IMLAY  
21 CLARK COUNTY PUBLIC DEFENDER

22 By /s/Michael Van Luven  
23 MICHAEL VAN LUVEN, #13975  
24 Deputy Public Defender  
25  
26  
27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8

YOU WILL PLEASE TAKE NOTICE that the foregoing MOTION TO CONTINUE TRIAL DATE will be heard on November 15, 2021, at 8:30 a.m. in District Court, Department X.

DARIN F. IMLAY  
CLARK COUNTY PUBLIC DEFENDER

## CERTIFICATE OF ELECTRONIC SERVICE

By: /s/Michael Van Luven  
An employee of the  
Clark County Public Defender's Office

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****June 01, 2020**

---

C-20-348559-1      State of Nevada  
                                 vs  
                                 Jamal Sneed

---

**June 01, 2020      08:00 AM      Initial Arraignment**

**HEARD BY:**      Wiese, Jerry A.      **COURTROOM:** RJC Lower Level Arraignment

**COURT CLERK:** Brown, Kristen

**RECORDER:**      Reiger, Gail

**REPORTER:**

**PARTIES PRESENT:**

**Bryan A Cox      Attorney for Defendant**

**Jamal Sneed      Defendant**

**Public Defender      Attorney for Defendant**

**JOURNAL ENTRIES**

Deputized Law Clerk, Skyler Sullivan appearing for the State.

DEFT. SNEED ARRAIGNED, PLED NOT GUILTY, and INVOKED the 60-DAY RULE. Court stated that due to the COVID-19 outbreak and Administrative Order 20-17, the trial date will be set on the soonest date that the assigned Department can accommodate and ORDERED, matter SET for trial. COURT FURTHER ORDERED, Deft s request for discovery and State s request for reciprocal discovery is GRANTED pursuant to Statute and State law.

CUSTODY

7/20/20 8:30 AM CALENDAR CALL (DEPT. 10)

7/27/20 10:30 AM JURY TRIAL (DEPT. 10)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 20, 2020

C-20-348559-1      State of Nevada  
                                 vs  
                                 Jamal Sneed

July 20, 2020      08:30 AM      All Pending Motions

HEARD BY:      Jones, Tierra      COURTROOM: RJC Courtroom 14B

COURT CLERK: Berkshire, Teri

RECORDER:      Boyd, Victoria

REPORTER:

PARTIES PRESENT:

Daniel R. Jenkins      Attorney for Defendant

Jamal Sneed      Defendant

Megan Thomson      Attorney for Plaintiff

State of Nevada      Plaintiff

**JOURNAL ENTRIES**

CALENDAR CALL...STATE'S MOTION TO CONSOLIDATE C-20-348559-1 INTO DISTRICT COURT XXX'S CASE C-20-346752-

APPEARANCES CONTINUED: Deft. present Via Video from the Jail Via Video, through Bluejeans technology.

Colloquy regarding deft's other case. Court noted the Court will make a decision of the Writ first before hearing the Motion to Consolidate. COURT ORDERED, trial date VACATED, and Motion CONTINUED to the date given. Further, Court noted it will hear the Writ on 7-29-20.

07/29/20 8:30 A.M. PETITION FOR WRIT OF HABEAS CORPUS....STATE'S MOTION TO CONSOLIDATE C-20-348559-1 INTO DISTRICT COURT XXX'S CASE C-20-346752.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**July 27, 2020**

C-20-348559-1      State of Nevada  
                                 vs  
                                 Jamal Sneed

**July 27, 2020      8:30 AM      Petition for Writ of Habeas  
Corpus**

**HEARD BY:** Jones, Tierra

**COURTROOM:** RJC Courtroom 14B

**COURT CLERK:** Teri Berkshire

**RECORDER:** Victoria Boyd

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Sneed, Jamal	Defendant
	State of Nevada	Plaintiff
	Thomson, Megan	Attorney
	Van Luven, Michael L.	Attorney

**JOURNAL ENTRIES**

- APPEARANCES CONTINUED: Deft. present Via Video, from the jail, through bluejeans technology.

Upon Court's inquiry, Counsel advised a Valdez-Jimenez hearing was not held in lower level. Following arguments by counsel, Court stated its Findings and ORDERED, \$10,000.00 Bail STANDS.

**CUSTODY**

**PRINT DATE:** 07/29/2020

**Page 1 of 1**

**Minutes Date:** July 27, 2020

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****July 29, 2020**

---

C-20-348559-1      State of Nevada  
   vs  
   Jamal Sneed

---

**July 29, 2020      08:30 AM      All Pending Motions**

**HEARD BY:**      Jones, Tierra      **COURTROOM:** RJC Courtroom 14B

**COURT CLERK:** Berkshire, Teri

**RECORDER:**      Boyd, Victoria

**REPORTER:**

**PARTIES PRESENT:**

<b>Jamal Sneed</b>	<b>Defendant</b>
<b>Megan Thomson</b>	<b>Attorney for Plaintiff</b>
<b>Michael L. Van Luven</b>	<b>Attorney for Defendant</b>
<b>State of Nevada</b>	<b>Plaintiff</b>

**JOURNAL ENTRIES**

APPEARANCES CONTINUED: Deft. present Via Video, from the Jail, through Bluejeans technology.

Petition For Writ Of Habeas Corpus...Motion to Consolidate

Court noted the motion to consolidate needs to be heard by DC30. Further, COURT ORDERED, matter set for status check on the date given. Following arguments by counsel, Court Stated its Findings and ORDERED, Petition For Writ Of Habeas Corpus, DENIED.

CUSTODY

08/17/20 8:30 A.M. Motion to Consolidate



DISTRICT COURT  
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

August 05, 2020

C-20-348559-1      State of Nevada  
   vs  
   Jamal Sneed

August 05, 2020      11:30 AM      Central Trial Readiness Conference

HEARD BY:      Barker, David      COURTROOM: RJC Lower Level Arraignment

COURT CLERK: Estala, Kimberly

RECORDER:      Vincent, Renee

REPORTER:

PARTIES PRESENT:

Jamal Sneed      Defendant

Megan Thomson      Attorney for Plaintiff

State of Nevada      Plaintiff

JOURNAL ENTRIES

State advised a motion is set in another case for 8/13/20 in DC 6 as well as a pending writ on this case. COURT ORDERED, matter OFF CALENDAR.

CUSTODY

Felony/Gross Misdemeanor

COURT MINUTES

August 17, 2020

---

C-20-348559-1      State of Nevada  
                                 vs  
                                 Jamal Sneed

---

August 17, 2020      08:30 AM      Status Check: Motion to Consolidate

HEARD BY:      Jones, Tierra      COURTROOM: RJC Courtroom 14B

COURT CLERK: Berkshire, Teri

RECORDER:      Boyd, Victoria

REPORTER:

PARTIES PRESENT:

Jamal Sneed	Defendant
Laura Goodman	Attorney for Plaintiff
Michael L. Van Luven	Attorney for Defendant
State of Nevada	Plaintiff

**JOURNAL ENTRIES**

APPEARANCES CONTINUED: Deft. present Via Video, from the Jail, through Blue Jeans technology.

Mr. Van Luven requested trial setting. Court noted deft. waived based on the Writ filed. Further, COURT ORDERED, trial date set on the date given.

CUSTODY

11/09/20 8:30 A.M. CALENDAR CALL

11/16/20 10:30 A.M. JURY TRIAL

DISTRICT COURT  
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

October 05, 2020

---

C-20-348559-1      State of Nevada  
                                 vs  
                                 Jamal Sneed

---

---

October 05, 2020      08:30 AM      State's Motion to Admit Evidence Pursuant to the Doctrine of Res Gestae and Pursuant to 48.045

---

HEARD BY:      Jones, Tierra      COURTROOM: RJC Courtroom 14B

COURT CLERK: Darling, Christopher

RECORDER:      Boyd, Victoria

REPORTER:

PARTIES PRESENT:

Megan Thomson

Attorney for Plaintiff

Michael L. Van Luven

Attorney for Defendant

State of Nevada

Plaintiff

**JOURNAL ENTRIES**

Hearing held live and by BlueJeans videoconferencing.

Court noted Deft. refused transport. Upon Court's inquiry, Mr. Van Luven deferred to State as to whether to proceed; Ms. Thomson requested matter proceed. Court stated Motion, Opposition, and related exhibit one were reviewed. COURT ORDERED, exhibit one admitted into evidence. Arguments by counsel. Court FINDS no indication of the necessary evidence; therefore, FURTHER ORDERED, Motion to Admit Evidence DENIED. Prevailing party to prepare the order. Court noted trial is 11/16/20. Court directed counsel to contact Department 7 for setting a trial readiness hearing.

Felony/Gross Misdemeanor

COURT MINUTES

October 21, 2020

---

C-20-348559-1      State of Nevada  
   vs  
   Jamal Sneed

---

October 21, 2020      11:30 AM      Central Trial Readiness Conference

HEARD BY:      Bell, Linda Marie      COURTROOM: RJC Lower Level Arraignment

COURT CLERK: Estala, Kimberly

RECORDER:      Vincent, Renee

REPORTER:

PARTIES PRESENT:

Megan Thomson

Attorney for Plaintiff

Michael L. Van Luven

Attorney for Defendant

State of Nevada

Plaintiff

**JOURNAL ENTRIES**

Defendant not present having refused transport. Counsel appearing via Bluejeans.

Mr. Van Luven advised he has spoke with Defendant and the social worker will also be speaking with Defendant. Colloquy regarding possible competency concerns. COURT ORDERED, matter CONTINUED for Defendant to appear.

CUSTODY

CONTINUED TO: 10/28/20 11:30 AM (LLA)

C-20-348559-1      State of Nevada  
                                 vs  
                                 Jamal Sneed

October 28, 2020      11:30 AM      Central Trial Readiness Conference

HEARD BY:      Bell, Linda Marie      COURTROOM: RJC Lower Level Arraignment

COURT CLERK: Estala, Kimberly

RECORDER:      Vincent, Renee

REPORTER:

PARTIES PRESENT:

Megan Thomson

Attorney for Plaintiff

Michael L. Van Luven

Attorney for Defendant

State of Nevada

Plaintiff

**JOURNAL ENTRIES**

Ms. Thomson appearing via Bluejeans.

Mr. Van Luven requested Defendant be referred to competency. COURT SO ORDERED,  
additionally trial date and calendar call VACATED.

CUSTODY

11/20/20 11:30 AM FURTHER PROCEEDINGS: COMPETENCY (DEPT 7)

Felony/Gross Misdemeanor

COURT MINUTES

December 04, 2020

---

C-20-348559-1      State of Nevada  
                                 vs  
                                 Jamal Sneed

---

December 04, 2020      11:30 AM      Further Proceedings: Competency

HEARD BY:      Bell, Linda Marie      COURTROOM: RJC Lower Level Arraignment

COURT CLERK: Estala, Kimberly

RECORDER:      Takas, De'Awna

REPORTER:

PARTIES PRESENT:

### JOURNAL ENTRIES

Also present: Glen O'Brien, Deputy District Attorney, Claudia Romney, Deputy Public Defender, and Denise Baker of the Specialty Courts. Defendant present.

COURT ORDERED, pursuant to NRS 178.415, Defendant REMANDED to the custody of the Administrator of the Division of Mental Health Development Services for the Department of Human Resources for detention, further evaluation, and treatment at a secure facility operated by that Division. Once competency has been established, Defendant will be returned to this Court for findings and referred back to the originating department for further proceedings.

CUSTODY

Felony/Gross Misdemeanor

COURT MINUTES

February 19, 2021

---

C-20-348559-1      State of Nevada  
   vs  
   Jamal Sneed

---

February 19, 2021      10:30 AM      Further Proceedings: Competency-Return From Lakes Crossing

HEARD BY:      Yeager, Bitu      COURTROOM: RJC Lower Level Arraignment

COURT CLERK: Estala, Kimberly

RECORDER:      Berndt, Kaihla

REPORTER:

PARTIES PRESENT:

#### JOURNAL ENTRIES

Also present: Glen O'Brien, Deputy District Attorney, Arleen Heshmati, Deputy Public Defender, and Denise Baker of the Specialty Courts. Defendant present.

Mr. Almase requested a continuance to review the reports. COURT SO ORDERED.

CUSTODY

CONTINUED TO: 02/26/21 10:30 AM

DISTRICT COURT  
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

February 26, 2021

---

C-20-348559-1      State of Nevada  
                                 vs  
                                 Jamal Sneed

---

February 26, 2021      10:30 AM      Further Proceedings: Competency-Return From Lakes Crossing

HEARD BY:      Craig, Christy      COURTROOM: RJC Lower Level Arraignment

COURT CLERK: Tapia, Michaela

RECORDER:      Berndt, Kaihla

REPORTER:

PARTIES PRESENT:

**JOURNAL ENTRIES**

Also present: Arlene Heshmati, Deputy Public Defender, Glen O'Brien, Deputy District Attorney, and Denise Baker of the Specialty Courts.

Statement by Deft. Mr. Almase requested matter be CONTINUED to speak with Deft. and have an evaluation done; COURT SO ORDERED.

CUSTODY

CONTINUED TO: 3/5/21 10:30 AM



DISTRICT COURT  
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

March 05, 2021

---

C-20-348559-1      State of Nevada  
   vs  
   Jamal Sneed

---

March 05, 2021      10:30 AM      Further Proceedings: Competency-Return From Lakes Crossing

HEARD BY:      Craig, Christy      COURTROOM: RJC Lower Level Arraignment

COURT CLERK: Estala, Kimberly; Snow, Grecia

RECORDER:      Berndt, Kaihla

REPORTER:

PARTIES PRESENT:

**JOURNAL ENTRIES**

Also present: Glen O'Brien, Deputy District Attorney, Arlene Heshmati, Deputy Public Defender, and Denise Baker of the Specialty Courts. Defendant present.

Mr. Almase advised he had tried multiple times to have a meaningful conversation with Deft. and was not able to do so. Ms. Heshmati indicated Mr. Van Luven had a similar experience with Deft. Court advised Deft. was not corporative and his actions was delaying his case. There being no challenge by Defense Counsel, COURT FINDS Defendant COMPETENT pursuant to the Dusky Standard as Defendant is capable of understanding the nature of the charges against him and is able to assist counsel in his defense and ORDERED, pursuant to 178.420, matter TRANSFERRED back to the originating court for further proceedings.

CUSTODY

3/10/21 8:30 AM - FURTHER PROCEEDINGS: RETURN FROM COMPETENCY COURT  
DEPT. 10

DISTRICT COURT  
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

March 10, 2021

---

C-20-348559-1      State of Nevada  
                                 vs  
                                 Jamal Sneed

---

March 10, 2021      08:30 AM      Further Proceedings: Return from Competency Court

HEARD BY:      Barker, David      COURTROOM: RJC Courtroom 14B

COURT CLERK: Ortega, Natalie

RECORDER:      Berndt, Kaihla

REPORTER:

PARTIES PRESENT:

Hetty O. Wong

Attorney for Plaintiff

Jamal Sneed

Defendant

Michael L. Van Luven

Attorney for Defendant

State of Nevada

Plaintiff

**JOURNAL ENTRIES**

Upon Court's inquiry Mr. Van Luven advised Defendant would remain invoked status. COURT ORDERED, matter SET for Status Check regarding Central Trial Readiness per Judge Jones's request.

CUSTODY

03/17/21 8:30 AM STATUS CHECK: CTR

Felony/Gross Misdemeanor

COURT MINUTES

March 17, 2021

---

C-20-348559-1      State of Nevada  
                                 vs  
                                 Jamal Sneed

---

March 17, 2021      08:30 AM      STATUS CHECK: CENTRAL TRIAL READINESS

HEARD BY:      Jones, Tierra      COURTROOM: RJC Courtroom 14B

COURT CLERK: Berkshire, Teri

RECORDER:      Boyd, Victoria

REPORTER:

PARTIES PRESENT:

Hetty O. Wong

Attorney for Plaintiff

Michael L. Van Luven

Attorney for Defendant

State of Nevada

Plaintiff

**JOURNAL ENTRIES**

APPEARANCES CONTINUED: Ms. Wong present via video, on behalf of the State. Mr. Van Luven present via video, on behalf of deft., through bluejeans technology.

Deft. not present. Court noted deft. refused transport. COURT ORDERED, matter SET for central trial readiness on the date given.

CUSTODY

03/31/21 11:30 A.M. CENTRAL TRIAL READINESS

DISTRICT COURT  
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

March 31, 2021

---

C-20-348559-1      State of Nevada  
                                 vs  
                                 Jamal Sneed

---

March 31, 2021      11:30 AM      Central Trial Readiness Conference

HEARD BY:      Jones, Tierra      COURTROOM: RJC Lower Level Arraignment

COURT CLERK: Lott, Jennifer

RECORDER:      Boyd, Victoria

REPORTER:

PARTIES PRESENT:

Megan Thomson

Attorney for Plaintiff

Michael L. Van Luven

Attorney for Defendant

State of Nevada

Plaintiff

## JOURNAL ENTRIES

COURT ORDERED, Central Jury Trial SET. The State and Mr. Van Luven anticipate being ready for Trial.

IN CUSTODY

4-26-2021 9:00 A.M. Central Jury Trial

4-21-2021 2:00 P.M. Central Calendar Call

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

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

C-20-348559-1      State of Nevada  
                                 vs  
                                 Jamal Sneed

**April 21, 2021      2:00 PM      Central Calendar Call**

**HEARD BY:** Jones, Tierra      **COURTROOM:** RJC Lower Level Arraignment

**COURT CLERK:** Teri Berkshire

**RECORDER:** Victoria Boyd

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Sneed, Jamal	Defendant
	State of Nevada	Plaintiff
	Thomson, Megan	Attorney
	Van Luven, Michael L.	Attorney

**JOURNAL ENTRIES**

- APPEARANCES CONTINUED: Ms. Thomson present via video, on behalf of the State, through bluejeans technology.

Upon Court's inquiry, Mr. Van Luven advised he's not ready, as he hasn't had any meaningful contact with deft., and there's a much more serious case, that deft has filed a motion to dismiss. Statements by deft. Court noted this case is set for trial, however, the Court will give counsel a week to speak with deft. Mr. Thomson advised the State is ready. COURT ORDERED, central Jury trial SET on the date given.

**CUSTODY**

PRINT DATE: 04/27/2021

Page 1 of 2

Minutes Date: April 21, 2021

**C-20-348559-1**

04/28/21 2:00 P.M. CENTRAL CALENDAR CALL - LLA

05/03/21 9:00 A.M. CENTRAL JURY TRIAL

Felony/Gross Misdemeanor

COURT MINUTES

April 28, 2021

---

C-20-348559-1      State of Nevada  
   vs  
   Jamal Sneed

---

April 28, 2021      02:00 PM      Central Calendar Call

HEARD BY:      Jones, Tierra      COURTROOM: RJC Lower Level Arraignment

COURT CLERK: Berkshire, Teri

RECORDER:      Corcoran, Lara

REPORTER:

PARTIES PRESENT:

Elissa Luzaich	Attorney for Plaintiff
Jamal Sneed	Defendant
Michael L. Van Luven	Attorney for Defendant
State of Nevada	Plaintiff

**JOURNAL ENTRIES**

APPEARANCES CONTINUED: Ms. Luzaich present via video, on behalf of the State, through bluejeans technology.

Upon Court's inquiry, Mr. Van Luven advised he's not ready for trial, as he has further investigation and deft. will waive. Upon Court's inquiry, deft. WAIVED his right to speedy trial. COURT ORDERED, case REMOVED from central trial readiness and SET in DC10 on the date given.

CUSTODY

05/12/21 8:30 A.M. STATUS CHECK: TRIAL SETTING

DISTRICT COURT  
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

May 12, 2021

---

C-20-348559-1      State of Nevada  
   vs  
   Jamal Sneed

---

May 12, 2021      08:30 AM      Status Check: Trial Setting

HEARD BY:      Jones, Tierra      COURTROOM: RJC Courtroom 14B

COURT CLERK: Berkshire, Teri

RECORDER:      Boyd, Victoria

REPORTER:

PARTIES PRESENT:

Jamal Sneed	Defendant
Michael L. Van Luven	Attorney for Defendant
State of Nevada	Plaintiff
William J. Merback	Attorney for Plaintiff

**JOURNAL ENTRIES**

APPEARANCES CONTINUED: Deft. present via video, from the Jail. Mr. Van Luven present via video, on behalf of deft., through bluejeans technology.

Court noted deft. waived the last time. Colloquy regarding trial setting. Mr. Van Luven advised he spoke with deft., and there's some things counsel would like to look into. COURT ORDERED, trial date SET on the date given.

**CUSTODY**

11/08/21 8:30 A.M. CALENDAR CALL

11/15/21 10:30 A.M. JURY TRIAL



Felony/Gross Misdemeanor

COURT MINUTES

June 02, 2021

C-20-348559-1      State of Nevada  
                                 vs  
                                 Jamal Sneed

June 02, 2021      08:30 AM      All Pending Motions

HEARD BY:      Becker, Nancy      COURTROOM: RJC Courtroom 14B

COURT CLERK: Albrecht, Samantha

RECORDER:      Garcia, Trisha

REPORTER:

PARTIES PRESENT:

Hetty O. Wong	Attorney for Plaintiff
Jamal Sneed	Defendant
Michael L. Van Luven	Attorney for Defendant
Public Defender	Attorney for Defendant
State of Nevada	Plaintiff

#### JOURNAL ENTRIES

STATE'S NOTICE OF MOTION AND MOTION TO CHANGE TRIAL DATE...PD'S MOTION TO REINSTATE DEFENDANT'S BAIL

Court noted there was no Opposition filed to the Motion to Change Trial Date, Defendant had waived his speedy trial rights and the State was requesting a week continuance of the trial date. Mr. Van Luven confirmed there was no opposition to the Motion and requested this case continue to trail Defendant's other case. COURT ORDERED, Motion to Change Trial Date GRANTED, trial date VACATED and RESET.

Court noted there was no Opposition filed for the Motion to Reinstate. Ms. Wong confirmed there was no objection. COURT FURTHER ORDERED, Motion to Reinstate Defendant's Bail GRANTED, \$10,000.00 BAIL REINSTATED.

CUSTODY

11/15/2021 8:30 AM CALENDAR CALL

11/22/2021 10:30 AM JURY TRIAL

DISTRICT COURT  
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

November 15, 2021

C-20-348559-1      State of Nevada  
                                 vs  
                                 Jamal Sneed

November 15, 2021      08:30 AM      All Pending Motions

HEARD BY:      Jones, Tierra      COURTROOM: RJC Courtroom 14B

COURT CLERK: Berkshire, Teri; Naumec-Miller, Anntoinette

RECORDER:      Boyd, Victoria

REPORTER:

PARTIES PRESENT:

Jamal Sneed	Defendant
John T. Jones, Jr.	Attorney for Plaintiff
Michael L. Van Luven	Attorney for Defendant
State of Nevada	Plaintiff

**JOURNAL ENTRIES**

CALENDAR CALL...DEFT'S MOTION FOR STAY TO PURSUE WRIT RELIEF OR, IN THE  
ALTERNATIVE MOTION TO CONTINUE TRIAL DATE

Upon Court's inquiry, Mr. Van Luven confirmed he received the transcripts on November 1st and intends to file a Writ of Mandamus. Mr. Van Luven noted Deft. waived his right to speedy trial upon his return from Competency Court. Mr. Jones indicated he is handling the matter for Ms. Rhoades and Ms. Rhoades has no objection to the continuance; however, she objects to the stay as it does not articulate the elements required for a stay. COURT ORDERED, Motion GRANTED with respect to the continuance of the trial date, DENIED with respect to the stay. COURT FURTHER ORDERED, trial date VACATED, Status Check regarding Supreme Court Stay SET.

CUSTODY

12/13/21 8:30 AM STATUS CHECK: STAY

CLERK'S NOTE: Minutes prepared from JAVS recording. anm/11/29/21

DISTRICT COURT  
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

December 13, 2021

C-20-348559-1      State of Nevada  
   vs  
   Jamal Sneed

December 13, 2021      08:30 AM      Status Check: Stay

HEARD BY:      Jones, Tierra      COURTROOM: RJC Courtroom 14B

COURT CLERK: Tapia, Michaela

RECORDER:      Boyd, Victoria

REPORTER:

PARTIES PRESENT:

Ashley M. St. Clair	Attorney for Defendant
Jamal Sneed	Defendant
John T. Jones, Jr.	Attorney for Plaintiff
State of Nevada	Plaintiff

JOURNAL ENTRIES

Counsel checked yesterday and indicated the stay is still in place. COURT ORDERED, matter CONTINUED.

CUSTODY

CONTINUED TO: 12/22/21 8:30 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****December 22, 2021**

---

C-20-348559-1      State of Nevada  
                                 vs  
                                 Jamal Sneed

---

**December 22, 2021      08:30 AM      Status Check: Stay**

**HEARD BY:**      Jones, Tierra      **COURTROOM:** RJC Courtroom 14B

**COURT CLERK:** Berkshire, Teri

**RECORDER:**      Boyd, Victoria

**REPORTER:**

**PARTIES PRESENT:**

<b>Jamal Sneed</b>	<b>Defendant</b>
<b>Michael L. Van Luven</b>	<b>Attorney for Defendant</b>
<b>Ronald James Evans</b>	<b>Attorney for Plaintiff</b>
<b>State of Nevada</b>	<b>Plaintiff</b>

**JOURNAL ENTRIES**

APPEARANCES CONTINUED: Deft. present via video from the Jail. Mr. Van Luven present via video through bluejeans technology.

Court noted there has not been a stay issued by the Nevada Supreme Court, and this Court denied the motion for a stay. Further COURT ORDERED, trial date SET in Ordinary Course.

CUSTODY

04/25/22 8:30 A.M. CALENDAR CALL

05/02/22 10:30 A.M. JURY TRIAL

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

JAMAL SNEED,	)	No.
	)	(DC No. C-20-348559-1)
Petitioner,	)	
	)	
v.	)	
	)	
THE EIGHTH JUDICIAL DISTRICT	)	
COURT OF THE STATE OF NEVADA,	)	
COUNTY OF CLARK, THE	)	
HONORABLE TIERRA JONES,	)	
DISTRICT COURT JUDGE,	)	
	)	
Respondent,	)	
	)	
THE STATE OF NEVADA,	)	
	)	
Real Party in Interest.	)	
	)	

**APPENDIX TO**  
**PETITION FOR WRIT OF MANDAMUS**

DARIN IMLAY  
Clark County Public Defender  
309 South Third Street  
Las Vegas, Nevada 89155-2610

Attorney for Appellant

STEVEN B. WOLFSON  
Clark County District Attorney  
200 Lewis Avenue, 3<sup>rd</sup> Floor  
Las Vegas, Nevada 89155

AARON FORD  
Attorney General  
100 North Carson Street  
Carson City, Nevada 89701-4717  
(702) 687-3538  
Counsel for Respondent

**CERTIFICATE OF SERVICE**

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 6<sup>th</sup> day of April, 2022 Electronic Service of

the foregoing document shall be made in accordance with the Master Service List as follows:

AARON D. FORD  
ALEXANDER CHEN

MICHAEL L. VAN LUVEN

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage pre-paid, addressed to:

HONORABLE TIERRA JONES, DEPT. X  
c/o dept10lc@clarkcountycourts.us

BY /s/ Carrie M. Connolly  
Employee, Clark County Public Defender's Office