

FILED

MARC SCHACHTER

#91445 In Propria Personam  
Post Office Box 208, S.D.C.C.  
Indian Springs, Nevada 89018

2022 APR -8 PM 12: 20

ALICIA L. RUD  
CLERK OF SUPREME COURT  
BY [Signature] Electronically Filed  
Apr 13 2022 09:07 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF WASHOE

STATE OF NEVADA  
Plaintiff,

vs.

MARC PAUL SCHACHTER  
Defendant.

Case No. CR-14-1044

Dept. No. 4

Docket \_\_\_\_\_

### NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN, That the Petitioner/Defendant,

MARC PAUL SCHACHTER, in and through his proper person, hereby  
appeals to the Supreme Court of Nevada from the ORDER denying and/or  
dismissing the MOTION TO MODIFY/CORRECT ILLEGAL  
SENTENCE

ruled on the 28 day of MARCH, 2021.

Dated this 2 day of APRIL, 2022

Respectfully Submitted,

[Signature]

AFFIRMATION  
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding \_\_\_\_\_

NOTICE OF APPEAL

(Title of Document)

filed in District Court Case number CD-14-1044



Does not contain the social security number of any person.

-OR-



Contains the social security number of a person as required by:

A. A specific state or federal law, to wit:

\_\_\_\_\_  
(State specific law)

-or-

B. For the administration of a public program or for an application  
for a federal or state grant.

Marc Schachter

Signature

4/2/22

Date

MARC SCHACHTER

Print Name

DEFENDANT

Title

1 Code 1310

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IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

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IN AND FOR THE COUNTY OF WASHOE

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**THE STATE OF NEVADA,**

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**Plaintiff,**

**Case No. CR14-1044**

11

**vs.**

**Dept. No. 4**

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**MARC PAUL SCHACHTER,**

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**Defendant.**

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**CASE APPEAL STATEMENT**

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This case appeal statement is filed pursuant to NRAP 3(f).

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1. Appellant is Marc Schachter.

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2. This appeal is from an order entered by the Honorable Judge Connie J.  
Steinheimer.

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3. Appellant is representing himself in Proper Person on appeal. The Appellant's  
address is:

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Marc Schachter #91445  
S.D.C.C. PO Box 208  
Indian Springs, NV 89018

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4. Respondent is the State of Nevada. Respondent is represented by the Washoe  
County District Attorney's Office:

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Jennifer P. Noble, Esq., SBN: 9446  
P.O. Box 11130  
Reno, Nevada 89520

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- 1 5. Respondent's attorney is not licensed to practice law in Nevada: NA
- 2 6. Appellant is represented by appointed counsel in District Court.
- 3 7. Appellant is not represented by appointed counsel on appeal.
- 4 8. Appellant was not granted leave to proceed in forma pauperis in the District Court.
- 5 9. Proceeding commenced by the filing of an Information on July 10<sup>th</sup>, 2014.
- 6 10. This is a criminal proceeding and the Appellant is appealing the Order Denying
- 7 Motion to Modify and/or Correct Illegal Sentence filed March 28<sup>th</sup>, 2022.
- 8 11. The case has been the subject of a previous appeal to the Supreme Court.
- 9 Supreme Court No.: 67673
- 10 12. This case does not involve child custody or visitation.
- 11 13. This is not a civil case involving the possibility of a settlement.

12 Dated this 8th day of April, 2022.

13 Alicia L. Lerud  
14 Clerk of the Court  
15 By: /s/ Y.Viloria  
16 Y.Viloria  
17 Deputy Clerk  
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**SECOND JUDICIAL DISTRICT COURT  
COUNTY OF WASHOE**

**Case History - CR14-1044**

**DEPT. D4**

**HON. CONNIE J. STEINHEIMER**

Report Date & Time

4/8/2022

4:12:11PM

**Case Description: STATE VS. MARC PAUL SCHACHTER (D4)**

<b>Case ID:</b>	<b>CR14-1044</b>	<b>Case Type:</b>	<b>CRIMINAL</b>	<b>Initial Filing Date:</b>	<b>7/2/2014</b>
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**Parties**

PNP	Div. of Parole & Probation - DPNP
APD	Jarrold T. Hickman, Esq. - 12772
APD	Jennifer L. Lunt, Esq. - 3057
PLTF	STATE OF NEVADA - STATE
DA	Nickolas J. Graham, Esq. - 10885
DA	Adam D. Cate, Esq. - 12942
DA	Jennifer P. Noble, Esq. - 9446
DA	Kelly Ann Kossow, Esq. - 8221
DA	Kevin P. Naughton, Esq. - 12834
DEFT	MARC PAUL SCHACHTER - @1168683

**Charges**

<i>Charge No.</i>	<i>Charge Code</i>	<i>Charge Date</i>	<i>Charge Description</i>
1	50144	7/14/2014	AI ATTEMPTED ROBBERY
2	50424	7/14/2014	AI BURGLARY
3	53138	7/14/2014	AI BEING A HABITUAL CRIMINAL

**Plea Information**

<i>Charge No.</i>	<i>Plea Code</i>	<i>Plea Date</i>	<i>Plea Description</i>
1	50144	7/24/2014	PLED NOT GUILTY
2	50424	7/24/2014	PLED NOT GUILTY
3	53138		

**Sentences**

<i>Date</i>	<i>Charge No.</i>	<i>Charge Desc</i>	<i>Time Served</i>	<i>Sentence Text</i>
2/26/2015	1 - Nevada State Prison			NDOC - MAX. 48 MOS, MIN. PAROLE 12 MOS; FEES, SUBJECT TO REMOVAL FROM DEFT'S BOOKS AT WCJ/NDOC
2/26/2015	3 - Nevada State Prison			PURS. NRS 207.010(A)/NDOC - MAX. 20 YEARS WITH MINIMUM PAROLE AFTER 5 YRS, CONCUR WITH COUNT I

**Release Information**

*Custody Status*

9/24/2014	CUSTODY - WCJ	BAIL REDUCED TO \$20,000.00 BONDABLE
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**Hearings**

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; Time</i>	<i>Disposed Date</i>
1 D10	ARRAIGNMENT	7/17/2014 08:30:00	7/17/2014

Event Extra Text:

**Disposition:**  
D455 7/17/2014  
MATTER CONT'D TO 7/24/14 @9:00AM.

**Case Description: STATE VS. MARC PAUL SCHACHTER (D4)****Case ID: CR14-1044****Case Type: CRIMINAL****Initial Filing Date:****7/2/2014**

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; Time</i>		<i>Disposed Date</i>
2	D4 ARRAIGNMENT	7/24/2014	13:30:00	7/24/2014
Event Extra Text: (CONTINUED)		<b>Disposition:</b> D725 7/24/2014 AMENDED INFORMATION INVOKED 60-DAY RULE AFTER CANVASS OF THE DEFENDANT, COURT ALLOWED DEFENDANT TO REPRESENT HIMSELF - COURT ADDITIONALLY APPOINTED STAND-BY COUNSEL, PD'S OFFICE, TO ASSIST DEFENDANT WITH LEGAL RESEARCH COURT DIRECTED THE STATE TO PROVIDE THE DEFENDANT WITH ALL DISCOVERY NO LATER THAN 7/28/14 - HEARING SET THEREAFTER TO SET TRIAL DEFENDANT REQUESTED APPOINTMENT OF AN INVESTIGATOR		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; Time</i>		<i>Disposed Date</i>
3	D4 ARRAIGNMENT	7/24/2014	09:00:00	7/24/2014
Event Extra Text: (CONT'D FROM 7/17/14)		<b>Disposition:</b> D844 7/24/2014 MATTERS SET OVER INTO AFTERNOON DUE TO LENGTH OF CALENDAR		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; Time</i>		<i>Disposed Date</i>
4	D4 MOTION TO SET TRIAL	7/31/2014	09:00:00	7/31/2014
Event Extra Text:		<b>Disposition:</b> D425 7/31/2014 PRE-TRIAL MOTION DEADLINES SET FORTH PD'S OFFICE ACCEPTED REQUEST FOR INVESTIGATOR AND WOULD PROVIDE SUCH AT THIS TIME		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; Time</i>		<i>Disposed Date</i>
5	D4 STATUS HEARING	8/21/2014	09:00:00	8/21/2014
Event Extra Text: REGARDING DISCOVERY		<b>Disposition:</b> D435 8/21/2014 DEFENDANT HANDED STAND-BY LESLIE MOTIONS TO BE FILED WITH THE COURT DEFENDANT SIGNED AND PROVIDED TO THE STATE THE STIPULATION FOR RECIPROCAL DISCOVERY COURT ORDERED THAT THE SHERIFF SHALL ALLOW DEFENDANT TO BRING ALL DISCOVERY AND LEGAL DOCUMENTS WITH HIM TO THE PRE-TRIAL MOTIONS HEARING ON 9/3/14 COURT ORDERED THE STATE TO PROVIDE THE PROPOSED JURY INSTRUCTIONS TO THE DEFENDANT NO LATER THAN 9/12/14 PRE-TRIAL MOTION HEAR SET 8/28/14 RESET TO 9/3/14 AT 1:15 P.M. DEFENSE COUNSEL PROVIDED DEFENDANT WITH STATUTES, RULES OF GENERAL PRACTICE AND CRIMINAL RULES FOR 2ND JUDICIAL DISTRICT, SUPREME COURT RULES AND SUPPLIES AS REQUESTED		

Case Description: STATE VS. MARC PAUL SCHACHTER (D4)

Case ID: CR14-1044 Case Type: CRIMINAL Initial Filing Date: 7/2/2014

	Department	Event Description	Sched. Date & Time		Disposed Date
6	D4	STATUS CONFERENCE	8/21/2014	09:00:00	8/14/2014
Event Extra Text: REGARDING DISCOVERY			Disposition: D801 8/14/2014		

	Department	Event Description	Sched. Date & Time		Disposed Date
7	D4	PRE-TRIAL MOTIONS	8/28/2014	15:00:00	8/21/2014
Event Extra Text:			Disposition: D845 8/21/2014		

	Department	Event Description	Sched. Date & Time		Disposed Date
8	D4	PRE-TRIAL MOTIONS	9/3/2014	13:15:00	9/3/2014
Event Extra Text:			Disposition: D498 9/3/2014 MOTION TO DISMISS CASE ON GROUNDS THAT THE STATE HAS LOST AND/OR DESTROYED MATERIAL EXCULPATORY EVIDENCE DENIED WITH LEAVE TO RENEW AS MOTION FOR DIRECTED VERDICT DEMAND FOR LEGAL MATERIALS AND LEGAL SUPPLIES MOOT AS RESOLVED PRIOR TO HEARING mOTION TO COMPEL THE STATE TO PROVIDE EXCULPATORY MATERIAL ("BRADY") IN IT'S POSSESSION AS TO 911 AUDIO TAPE - STATE BELIEVE THE AUDIO WAS PROVIDED PREVIOUSLY BUT WOULD PROVIDE TO DEFENDANT AGAIN MOTION TO OBTAIN MATERIAL AND EXCULPATORY VIDEO RECORD, MOTION FOR PRODUCTION OF REPLACEMENT AND/OR SUBSTITUTE LOST/DESTROYED EVIDENCE, MOTION IN LIMINE RE SURVEILLANCE VIDEO EVIDENCE, MOTION TO DISMISS CASE FOR PREJUDICIAL DELAY CAUSING LOSS OR EXCULPATORY MATERIAL EVIDENCE SET OVER TO 9/11/14 - STATE TO PROVIDE EQUIPMENT TO VIEW ALL SURVEILLANCE VIDEO REGARDING THIS INCIDENT AND FURTHER SUBPOENA THE OFFICER WHO OBTAINED THE VIDEO AND THE WAL-MART EMPLOYEE RESPONSIBLE FOR THE PRODUCTION OF THE SURVEILLANCE VIDEO NOTICE OF STATE'S INTENT TO IMPEACH DEFENDANT'S CREDIBILITY WITH HIS PRIOR FELONY CONVICTIONS IF HE TESTIFIES SET FOR 9/11/14 AT REQUEST OF STAND-BY COUNSEL TO ADVISE DEFENDANT FURTHER OF HIS RIGHTS - STATE TO PROVIDE COURT WITH COPY OF PRIOR CONVICTION MOTION FOR PRELIMINARY HEARING TRANSCRIPTS TO BE DECIDED AT 9/11/14 HEARING MOTION IN LIMINE RE: DEFT'S EXAMINATION OF WITNESSES GRANTED MOTION IN LIMINE RE: PRIOR BAD ACTS GRANTED STATE'S COUNSEL ADVISED THE COURT THAT THE JURY INSTRUCTIONS WOULD BE PROVIDED TO THE DEFENDANT AT THE 9/11/14 HEARING		

**Case Description: STATE VS. MARC PAUL SCHACHTER (D4)****Case ID: CR14-1044****Case Type: CRIMINAL****Initial Filing Date:****7/2/2014**

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; Time</i>		<i>Disposed Date</i>
<b>9</b>	D4 HEARING ONGOING	9/11/2014	10:00:00	9/11/2014
Event Extra Text: - PRE-TRIAL MOTIONS/MOTION TO CONFIRM TRIAL DATE		<b>Disposition:</b> D435 9/11/2014 DECISIONS RENDERED MOTIONS TAKEN UNDER ADVISEMENT EXHIBIT MARKING SET		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; Time</i>		<i>Disposed Date</i>
<b>10</b>	D4 MOTION TO CONFIRM TRIAL	9/11/2014	09:00:00	9/3/2014
Event Extra Text:		<b>Disposition:</b> D844 9/3/2014		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; Time</i>		<i>Disposed Date</i>
<b>11</b>	D4 EXHIBITS TO BE MARKED W/CLERK	9/22/2014	09:00:00	9/22/2014
Event Extra Text: - DEFENDANT MUST BE PRESENT		<b>Disposition:</b> D596 9/22/2014		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; Time</i>		<i>Disposed Date</i>
<b>12</b>	D4 TRIAL - JURY	9/22/2014	10:00:00	9/22/2014
Event Extra Text: (5 DAYS)		<b>Disposition:</b> D832 9/22/2014 PRIOR TO BEGINING JURY SELECTION AND OUTSIDE PRESENCE OF JURY, UPON MOTION OF THE STATE, COURT DISMISSED COUNT II OF THE AMENDED INFORMATION		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; Time</i>		<i>Disposed Date</i>
<b>13</b>	D4 TRIAL ONGOING	9/23/2014	08:30:00	9/23/2014
Event Extra Text:		<b>Disposition:</b> D832 9/23/2014		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; Time</i>		<i>Disposed Date</i>
<b>14</b>	D4 TRIAL ONGOING	9/24/2014	09:30:00	9/24/2014
Event Extra Text:		<b>Disposition:</b> D895 9/24/2014 COUNT I. ATTEMPTED ROBBERY BAIL REDUCED TO \$20,000.00 BONDABLE STATUS HEARING SET TO DETERMINE IF DEFENDANT WILL REMAIN PRO PER FOR SENTENCING PURPOSES SENTENCE SET		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; Time</i>		<i>Disposed Date</i>
<b>15</b>	D4 STATUS HEARING	10/2/2014	09:00:00	10/2/2014
Event Extra Text: REGARDING SELF-REPRESENTATION		<b>Disposition:</b> D435 10/2/2014		



**Case Description: STATE VS. MARC PAUL SCHACHTER (D4)****Case ID: CR14-1044****Case Type: CRIMINAL****Initial Filing Date: 7/2/2014**

DEFENDANT ADVISED THE COURT THAT HE WISHES TO CONTINUE WITH SELF-REPRESENTATION THROUGH SENTENCING ADDITIONAL STATUS HEARING SET AT DEFENDANT'S REQUEST

	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; Time</i>		<i>Disposed Date</i>
16	D4	STATUS HEARING	11/13/2014	09:00:00	11/13/2014

Event Extra Text: RE: SELF REPRESENTATION

**Disposition:**

D435 11/13/2014  
MOTION FOR O.R. BY DEFENDANT DENIED BASED ON PRIOR CRIMINAL HISTORY  
DEFENDANT PROVIDED DPD LESLIE WITH DOCUMENTS TO BE FILED WITH THE COURT AND A REQUEST FOR LEGAL MATERIALS  
STATE ADVISED THE COURT THAT HE HAS PROVIDED THE DEFENDANT WITH A COPY OF THE 5TH PRIOR CONVICTION TO BE USED AT SENTENCING  
11/20/14 STATUS HEARING TO REMAIN ON CALENDAR

	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; Time</i>		<i>Disposed Date</i>
17	D4	STATUS HEARING	11/20/2014	09:00:00	11/20/2014

Event Extra Text:

**Disposition:**

D435 11/20/2014  
STAND BY COUNSEL ADVISED THE COURT OF ALL DOCUMENTS THAT HAVE BEEN PROVIDED TO DEFT AS REQUESTED BY DEFT. BASED ON FILING OF PETITION FOR POST-CONVICTION BY THE DEFT. CREATING A CONFLICT FOR THE PD'S OFFICE TO REMAIN AS STANDBY COUNSEL, COURT APPOINTED APD TO REPRESENT THE DEFT. SENTENCING TO REMAIN AS SCHEDULED.  
OBJECTION TO PSI FILED BY THE DEFT.

	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; Time</i>		<i>Disposed Date</i>
18	D4	SENTENCING	12/4/2014	15:00:00	12/3/2014

Event Extra Text:

**Disposition:**

D870 12/3/2014

	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; Time</i>		<i>Disposed Date</i>
19	D4	STATUS HEARING	12/11/2014	09:00:00	12/11/2014

Event Extra Text:

**Disposition:**

D435 12/11/2014  
DEFENDANT WITHDREW WAIVE OF COUNSEL AND REQUESTED APD'S OFFICE REPRESENT HIM FOR SENTENCING PURPOSES  
AT REQUEST OF D.CNSL SETTING DATE CURRENT SET CONTINUED  
BASED ON OBJECTION TO PSI FILED BY DEFENDANT, P&P TO SUBMIT A SUPPLEMENTAL PSI TAKING INTO CONSIDERATION THE OBJECTIONS NO LATER THAN 1/26/15  
PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION) WITHDRAWN BY DEFENDANT AS PREMATURE

Case Description: STATE VS. MARC PAUL SCHACHTER (D4)						
Case ID:	CR14-1044		Case Type:	CRIMINAL		Initial Filing Date: 7/2/2014
20	Department	Event Description		Sched. Date & Time		Disposed Date
	D4	Request for Submission		1/13/2015	10:49:00	1/13/2015
	Event Extra Text: MOTION FOR ROUGHT DRAFT TRANSCRIPTS AT PUBLIC EXPENSE AND ADDENDUM TO MOTION FOR ROUGHT DRAFT TRANSCRIPTS AT PUBLIC EXPENSE (NO PAPER ORDER PROVIDED)			Disposition: S200 1/13/2015		
21	Department	Event Description		Sched. Date & Time		Disposed Date
	D4	SENTENCING		1/16/2015	09:00:00	12/11/2014
	Event Extra Text:			Disposition: D845 12/11/2014		
22	Department	Event Description		Sched. Date & Time		Disposed Date
	D4	SENTENCING		2/26/2015	13:30:00	2/26/2015
	Event Extra Text:			Disposition: D765 2/26/2015 DEFENDANT FOUND TO BE A HABITUAL CRIMINAL UNDER NRS 207.010(1)		
23	Department	Event Description		Sched. Date & Time		Disposed Date
	D4	IN-CHAMBERS CONFERENCE		3/5/2015	11:00:00	3/5/2015
	Event Extra Text: - FORM OF JUDGMENT OF CONVICTION			Disposition: D435 3/5/2015 BASED ON REQUEST BY STATE AND NO OBJECTION BY DEFENSE, COURT ADDED ADDITIONAL LANGUAGE TO THE FINDING OF HABITUAL CRIMINAL IN THE JUDGMENT OF CONVICTION		
24	Department	Event Description		Sched. Date & Time		Disposed Date
	D4	Request for Submission		6/12/2015	10:49:00	7/2/2015
	Event Extra Text: JOINT MOTION TO UNSEAL EXPARTE MOTION FILE WITH THE COURT (NO PAPER ORDER PROVIDED)			Disposition: S200 7/2/2015 MOTION TO UNSEAL MOTION FOR INVESTIGATOR GRANTED		
25	Department	Event Description		Sched. Date & Time		Disposed Date
	D4	Request for Submission		7/6/2021	16:34:00	9/10/2021
	Event Extra Text: MOTION TO CORRECT ILLEGAL SENTENCE			Disposition: S200 9/10/2021 ORDER ENTERED		
26	Department	Event Description		Sched. Date & Time		Disposed Date
	D4	Tickle Start Code		7/22/2021	07:00:00	7/22/2021
	Event Extra Text: HAS MOTION TO CORRECT ILLEGAL SENTENCE BEEN SUBMITTED?			Disposition: T200 7/22/2021		

**Case Description: STATE VS. MARC PAUL SCHACHTER (D4)**

Case ID:	CR14-1044	Case Type:	CRIMINAL	Initial Filing Date:	7/2/2014
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<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; Time</i>		<i>Disposed Date</i>
27	D4 Tickle Start Code	12/10/2021	07:00:00	12/7/2021
Event Extra Text: HAS MOTION TO MODIFY OR CORRECT ILLEGAL SENTENCE BEEN SET FOR HRG		<b>Disposition:</b> T200 12/7/2021		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; Time</i>		<i>Disposed Date</i>
28	D4 Request for Submission	12/13/2021	14:28:00	12/14/2021
Event Extra Text: MOTION TO MODIFY/CORRECT ILLEGAL SENTENCE		<b>Disposition:</b> S200 12/14/2021 ORDER PREVIOUSLY ENTERED SETTING THE MOTION TO MODIFY SENTENCE FOR HEARING		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; Time</i>		<i>Disposed Date</i>
29	D4 ORAL ARGUMENTS	3/25/2022	10:00:00	3/25/2022
Event Extra Text: ZOOM - ON MOTION TO MODIFY AND/OR CORRECT ILLEGAL SENTENCE		<b>Disposition:</b> D355 3/25/2022 COURT ADOPTED THE ARGUMENTS OF THE STATE AND DENIED MOTION TO MODIFY OR CORRECT ILLEGAL SENTENCE		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; Time</i>		<i>Disposed Date</i>
30	D4 Tickle Start Code	4/1/2022	07:00:00	3/28/2022
Event Extra Text: HAS STATE PROVIDED THE ORDER DENYING THE MOTION TO MODIFY OR CORRECT ILLEGAL SENTENCE		<b>Disposition:</b> T200 3/28/2022		

**Agency Cross Reference**

<i>Code</i>	<i>Agency Description</i>	<i>Case Reference I.D.</i>
DA	District Attorney's Office	DA1412219
PC	PCN number	PCNRPD1412193C
RJ	Reno Justice's Court	RCR2014077569
RP	Reno Police Department	RP14010834
SC	Supreme Court	SCN 67673

**Actions**

<i>Action Entry Date</i>	<i>Code</i>	<i>Code Description</i>	<i>Text</i>
7/3/2014	3700	Proceedings	JUSTICE COURT PROCEEDINGS
7/3/2014	1491	Pretrl Srves Assessment Report	Transaction 4503102 - Approved By: SHAMBRIG : 07-03-2014:11:17:03
7/3/2014	NEF	Proof of Electronic Service	Transaction 4503368 - Approved By: NOREVIEW : 07-03-2014:11:18:02
7/10/2014	1800	Information	Transaction 4511447 - Approved By: JYOST : 07-10-2014:15:10:00
7/10/2014	NEF	Proof of Electronic Service	Transaction 4511695 - Approved By: NOREVIEW : 07-10-2014:15:10:58
7/14/2014	NEF	Proof of Electronic Service	Transaction 4515941 - Approved By: NOREVIEW : 07-14-2014:16:40:23
7/14/2014	1095	Amended Information	Transaction 4515597 - Approved By: SHAMBRIG : 07-14-2014:16:39:25
7/17/2014	MIN	***Minutes	7/17/14 - ARRAIGNMENT - Transaction 4521915 - Approved By: NOREVIEW : 07-17-2014:13:38:19
7/17/2014	NEF	Proof of Electronic Service	Transaction 4521917 - Approved By: NOREVIEW : 07-17-2014:13:39:17
7/24/2014	1275	** 60 Day Rule - Invoked	
7/24/2014	1520	Declaration	* SEALED * OF A PRO PER DEFENDANT

Case Description: STATE VS. MARC PAUL SCHACHTER (D4)				
Case ID:	CR14-1044	Case Type:	CRIMINAL	Initial Filing Date: 7/2/2014
7/24/2014	1670	Ex-Parte Mtn...	* SEALED * MOTION TO APPOINT INVESTIGATOR FOR A PRO PER DEFENDANT AT THE EXPENSE OF TH	
7/31/2014	3370	Order ...	OF SELF-REPRESENTATION AND APPOINTMENT OF STAND-BY COUNSEL - Transaction 4540741 - Approv	
7/31/2014	NEF	Proof of Electronic Service	Transaction 4540742 - Approved By: NOREVIEW : 07-31-2014:08:54:15	
8/5/2014	3696	Pre-Trial Order	Transaction 4548509 - Approved By: NOREVIEW : 08-05-2014:16:15:52	
8/5/2014	NEF	Proof of Electronic Service	Transaction 4548518 - Approved By: NOREVIEW : 08-05-2014:16:16:44	
8/11/2014	4185	Transcript	Transaction 4556846 - Approved By: NOREVIEW : 08-11-2014:21:11:48	
8/11/2014	NEF	Proof of Electronic Service	Transaction 4556847 - Approved By: NOREVIEW : 08-11-2014:21:12:50	
8/14/2014	1250	Application for Setting	REVIEW/STATUS HEARING: 8-21-14 AT 9:00 - Transaction 4562233 - Approved By: SHAMBRIG : 08-14-2014:	
8/14/2014	NEF	Proof of Electronic Service	Transaction 4562327 - Approved By: NOREVIEW : 08-14-2014:15:10:16	
8/18/2014	MIN	***Minutes	CONTINUED ARRAIGNMENT - 7/24/14 - Transaction 4565307 - Approved By: NOREVIEW : 08-18-2014:09:38:	
8/18/2014	NEF	Proof of Electronic Service	Transaction 4565320 - Approved By: NOREVIEW : 08-18-2014:09:41:48	
8/19/2014	MIN	***Minutes	MOTION TO SET TRIAL - 7/31/14 - Transaction 4567997 - Approved By: NOREVIEW : 08-19-2014:13:47:39	
8/19/2014	NEF	Proof of Electronic Service	Transaction 4568006 - Approved By: NOREVIEW : 08-19-2014:13:48:38	
8/21/2014	2290	Mtn to Dismiss Case	MOTION TO DISMISS CASE ON GROUNDS THAT THE STATE HAS LOST AND/OR DESTROYED MATERIAL	
8/21/2014	NEF	Proof of Electronic Service	Transaction 4572699 - Approved By: NOREVIEW : 08-21-2014:16:54:14	
8/21/2014	2490	Motion ...	MOTION FOR THE PRODUCTION OF "REPLACEMENT" AND/OR "SUBSTITUTE" LOST / DESTROYED EVID	
8/21/2014	2270	Mtn to Compel...	MOTION TO COMPEL THE STATE TO PROVIDE EXCULPATORY MATERIAL ("BRADY") IN ITS POSSESSION	
8/21/2014	2245	Mtn in Limine	MOTION IN LIMINE RE: SURVEILLANCE VIDEO EVIDENCE - Transaction 4572307 - Approved By: MCHOLIC	
8/21/2014	1020	Addendum	ADDENDUM TO DEMAND FOR LEGAL MATERIALS AND LEGAL SUPPLES - Transaction 4572307 - Approver	
8/21/2014	2490	Motion ...	MOTION TO ADVISE WITNESSES FOR THE STATE OF THEIR PRIVILEGE AGAINST SELF-INCRIMINATION	
8/21/2014	1590	Demand ...	DEMAND FOR LEGAL MATERIALS AND LEGAL SUPPLIES - Transaction 4572307 - Approved By: MCHOLIC	
8/21/2014	2490	Motion ...	MOTION AND ORDER TO OBTAIN MATERIAL AND EXCULPATORY VIDEO RECORDING - Transaction 45723	
8/21/2014	2490	Motion ...	MOTION FOR PRELIMINARY HEARING TRANSCRIPTS - Transaction 4572307 - Approved By: MCHOLIC	
8/21/2014	2290	Mtn to Dismiss Case	MOTION TO DISMISS CASE ON GROUNDS THAT THE STATE HAS LOST AND/OR DESTROYED MATERIAL	
8/22/2014	NEF	Proof of Electronic Service	Transaction 4572793 - Approved By: NOREVIEW : 08-22-2014:07:54:43	
8/22/2014	NEF	Proof of Electronic Service	Transaction 4574453 - Approved By: NOREVIEW : 08-22-2014:15:45:25	
8/22/2014	NEF	Proof of Electronic Service	Transaction 4573081 - Approved By: NOREVIEW : 08-22-2014:09:01:10	
8/22/2014	NEF	Proof of Electronic Service	Transaction 4574485 - Approved By: NOREVIEW : 08-22-2014:15:56:00	
8/22/2014	2290	Mtn to Dismiss Case	MOTION TO DISMISS CASE FOR PREJUDICIAL DELAY CAUSING LOSS OF EXCULPATORY MATERIAL EVII	
8/22/2014	2245	Mtn in Limine	MOTION IN LIMINE RE: DEFT'S EXAMINATION OF WITNESSES - Transaction 4574403 - Approved By: AZIO	
8/22/2014	2245	Mtn in Limine	MOTION IN LIMINE RE: PRIOR BAD ACTS, IN ANY OF THE STATE'S WITNESSES - Transaction 4574431 - A	
8/22/2014	2610	Notice ...	NOTICE OF STATE'S INTENT TO IMPEACH DEFT'S CREDIBILITY WITH HIS PRIOR FELONY CONVICTIONS	
8/26/2014	1130	Answer ...	ANSWER TO MOTION IN LIMINE RE: PRIOR BAD ACTS OF THE STATE'S WITNESSES - Transaction 457697	
8/26/2014	1067	Affidavit of Service	Transaction 4578682 - Approved By: SHAMBRIG : 08-26-2014:16:18:12	
8/26/2014	3839	Request Agree Ord Recp Discv	Transaction 4577364 - Approved By: SHAMBRIG : 08-26-2014:09:54:27	
8/26/2014	NEF	Proof of Electronic Service	Transaction 4577009 - Approved By: NOREVIEW : 08-26-2014:08:26:00	
8/26/2014	NEF	Proof of Electronic Service	Transaction 4577005 - Approved By: NOREVIEW : 08-26-2014:08:24:50	
8/26/2014	NEF	Proof of Electronic Service	Transaction 4578938 - Approved By: NOREVIEW : 08-26-2014:16:19:05	
8/26/2014	NEF	Proof of Electronic Service	Transaction 4577379 - Approved By: NOREVIEW : 08-26-2014:09:55:19	

Case Description: STATE VS. MARC PAUL SCHACHTER (D4)				
Case ID:	CR14-1044	Case Type:	CRIMINAL	Initial Filing Date: 7/2/2014
8/26/2014	1130	Answer ...	ANSWER TO STATE'S MOTION IN LIMINE RE DEFENDANTS EXAMINATION OF WITNESSES - Transaction	
8/27/2014	4105	Supplemental ...	SUPPLEMENTAL JUSTICE COURT PROCEEDINGS	
8/28/2014	2650	Opposition to ...	OMNIBUS OPPOSITION TO DEFENDANT'S PRETRIAL MOTIONS - Transaction 4583385 - Approved By: SHA	
8/28/2014	NEF	Proof of Electronic Service	Transaction 4583396 - Approved By: NOREVIEW : 08-28-2014:16:46:14	
9/2/2014	4185	Transcript	7-31-14 Motion to Set Trial - Transaction 4587554 - Approved By: NOREVIEW : 09-02-2014:23:41:06	
9/2/2014	NEF	Proof of Electronic Service	Transaction 4587555 - Approved By: NOREVIEW : 09-02-2014:23:42:06	
9/3/2014	1695	** Exhibit(s) ...	A AND B - MARKED	
9/9/2014	MIN	***Minutes	STATUS HEARING REGARDING DISCOVERY - 8/21/14 - Transaction 4598809 - Approved By: NOREVIEW : 0	
9/9/2014	NEF	Proof of Electronic Service	Transaction 4598812 - Approved By: NOREVIEW : 09-09-2014:16:23:01	
9/10/2014	NEF	Proof of Electronic Service	Transaction 4599467 - Approved By: NOREVIEW : 09-10-2014:10:06:18	
9/10/2014	MIN	***Minutes	PRE-TRIAL MOTIONS - 9/3/14 - Transaction 4599463 - Approved By: NOREVIEW : 09-10-2014:10:05:17	
9/15/2014	NEF	Proof of Electronic Service	Transaction 4606261 - Approved By: NOREVIEW : 09-15-2014:11:27:32	
9/15/2014	4190	Transcript - Partial	9-11-14 Motions - Transaction 4606256 - Approved By: NOREVIEW : 09-15-2014:11:26:35	
9/16/2014	NEF	Proof of Electronic Service	Transaction 4607647 - Approved By: NOREVIEW : 09-16-2014:08:51:06	
9/16/2014	2842	Ord Denying Motion	ORDER DENYING DEFENDANT'S MOTION TO DISMISS CASE ON GROUNDS THAT THE STATE HAS LOST	
9/17/2014	2520	Notice of Appearance	CARL HYLIN - Transaction 4611011 - Approved By: SHAMBRIG : 09-17-2014:15:12:43	
9/17/2014	2592	Notice of Witnesses	NOTICE OF WITNESS PURSUANT TO NRS 174.234 - Transaction 4611470 - Approved By: SHAMBRIG : 09-17	
9/17/2014	NEF	Proof of Electronic Service	Transaction 4611630 - Approved By: NOREVIEW : 09-17-2014:15:13:45	
9/17/2014	NEF	Proof of Electronic Service	Transaction 4611637 - Approved By: NOREVIEW : 09-17-2014:15:14:21	
9/18/2014	2592	Notice of Witnesses	NOTICE OF WITNESSES PURSUANT TO NRS 174.234 - Transaction 4612217 - Approved By: SHAMBRIG : 09-18	
9/18/2014	NEF	Proof of Electronic Service	Transaction 4612253 - Approved By: NOREVIEW : 09-18-2014:08:09:10	
9/22/2014	4220	Trial Statement - Plaintiff		
9/22/2014	4210	Trial Statement - Defendant		
9/22/2014	1020	Addendum	TO TRIAL STATEMENT - PLAINTIFF	
9/22/2014	1885	Jury Instructions	JURY INSTRUCTION READ TO THE JURY PRIOR TO THE COMMENCEMENT OF TRIAL	
9/24/2014	4235	Unused Verdict Form(s)...	GUILTY OF THE LESSER INCLUDED OFFENSE OF PETIT LARCENY	
9/24/2014	4235	Unused Verdict Form(s)...	NOT GUILTY OF THE LESSER INCLUDED OFFENSE OF PETIT LARCENY	
9/24/2014	1885	Jury Instructions	1 - 28	
9/24/2014	4245	Verdict(s)...	GUILTY - COUNT I. ATTEMPTED ROBBERY	
9/24/2014	4235	Unused Verdict Form(s)...	NOT GUILTY - COUNT I. ATTEMPTED ROBBER	
9/29/2014	NEF	Proof of Electronic Service	Transaction 4627454 - Approved By: NOREVIEW : 09-29-2014:11:16:32	
9/29/2014	4185	Transcript	Status Hearing - 8-21-14 - Transaction 4627452 - Approved By: NOREVIEW : 09-29-2014:11:15:42	
10/22/2014	NEF	Proof of Electronic Service	Transaction 4664086 - Approved By: NOREVIEW : 10-22-2014:14:41:05	
10/22/2014	MIN	***Minutes	JURY TRIAL - DAY ONE - Transaction 4664081 - Approved By: NOREVIEW : 10-22-2014:14:40:04	
10/23/2014	COC	Evidence Chain of Custody Form		
10/23/2014	NEF	Proof of Electronic Service	Transaction 4665365 - Approved By: NOREVIEW : 10-23-2014:09:46:57	
10/23/2014	MIN	***Minutes	JURY TRIAL (DAY TWO) - 9/23/14 - Transaction 4665356 - Approved By: NOREVIEW : 10-23-2014:09:45:59	
10/23/2014	MIN	***Minutes	JURY TRIAL (DAY THREE) - 9/24/14 - Transaction 4665516 - Approved By: NOREVIEW : 10-23-2014:10:27:59	
10/23/2014	NEF	Proof of Electronic Service	Transaction 4665518 - Approved By: NOREVIEW : 10-23-2014:10:28:48	

**Case Description: STATE VS. MARC PAUL SCHACHTER (D4)**

<b>Case ID:</b>	<b>CR14-1044</b>	<b>Case Type:</b>	<b>CRIMINAL</b>	<b>Initial Filing Date:</b>	<b>7/2/2014</b>
10/24/2014	MIN	***Minutes	STATUS HEARING REGARDING SELF-REPRESENTATION - 10/2/14 - Transaction 4668750 - Approved By: N		
10/24/2014	NEF	Proof of Electronic Service	Transaction 4668757 - Approved By: NOREVIEW : 10-24-2014:16:29:34		
10/28/2014	1250	Application for Setting	REVIEW/STATUS HEARING - NOVEMBER 13, 2014 @ 9:00 AM - Transaction 4671481 - Approved By: MFERN		
10/28/2014	NEF	Proof of Electronic Service	* SEALED * Transaction 4671670 - Approved By: NOREVIEW : 10-28-2014:10:59:07		
11/12/2014	4500	PSI - Confidential	Transaction 4692459 - Approved By: SHAMBRIG : 11-12-2014:16:09:53		
11/12/2014	NEF	Proof of Electronic Service	Transaction 4692532 - Approved By: NOREVIEW : 11-12-2014:16:10:44		
11/18/2014	NEF	Proof of Electronic Service	Transaction 4701538 - Approved By: NOREVIEW : 11-18-2014:15:53:10		
11/18/2014	2490	Motion ...	MOTION FOR TRIAL TRANSCRIPTS AT PUBLIC EXPENSE - Transaction 4701171 - Approved By: MCHOLICC		
11/18/2014	3585	Pet Writ Habeas Corpus	Transaction 4701171 - Approved By: MCHOLICO : 11-18-2014:15:52:18		
11/18/2014	2035	Mtn Clarification of Ord	MOTION FOR CLARIFICATION OF PRE-TRIAL ORDER - Transaction 4701171 - Approved By: MCHOLICO : 11		
11/18/2014	3870	Request	REQUEST FOR CASE FILE OF STAND BY COUNSEL INCLUDING ALL WORK PRODUCT - Transaction 4701		
11/19/2014	NEF	Proof of Electronic Service	Transaction 4703849 - Approved By: NOREVIEW : 11-19-2014:16:39:24		
11/19/2014	4185	Transcript	Status Hearing - 10-2-14 - Transaction 4703844 - Approved By: NOREVIEW : 11-19-2014:16:38:34		
11/20/2014	2630	Objection to ...	* SEALED * TO PRE-SENTENCE INVESTIGATION REPORT (CONFIDENTIAL)		
11/26/2014	NEF	Proof of Electronic Service	Transaction 4712848 - Approved By: NOREVIEW : 11-26-2014:11:35:27		
11/26/2014	NEF	Proof of Electronic Service	Transaction 4712935 - Approved By: NOREVIEW : 11-26-2014:11:56:00		
11/26/2014	3005	Ord Withdrawal of Counsel	PD'S OFFICE WITHDRAWN AS STAND-BY COUNSEL AND APPOINTING THE APD'S OFFICE AS STAND-BY		
11/26/2014	2520	Notice of Appearance	JENNIFER LUNT, ESQ - JARROD HICKMAN, ESQ - Transaction 4712650 - Approved By: MELWOOD : 11-26-2		
12/2/2014	2650	Opposition to ...	OMNIBUS OPPOSITION TO DEFENDANT'S POST-TRIAL FILINGS - Transaction 4717678 - Approved By: MEL		
12/2/2014	NEF	Proof of Electronic Service	Transaction 4718052 - Approved By: NOREVIEW : 12-02-2014:16:34:01		
12/3/2014	4045	Stipulation to Continuance	Transaction 4718385 - Approved By: MELWOOD : 12-03-2014:09:33:00		
12/3/2014	NEF	Proof of Electronic Service	Transaction 4718580 - Approved By: NOREVIEW : 12-03-2014:09:34:16		
12/8/2014	3020	Ord Granting Continuance	SENTENCING FROM DECEMBER 4, 2014 TO JANUARY 16, 2015 AT 9:00 A.M. - Transaction 4724337 - Appr		
12/8/2014	NEF	Proof of Electronic Service	Transaction 4724339 - Approved By: NOREVIEW : 12-08-2014:07:46:15		
12/8/2014	NEF	Proof of Electronic Service	Transaction 4724869 - Approved By: NOREVIEW : 12-08-2014:09:49:27		
12/8/2014	NEF	Proof of Electronic Service	Transaction 4725826 - Approved By: NOREVIEW : 12-08-2014:13:55:09		
12/8/2014	4185	Transcript	Motions - 9-11-14 - Transaction 4725821 - Approved By: NOREVIEW : 12-08-2014:13:54:06		
12/8/2014	1250	Application for Setting	SENTENCING 12/4/14 AT 9:00 - Transaction 4724721 - Approved By: YLLOYD : 12-08-2014:09:48:16		
12/9/2014	NEF	Proof of Electronic Service	Transaction 4728541 - Approved By: NOREVIEW : 12-09-2014:15:11:29		
12/9/2014	1250	Application for Setting	STATUS HEARING - 12/11/14 AT 9:00 - Transaction 4726861 - Approved By: YLLOYD : 12-09-2014:09:18:40		
12/9/2014	NEF	Proof of Electronic Service	Transaction 4727035 - Approved By: NOREVIEW : 12-09-2014:09:21:00		
12/9/2014	MIN	***Minutes	11-20-14 STATUS HEARING - Transaction 4728531 - Approved By: NOREVIEW : 12-09-2014:15:10:28		
12/11/2014	NEF	Proof of Electronic Service	Transaction 4732813 - Approved By: NOREVIEW : 12-11-2014:17:40:06		
12/11/2014	MIN	***Minutes	STATUS HEARING REGARDING SELF-REPRESENTATION - 11/13/14 - Transaction 4732810 - Approved By: P		
12/23/2014	2183	Mtn for Rough Draft Transcript	MOTION FOR ROUGH DRAFT TRANSCRIPT AT PUBLIC EXPENSE - Transaction 4747165 - Approved By: MC		
12/23/2014	NEF	Proof of Electronic Service	Transaction 4747651 - Approved By: NOREVIEW : 12-23-2014:11:00:30		
12/30/2014	NEF	Proof of Electronic Service	Transaction 4755101 - Approved By: NOREVIEW : 12-30-2014:21:28:21		
12/30/2014	4185	Transcript	Status hearing - 11-13-14 - Transaction 4755099 - Approved By: NOREVIEW : 12-30-2014:21:25:31		
1/2/2015	NEF	Proof of Electronic Service	Transaction 4757255 - Approved By: NOREVIEW : 01-02-2015:09:52:50		

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Case ID:	CR14-1044	Case Type:	CRIMINAL	Initial Filing Date: 7/2/2014
1/2/2015	2270	Mtn to Compel...	MOTION TO COMPEL PRODUCTION OF CLIENT FILE - Transaction 4757230 - Approved By: YLLOYD : 01-02	
1/4/2015	NEF	Proof of Electronic Service	Transaction 4758265 - Approved By: NOREVIEW : 01-04-2015:15:17:44	
1/4/2015	4185	Transcript	Status Hearing - 11-20-14 - Transaction 4758264 - Approved By: NOREVIEW : 01-04-2015:15:16:44	
1/6/2015	NEF	Proof of Electronic Service	Transaction 4761871 - Approved By: NOREVIEW : 01-06-2015:16:18:54	
1/6/2015	1020	Addendum	ADDENDUM TO MOTION FOR ROUGH DRAFT TRANSCRIPT AT PUBLIC EXPENSE - Transaction 4761863 -	
1/11/2015	NEF	Proof of Electronic Service	Transaction 4768309 - Approved By: NOREVIEW : 01-11-2015:17:44:05	
1/11/2015	4185	Transcript	Status Hearing - 12-11-14 - Transaction 4768308 - Approved By: NOREVIEW : 01-11-2015:17:43:05	
1/13/2015	3860	Request for Submission	MOTION FOR ROUGHT DRAFT TRANSCRIPTS AT PUBLIC EXPENSE AND ADDENDUM TO MOTION FOR F	
1/13/2015	3000	Ord Trial Transcript/Public\$	ORDER FOR ROUGH DRAFT TRANSCRIPTS AT PUBLIC EXPENSE - Transaction 4772318 - Approved By: N	
1/13/2015	S200	Request for Submission Complet		
1/13/2015	NEF	Proof of Electronic Service	Transaction 4770791 - Approved By: NOREVIEW : 01-13-2015:10:30:14	
1/13/2015	NEF	Proof of Electronic Service	Transaction 4772322 - Approved By: NOREVIEW : 01-13-2015:16:52:12	
1/14/2015	2540	Notice of Entry of Ord	Transaction 4773026 - Approved By: NOREVIEW : 01-14-2015:10:40:57	
1/14/2015	NEF	Proof of Electronic Service	Transaction 4773027 - Approved By: NOREVIEW : 01-14-2015:10:41:44	
1/15/2015	NEF	Proof of Electronic Service	Transaction 4775103 - Approved By: NOREVIEW : 01-15-2015:10:52:48	
1/15/2015	2610	Notice ...	NOTICE OF WITHDRAWAL OF MOTION TO COMPEL PRODUCTION OF CLIENT FILE - Transaction 4774588	
1/26/2015	4500	PSI - Confidential	* SEALED * Transaction 4787778 - Approved By: YLLOYD : 01-26-2015:12:37:13	
1/26/2015	NEF	Proof of Electronic Service	Transaction 4788102 - Approved By: NOREVIEW : 01-26-2015:12:38:12	
2/3/2015	4185	Transcript	9-3-14 Schachter - Transaction 4800562 - Approved By: NOREVIEW : 02-03-2015:12:42:15	
2/3/2015	NEF	Proof of Electronic Service	Transaction 4800565 - Approved By: NOREVIEW : 02-03-2015:12:43:12	
2/3/2015	4185	Transcript	9-11-14 Pretrial Motions - Transaction 4800587 - Approved By: NOREVIEW : 02-03-2015:12:57:23	
2/3/2015	NEF	Proof of Electronic Service	Transaction 4800612 - Approved By: NOREVIEW : 02-03-2015:13:04:04	
2/3/2015	4185	Transcript	9-3-14 - Pretrial Motions - Transaction 4800562 - Approved By: NOREVIEW : 02-03-2015:12:42:15	
2/3/2015	4185	Transcript	9-24-14-Trial - Transaction 4800609 - Approved By: NOREVIEW : 02-03-2015:13:03:06	
2/3/2015	NEF	Proof of Electronic Service	Transaction 4800589 - Approved By: NOREVIEW : 02-03-2015:12:58:22	
2/6/2015	MIN	***Minutes	STATUS HEARING - 12/11/14 - Transaction 4807538 - Approved By: NOREVIEW : 02-06-2015:15:09:05	
2/6/2015	NEF	Proof of Electronic Service	Transaction 4807545 - Approved By: NOREVIEW : 02-06-2015:15:10:09	
2/11/2015	4185	Transcript	9-23-14 Jury Trial - Transaction 4813579 - Approved By: NOREVIEW : 02-11-2015:11:46:42	
2/11/2015	4185	Transcript	9-22-14 Jury Trial - Transaction 4813579 - Approved By: NOREVIEW : 02-11-2015:11:46:42	
2/11/2015	NEF	Proof of Electronic Service	Transaction 4813582 - Approved By: NOREVIEW : 02-11-2015:11:47:43	
2/20/2015	1960	Memorandum ...	SENTENCING MEMORANDUM - Transaction 4827443 - Approved By: MFERNAND : 02-20-2015:16:41:41	
2/20/2015	NEF	Proof of Electronic Service	Transaction 4827486 - Approved By: NOREVIEW : 02-20-2015:16:42:44	
2/23/2015	NEF	Proof of Electronic Service	Transaction 4829792 - Approved By: NOREVIEW : 02-23-2015:16:04:15	
2/23/2015	4500	PSI - Confidential	* SEALED * Transaction 4829411 - Approved By: MFERNAND : 02-23-2015:16:01:38	
2/26/2015	COLL	Sent to Collections	26-FEB-2015	
3/5/2015	1850	Judgment of Conviction	Transaction 4847851 - Approved By: NOREVIEW : 03-05-2015:16:09:38	
3/5/2015	NEF	Proof of Electronic Service	Transaction 4847859 - Approved By: NOREVIEW : 03-05-2015:16:10:35	
3/23/2015	MIN	***Minutes	SENTENCING - 2/26/15 - Transaction 4873241 - Approved By: NOREVIEW : 03-23-2015:13:16:34	
3/23/2015	NEF	Proof of Electronic Service	Transaction 4873259 - Approved By: NOREVIEW : 03-23-2015:13:17:58	

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Case ID:	CR14-1044	Case Type:	CRIMINAL	Initial Filing Date: 7/2/2014
3/26/2015	1310	Case Appeal Statement	Transaction 4879572 - Approved By: YVILORIA : 03-27-2015:09:12:55	
3/26/2015	2515	Notice of Appeal Supreme Court	Transaction 4879579 - Approved By: YVILORIA : 03-27-2015:09:12:37	
3/26/2015	3870	Request	REQUEST FOR ROUGH DRAFT TRANSCRIPT - Transaction 4879562 - Approved By: MELWOOD : 03-26-2015:09:12:37	
3/26/2015	NEF	Proof of Electronic Service	Transaction 4880151 - Approved By: NOREVIEW : 03-26-2015:16:18:15	
3/27/2015	NEF	Proof of Electronic Service	Transaction 4881043 - Approved By: NOREVIEW : 03-27-2015:11:20:04	
3/27/2015	NEF	Proof of Electronic Service	Transaction 4880653 - Approved By: NOREVIEW : 03-27-2015:09:13:53	
3/27/2015	NEF	Proof of Electronic Service	Transaction 4880650 - Approved By: NOREVIEW : 03-27-2015:09:13:41	
3/27/2015	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 4881041 - Approved By: NOREVIEW : 03-27-2015:09:13:41	
3/30/2015	MIN	***Minutes	IN-CHAMBERS CONFERENCE RE: FORM OF JUDGMENT OF CONVICTION - Transaction 4884224 - Approved By: NOREVIEW : 03-30-2015:16:18:45	
3/30/2015	NEF	Proof of Electronic Service	Transaction 4884227 - Approved By: NOREVIEW : 03-30-2015:16:18:45	
4/16/2015	4185	Transcript	Transaction 4911121 - Approved By: NOREVIEW : 04-16-2015:22:18:24	
4/16/2015	NEF	Proof of Electronic Service	Transaction 4911122 - Approved By: NOREVIEW : 04-16-2015:22:19:24	
4/24/2015	1188	Supreme Court Receipt for Doc	SUPREME COURT NO. 67673 / RECEIPT FOR DOCUMENTS - Transaction 4921829 - Approved By: NOREVIEW : 04-24-2015:08:24:02	
4/24/2015	NEF	Proof of Electronic Service	Transaction 4921833 - Approved By: NOREVIEW : 04-24-2015:08:24:02	
5/11/2015	2525	Notice of Change of Address		
5/11/2015	2490	Motion ...	MOTION TO SUBMIT REQUEST FOR CAUSE FILE FOR JUDICIAL REVIEW	
5/12/2015	MIN	***Minutes	ONGOING PRE-TRIAL MOTIONS - 9/11/15 - Transaction 4948624 - Approved By: NOREVIEW : 05-12-2015:11:12:00	
5/12/2015	NEF	Proof of Electronic Service	Transaction 4948629 - Approved By: NOREVIEW : 05-12-2015:11:12:00	
6/2/2015	4185	Transcript	Schachter - Arraignment 7/17/14 - Transaction 4980606 - Approved By: NOREVIEW : 06-02-2015:19:12:41	
6/2/2015	NEF	Proof of Electronic Service	Transaction 4980608 - Approved By: NOREVIEW : 06-02-2015:19:13:31	
6/11/2015	NEF	Proof of Electronic Service	Transaction 4995361 - Approved By: NOREVIEW : 06-11-2015:13:40:26	
6/11/2015	2490	Motion ...	JOINT MOTION TO UNSEAL EX PARTE MOTION FILE WITH THE COURT - Transaction 4995299 - Approved By: NOREVIEW : 06-11-2015:13:40:26	
6/11/2015	3860	Request for Submission	JOINT MOTION TO UNSEAL EXPARTE MOTION FILE WITH THE COURT (NO PAPER ORDER PROVIDED) - Transaction 4997087 - Approved By: NOREVIEW : 06-12-2015:09:17:40	
6/12/2015	NEF	Proof of Electronic Service	Transaction 4997087 - Approved By: NOREVIEW : 06-12-2015:09:17:40	
7/2/2015	S200	Request for Submission Complet	MOTION TO UNSEAL MOTION FOR INVESTIGATOR GRANTED	
7/2/2015	NEF	Proof of Electronic Service	Transaction 5029322 - Approved By: NOREVIEW : 07-02-2015:14:38:23	
7/2/2015	3370	Order ...	TO UNSEAL EX-PARTE MOTION FILED WITH THE COURT (MOTION TO APPOINT INVESTIGATOR FOR A F	
7/15/2015	4126	Supreme Ct Order Directing...	SUPREME COURT NO. 67673/ORDER DIRECTING TRANSMISSION OF EXHIBITS - Transaction 5045745 - Approved By: NOREVIEW : 07-15-2015:11:18:38	
7/15/2015	NEF	Proof of Electronic Service	Transaction 5045748 - Approved By: NOREVIEW : 07-15-2015:11:18:38	
7/21/2015	NEF	Proof of Electronic Service	Transaction 5053979 - Approved By: NOREVIEW : 07-21-2015:08:58:41	
7/21/2015	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - ORDER DIRECTING TRANSMISSION OF EXHIBITS - Transaction 5071438 - Approved By: NOREVIEW : 07-30-2015:16:26:14	
7/30/2015	NEF	Proof of Electronic Service	Transaction 5071438 - Approved By: NOREVIEW : 07-30-2015:16:26:14	
7/30/2015	1860	Judgment Conviction-Corrected	Transaction 5071426 - Approved By: NOREVIEW : 07-30-2015:16:24:50	
7/30/2015	3370	Order ...	- CLERK OF THE SECOND JUDICIAL DISTRICT CT TRANSMIT A COPY OF THE CORRECTED JOC TO THE	
7/30/2015	NEF	Proof of Electronic Service	Transaction 5071446 - Approved By: NOREVIEW : 07-30-2015:16:27:11	
8/3/2015	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - ORDER - Transaction 5073703 - Approved By: NOREVIEW : 08-03-2015:08:55:28	
8/3/2015	1350	Certificate of Clerk	CERTIFICIATE OF CLERK AND TRANSMITTAL - CORRECTED JUDGMENT - Transaction 5073703 - Approved By: NOREVIEW : 08-03-2015:08:55:28	
8/3/2015	NEF	Proof of Electronic Service	Transaction 5073709 - Approved By: NOREVIEW : 08-03-2015:08:55:28	
4/27/2016	4126	Supreme Ct Order Directing...	SUPREME COURT NO. 67673/ORDER DIRECTING TRANSMISSION OF EXHIBIT - Transaction 5488074 - Approved By: NOREVIEW : 04-27-2016:08:55:28	



Case Description: STATE VS. MARC PAUL SCHACHTER (D4)				
Case ID:	CR14-1044	Case Type:	CRIMINAL	Initial Filing Date: 7/2/2014
4/27/2016	NEF	Proof of Electronic Service	Transaction 5488081 - Approved By: NOREVIEW : 04-27-2016:15:34:06	
5/2/2016	NEF	Proof of Electronic Service	Transaction 5494351 - Approved By: NOREVIEW : 05-02-2016:14:52:19	
5/2/2016	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - ORIGINAL EXHIBITS - Transaction 5494339 - Approved By: N	
8/18/2016	NEF	Proof of Electronic Service	Transaction 5665003 - Approved By: NOREVIEW : 08-18-2016:09:26:46	
8/18/2016	4134	Supreme Court Order Affirming	SUPREME COURT NO. 67673 / ORDER OF AFFIRMANCE - Transaction 5665001 - Approved By: NOREVIEW	
9/13/2016	NEF	Proof of Electronic Service	Transaction 5704815 - Approved By: NOREVIEW : 09-13-2016:14:53:44	
9/13/2016	NEF	Proof of Electronic Service	Transaction 5705193 - Approved By: NOREVIEW : 09-13-2016:15:48:11	
9/13/2016	4133	Supreme Court Notice	SUPREME COURT NO. 67673 / NOTICE OF RETURN OF RECORD - Transaction 5704805 - Approved By: NC	
9/13/2016	4111	Supreme Ct Clk's Cert & Judg	SUPREME COURT NO. 67673 / CLERK'S CERTIFICATE & JUDGMENT - Transaction 5705189 - Approved By:	
9/13/2016	4145	Supreme Court Remittitur	SUPREME COURT NO. 67673 / REMITTITUR - Transaction 5705189 - Approved By: NOREVIEW : 09-13-2016	
9/13/2016	4134	Supreme Court Order Affirming	SUPREME COURT NO. 67673 / ORDER OF AFFIRMANCE - Transaction 5705189 - Approved By: NOREVIEW	
6/11/2021	2383	Mtn to Modify/Correct Sentence	MOTION TO MODIFY AND/OR CORRECT ILLEGAL SENTENCE - Transaction 8492287 - Approved By: NORE	
6/11/2021	NEF	Proof of Electronic Service	Transaction 8492294 - Approved By: NOREVIEW : 06-11-2021:15:32:20	
6/17/2021	2645	Opposition to Mtn ...	OPPOSITION TO MOTION TO MODIFY AND/OR CORRECT ILLEGAL SENTENCE - Transaction 8500226 - Ap	
6/17/2021	NEF	Proof of Electronic Service	Transaction 8500305 - Approved By: NOREVIEW : 06-17-2021:11:32:29	
6/17/2021	2526	Notice of Change of Attorney	KEVIN NAUGHTON, DA IN PLACE OF JENNIFER NOBLE FOR ST OF NV - Transaction 8500226 - Approved E	
7/6/2021	3860	Request for Submission	Transaction 8529000 - Approved By: NOREVIEW : 07-06-2021:16:32:02	
7/6/2021	3790	Reply to/in Opposition	REPLY TO STATE'S OPPOSITION TO MOTION TO MODIFY AND/OR CORRECT AN ILLEGAL SENTENCE - T	
7/6/2021	NEF	Proof of Electronic Service	Transaction 8528991 - Approved By: NOREVIEW : 07-06-2021:16:28:51	
7/6/2021	NEF	Proof of Electronic Service	Transaction 8529011 - Approved By: NOREVIEW : 07-06-2021:16:33:17	
7/22/2021	T200	Tickle End Code		
9/10/2021	3347	Ord to Set	ORAL ARGUMENTS ON MOTION TO MODIFY AND/OR CORRECT ILLEGAL SENTENCE W/IN 20 DAYS/ORE	
9/10/2021	NEF	Proof of Electronic Service	Transaction 8639470 - Approved By: NOREVIEW : 09-10-2021:08:30:52	
9/10/2021	S200	Request for Submission Complet	ORDER ENTERED	
12/7/2021	NEF	Proof of Electronic Service	Transaction 8783933 - Approved By: NOREVIEW : 12-07-2021:10:46:54	
12/7/2021	T200	Tickle End Code		
12/7/2021	3242	Ord Setting Hearing	ON MOTION TO MODIFY AND/OR CORRECT ILLEGAL SENTENCING - 3/25/2022 AT 10:00 A.M. (AUDIOVISI	
12/8/2021	NEF	Proof of Electronic Service	Transaction 8787953 - Approved By: NOREVIEW : 12-08-2021:16:38:13	
12/8/2021	1260	Application Produce Prisoner	Transaction 8787950 - Approved By: NOREVIEW : 12-08-2021:16:37:18	
12/10/2021	3340	Ord to Produce Prisoner	VIA AUDIOVISUAL TRANSMISSION ON MARCH 25, 2022 AT 10:00 A.M. - Transaction 8791607 - Approved By	
12/10/2021	NEF	Proof of Electronic Service	Transaction 8791613 - Approved By: NOREVIEW : 12-10-2021:12:09:58	
12/13/2021	3860	Request for Submission	DOCUMENT TITLE: MOTION TO MODIFY /CORRECT ILLEGAL SENTENCE	
12/13/2021	1020	Addendum	ADDENDUM TO MOTION TO MODIFY OR CORRECT ILLEGAL SENTENCE	
12/14/2021	S200	Request for Submission Complet	ORDER PREVIOUSLY ENTERED SETTING THE MOTION TO MODIFY SENTENCE FOR HEARING	
1/12/2022	2610	Notice ...	NOTICE OF FAMILIAL EMPLOYMENT IN THE WASHOE COUNTY DISTRICT ATTORNEY'S OFFICE - Transac	
1/12/2022	NEF	Proof of Electronic Service	Transaction 8839470 - Approved By: NOREVIEW : 01-12-2022:10:33:06	
3/15/2022	NEF	Proof of Electronic Service	Transaction 8947887 - Approved By: NOREVIEW : 03-15-2022:16:19:30	
3/15/2022	3175	Ord Re: Hearing Procedure	NOTICE OF AND ORDER FOR AUDIO/VISUAL HEARING - MARCH 25, 2022 - Transaction 8947881 - Approve	
3/25/2022	NEF	Proof of Electronic Service	Transaction 8965472 - Approved By: NOREVIEW : 03-25-2022:11:37:32	

Case Description: STATE VS. MARC PAUL SCHACHTER (D4)			
Case ID:	CR14-1044	Case Type:	CRIMINAL
		Initial Filing Date:	7/2/2014
3/25/2022	MIN	***Minutes	ORAL ARGUMENTS ON MOTION TO MODIFY AND/OR CORRECT ILLEGAL SENTENCE - 3/25/2022 (ZOOM)
3/28/2022	T200	Tickle End Code	
3/28/2022	NEF	Proof of Electronic Service	Transaction 8967519 - Approved By: NOREVIEW : 03-28-2022:11:28:55
3/28/2022	2842	Ord Denying Motion	TO MODIFY OR CORRECT ILLEGAL SENTENCE - Transaction 8967506 - Approved By: NOREVIEW : 03-28-2
4/8/2022	NEF	Proof of Electronic Service	Transaction 8989926 - Approved By: NOREVIEW : 04-08-2022:16:09:31
4/8/2022	2515	Notice of Appeal Supreme Court	ORDER 3/28/2022
4/8/2022	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 8989924 - Approved By: N
4/8/2022	1310	Case Appeal Statement	CASE APPEAL STATEMENT - Transaction 8989924 - Approved By: NOREVIEW : 04-08-2022:16:08:48
4/8/2022	1600	Designation Record on Appeal	DESIGNATION OF RECORD ON APPEAL

1 CODE No. 3370

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6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,  
7  
8 IN AND FOR THE COUNTY OF WASHOE

9 \* \* \*

10 THE STATE OF NEVADA,

11 Plaintiff,

12 v.

Case No. CR14-1044

13 MARC PAUL SCHACHTER,

Dept. No. 4

14 Defendant.  
15 \_\_\_\_\_/

16 **ORDER DENYING MOTION TO MODIFY AND/OR CORRECT ILLEGAL**  
17 **SENTENCE**

18 **Statement of Proceedings**

19 Defendant MARC PAUL SCHACHTER was convicted by a jury of Attempted Robbery.  
20 At sentencing, the Court adjudicated the Defendant as a habitual criminal. See Judgment filed  
21 March 5, 2015. In the Judgment, the Court erroneously sentenced the Defendant to a term of  
22 12 to 48 months imprisonment for the Attempted Robbery conviction and a concurrent term of  
23 5 to 20 years imprisonment for being a habitual criminal. The Court corrected this error in a  
24 Corrected Judgment filed on July 30, 2015, sentencing the Defendant to a single sentence of 5  
to 20 years.

25 The Defendant appealed from the Judgment of Conviction. The Nevada Supreme Court  
26 affirmed the Judgment of Conviction. Schachter v. State, Docket No. 67673 (Order of

1 Affirmance, August 10, 2016). In its Order of Affirmance, the Nevada Supreme Court noted  
2 that the Corrected Judgment of Conviction “properly impos[ed] a single sentence.” *Id.* at fn. 1.

3 On July 11, 2021, the Defendant filed a Motion to Modify and/or Correct Illegal  
4 Sentence (“Motion”). The State filed an Opposition on June 17, 2021. The Defendant filed a  
5 Reply on July 6, 2021, and formally submitted the matter for the Court’s consideration. On  
6 September 10, 2021, the Court entered an Order for the parties to set oral arguments on the  
7 Motion.

8 On March 25, 2022, the Court conducted oral arguments on the Defendant’s Motion via  
9 audiovisual means. The State was represented by Deputy District Attorney Kevin Naughton.  
10 The Defendant appeared in pro per from the custody of the Nevada Department of Corrections.  
11 Both parties presented argument in support of their positions.

12 Having considered the papers and pleadings on file herein, the applicable legal  
13 authority, and the oral arguments of the parties, the Court orally pronounced that the  
14 Defendant’s Motion was denied. This written Order follows.

15 **Findings of Fact and Conclusions of Law**

16 First, the Court finds that the Defendant’s Motion fails as a motion to modify a sentence.  
17 A district court has jurisdiction to modify a sentence only if “(1) the district court actually  
18 sentenced appellant based on a materially false assumption of fact that worked to appellant’s  
19 extreme detriment, and (2) the particular mistake at issue was of the type that would rise to the  
20 level of a violation of due process.” *Passanisi v. State*, 108 Nev. 318, 323, 831 P.2d 1371, 1374  
21 (1992). The Motion does not allege that the Court sentenced him under any misunderstanding  
22 or misapprehension of fact.

23 The Court further finds that it had jurisdiction to enter the Corrected Judgment in this  
24 case. The Corrected Judgment addressed a structural error in the Judgment of Conviction and  
25 did not impose a new sentence. As a result, the Court finds that its use of *nunc pro tunc* to

26 ///

1 relate the Corrected Judgment back to the date the Judgment of Conviction was entered was  
2 also appropriate.

3 Moreover, even if this Court lacked jurisdiction, the Court finds that the issue is moot.  
4 As noted by the Nevada Supreme Court, “[f]ailure to properly sentence does not render the  
5 entire trial and proceeding a nullity....” Hollander v. State, 82 Nev. 345, 354, 418 P.3d 802,  
6 807 (1966) *quoting* Lisby v. State, 82 Nev. 183, 414 P.2d 592 (1966). Even if this Court lacked  
7 jurisdiction to enter the Corrected Judgment because the matter was on appeal at the time, the  
8 remedy would not render the Defendant’s conviction and sentencing invalid. The Court would  
9 simply re-enter its Corrected Judgment imposing the same sentence. Therefore, the issue is  
10 moot.<sup>1</sup>

11 Finally, the Defendant asserts that he is entitled to retroactive application of the changes  
12 recently made to Nevada’s habitual criminal statutes. The Defendant’s position is contrary to  
13 the applicable caselaw. Absent a clear legislative intent to apply a law retroactively, “the proper  
14 penalty is the penalty in effect at the time of the commission of the offense.” State v. Second  
15 Judicial Dist. Court (Pullin), 124 Nev. 564, 567, 188 P.3d 1079, 1081 (2008). The Defendant  
16 has failed to provide any evidence in support of his position and there is no indication that the  
17 Legislature intended that the amended provisions of NRS 207.010 *et seq.* should apply  
18 retroactively. See 2019 Nev. Stat., ch. 633, § 86, at 4441-42; Nev. Stat., ch. 633, § 137, at 4488  
19 (effective date July 1, 2020).

20 For all of those reasons, the Defendant’s Motion is DENIED.

21 DATED this 25 day of MARCH, 2021.

22  
23   
24 DISTRICT JUDGE

25  
26 <sup>1</sup> The Court also notes that the Nevada Supreme Court found that this Court’s Corrected Judgment properly  
sentenced the Defendant to a single sentence and that any issue with the Judgment of Conviction was moot at the  
time the Order of Affirmance was entered.

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Marshall

CASE NO. CR14-1044      **STATE OF NEVADA VS. MARC PAUL SCHACHTER**

**DATE, JUDGE**

**OFFICERS OF**

**COURT PRESENT**

**APPEARANCES-HEARING**

**CONT'D TO**

7/17/14

**ARRAIGNMENT**

HONORABLE

Deputy District Attorney Nathan MacLellan was present on behalf of the State.

**7/24/14**

ELLIOTT A.

Defendant was present, in-custody. Chief Deputy Public Defender Jim Leslie

**9:00 a.m.**

SATTLER

was also present. Lynette Dix was present on behalf of the Division of Parole

**Cont'd**

DEPT. NO.10

and Probation. Pretrial Services Officer Matt Scheiber was present in the

**Arraignment/**

M. Merkouris

gallery.

**Faretta hrg**

(Clerk)

Counsel Leslie advised the Court that a Faretta hearing was conducted in

D. Gustin

Justice Court, and Judge Lynch found that the Defendant was competent to

(Reporter)

represent himself; and he further stated that he is not entirely sure what his role in this case will be.

**COURT** noted that Judge Steinheimer may wish to conduct her own Faretta canvass of the Defendant.

Defendant stated that the Court's reluctance to allow him to represent himself has caused unnecessary delays in this case, and he has not been provided with all of his discovery.

**COURT ORDERED:** Matter continued to July 24, 2014 at 9:00 a.m.

Defendant remanded to the custody of the Sheriff.

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CASE NO. CR14-1044

**TITLE: THE STATE OF NEVADA VS. MARC  
PAUL SCHACHTER**

**DATE, JUDGE  
OFFICERS OF**

**COURT PRESENT**

**APPEARANCES-HEARING**

**CONT'D TO**

7/24/14

**CONTINUED ARRAIGNMENT**

HONORABLE

Deputy District Attorney Zelalem Bogale, Esq., represented the State.

**7/31/14**

CONNIE

Defendant present representing himself. Chief Deputy Public Defender James

**9:00 a.m.**

STEINHEIMER

Leslie, Esq., present as stand-by counsel.

**Motion to**

DEPT. NO.4

A copy of the Amended Information was handed to the Defendant.

**Set Trial**

M. Stone

Court canvassed the Defendant as to self-representation. Upon finding the

(Clerk)

defendant competent to represent himself and voluntarily requesting such,

R. Malnerich

**COURT ENTERED ORDER** allowing the defendant to represent himself.

(Reporter)

**COURT FURTHER ENTERED ORDER** appointing the Washoe County

Public Defender's Office as stand-by counsel.

Defendant acknowledged receipt of a copy of the Information; indicated to the Court that name as set forth on same was his true name; waived reading and entered a plea of not guilty to the charges set forth therein.

Defendant invoked the 60-Day Rule and **COURT ORDERED** this matter set for jury trial within 60 days of the date of this hearing.

Defendant provided the Court with a Motion for Appointment of Investigator.

**COURT** directed the Clerk to file such ex-parte and under seal.

Discussion ensued regarding the exchange of discovery. **COURT ORDERED** the State to provide all discovery to the Defendant no later than July 28, 2014.

Trial would be set thereafter.

Defendant remanded to the custody of the Sheriff.

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CASE NO. CR14-1044

**TITLE: THE STATE OF NEVADA VS. MARC  
PAUL SCHACHTER**

**DATE, JUDGE  
OFFICERS OF**

**COURT PRESENT**

**APPEARANCES-HEARING**

**CONT'D TO**

7/31/14	<b><u>MOTION TO SET TRIAL</u></b>	
HONORABLE	Deputy District Attorney Kristin Erickson, Esq., represented the State.	<b>8/28/14</b>
CONNIE	Defendant present representing himself. Chief Deputy Public Defender James	<b>2:00 p.m.</b>
STEINHEIMER	Leslie, Esq., present as stand-by counsel.	<b>Pre-Trial</b>
DEPT. NO.4	Discovery ongoing and Defendant continued to invoke the 60-Day Rule	<b>Motions</b>
M. Stone	<b>COURT ORDERED</b> this matter set for jury trial. All pre-trial motions must be	
(Clerk)	filed no later than August 22, 2014, all responses must be filed no later than	<b>9/11/14</b>
E. Stubbs	August 28, 2014, and replies will not be allowed. Pre-trial motions hearing	<b>9:00 a.m.</b>
(Reporter)	set.	<b>Motion to</b>
	Discussion ensued regarding the outstanding Motion for Investigator.	<b>Confirm Trial</b>
	Counsel Leslie advised the Court that the Washoe County Public Defender's	<b>Date</b>
	Office would accept responsibility for the investigator at this time and will do	
	so until granted leave by the Court to modify.	<b>9/22/14</b>
	Defendant remanded to the custody of the Sheriff.	<b>10:00 a.m.</b>
		<b>Jury Trial</b>

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CASE NO. CR14-1044

**TITLE: THE STATE OF NEVADA VS. MARC  
PAUL SCHACHTER**

**DATE, JUDGE  
OFFICERS OF**

**COURT PRESENT**

**APPEARANCES-HEARING**

**CONT'D TO**

8/21/14	<b><u>STATUS HEARING REGARDING DISCOVERY</u></b>	
HONORABLE	Deputy District Attorney Zelalem Bogale, Esq., represented the State.	<b>9/3/14</b>
CONNIE	Defendant present representing himself. Chief Deputy Public Defender	<b>1:15 p.m.</b>
STEINHEIMER	James Leslie, Esq., present as stand-by counsel for the Defendant.	<b>Pre-Trial</b>
DEPT. NO.4	Defendant handed counsel Leslie the pre-trial motions he wished filed.	<b>Motions</b>
M. Stone	Counsel Leslie shall electronically file those documents on behalf of the	
(Clerk)	Defendant.	<b>9/22/14</b>
J. Schonlau	Defendant signed the reciprocal discovery stipulation and provided such to	<b>10:00 a.m.</b>
(Reporter)	counsel Leslie for submission to the Court.	<b>Jury Trial</b>
	Upon Motion by the defendant and no objection being presented, <b>COURT ENTERED ORDER</b> directing the Washoe County Sheriff to allow the Defendant to bring any legal documents and/or discovery in his possession at the Washoe County Jail to his Court hearings. State's counsel advised the Court and the Defendant that any redactions made to written discovery were only as to Social Security Numbers of Witnesses. Upon request of counsel Leslie, <b>COURT ORDERED</b> that State to provide the Defendant with their proposed Jury Instructions no later than September 12, 2014. <b>COURT FURTHER ENTERED ORDER</b> resetting the Pre-Trial Motions hearing currently set for August 28, 2014 to September 3, 2014 at 1:15 p.m. Counsel Leslie noted for the record that his office has provided the defendant with any statutes requested, rules of practice, criminal and local rules, and any U.S. Supreme Court cases requested. In addition, his office has provided all supplies requested that are allowed by the Washoe County Jail. Court recessed.	

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CASE NO. CR14-1044

**TITLE: THE STATE OF NEVADA VS. MARC  
PAUL SCHACHTER**

**DATE, JUDGE  
OFFICERS OF**

**PAGE ONE**

**COURT PRESENT**

**APPEARANCES-HEARING**

**CONT'D TO**

9/3/14

**PRE-TRIAL MOTIONS**

HONORABLE

Deputy District Attorney Matthew Lee, Esq., represented the State.

CONNIE

Defendant present representing himself. Chief Deputy Public Defender

STEINHEIMER

James Leslie, Esq., present as stand-by counsel for the Defendant.

DEPT. NO.4

Counsel Leslie again advised the Court that he would be in a Murder trial in another department the week this trial is scheduled but is attempting to assign new stand-by counsel for the defendant.

M. Stone

(Clerk)

J. Schonlau

(Reporter)

Motion to Dismiss Case on Grounds that the State has Lost and/or Destroyed Material Exculpatory Evidence by Defendant; presented argument.

Based on the arguments presented by defendant in the above Motion, stand-by counsel Leslie advised the Court that his office has sent subpoenas for all witnesses requested by the Defendant.

Defendant presented further argument. **COURT ENTERED ORDER** denying the Motion to Dismiss Case on Grounds that the State has Lost and/or Destroyed Material Exculpatory Evidence with leave to renew as a Motion for Directed Verdict if deemed appropriate.

Motion for Preliminary Hearing Transcript by the Defendant; presented argument; objection and argument by defense counsel; reply by Defendant. **COURT** advised the Defendant that it is inappropriate to dismiss case based on the lack of a preliminary hearing transcript since there were equipment malfunction with the JAVS system. The remedy would be for a remand to Justice Court for a new preliminary hearing, although the Defendant would waive his rights to a speedy trial by doing so. Defendant advised the Court that he is not willing to waive his speedy trial rights. Motion deemed moot due to the equipment malfunction in producing a Preliminary Hearing Transcript.

Motion to Advise Witnesses for the State of Their Privilege Against Self-Incrimination by Defendant; presented argument. State's counsel submitted matter on the written briefs.

Motion in Limine regarding Surveillance Video Evidence by Defendant; presented argument.

**COURT** advised counsel for the State and the Defendant that the above Motion is converted into a Motion regarding Discovery.

**COURT ENTERED ORDER** that the original surveillance Video shall be produced and viewed by the Defendant in Court on September 11, 2014. The State must provide the proper equipment for viewing the video.

Further, **COURT** advised the State that the officer who has custody of the

**DATE, JUDGE  
OFFICERS OF****PAGE TWO****COURT PRESENT****APPEARANCES-HEARING****CONT'D TO**

9/3/14

**PRE-TRIAL MOTIONS**J. Schonlau  
(Reporter)

video and/or any Wal-Mart Employee may need to be subpoenaed in order to authenticate the video.

Motion for Legal Materials and Legal Supplies as well as its addendum deemed moot as stand-by counsel Leslie advised the Court at the last hearing that the Defendant has been provide all materials and supplies allowed.

**COURT** noted the all the Motions to Dismiss filed by the Defendant regarding any exculpatory evidence is all encompassed in the argument presented previously in this hearing.

Motion to Compel the State to Provide Exculpatory Material ("Brady") in its Possession by Defendant. State's counsel advised the Court that the 911 Call Log and Audio of Call were provided to the Defendant. Further, discussion ensued regarding the Audio of Call and service on the Defendant. **COURT** directed the State to re-serve the Audio of the 911 Call on the Defendant at the Washoe County Jail.

Motion for Production of Replacement and/or Substitute Lost/Destroyed Evidence by Defendant; presented argument. **COURT** advised the State that without providing information as to who photographed the items and when the items were photographed, the photographs would not be allowed into evidence. Any further argument on a Motion to Exclude Photographs/Evidence shall be heard at the ongoing pre-trial motions hearing on September 11, 2014.

Defendant again advised the Court that he is unwilling to waive his right to a preliminary hearing transcript and unwilling to waive his speedy trial rights. Discussion ensued regarding impeachment of the Defendant should he choose to testify. State's counsel advised the Court that the State has showed both the Defendant and his stand-by counsel the prior convictions the State intends to utilize. Stand-by counsel requested additional time to advise the Defendant regarding his prior conviction(s) and their use for impeachment purposes. **COURT** directed the State to make copies of the prior conviction(s) for the Court's use during further hearing on this matter on September 11, 2014.

Motion in Limine regarding Defendant's Examination of Witnesses submitted by the State on the pleadings without oral arguments. **COURT ENTERED ORDER** granting Motion. The Defendant shall not testify during examination of any witnesses. Should an issue arise, the State shall request a hearing outside the presence of the Jury.

CASE NO. CR14-1044

**TITLE: THE STATE OF NEVADA VS. MARC  
PAUL SCHACHTER**

**DATE, JUDGE  
OFFICERS OF**

**PAGE THREE**

**COURT PRESENT**

**APPEARANCES-HEARING**

**CONT'D TO**

9/3/14

**PRE-TRIAL MOTIONS**

J. Schonlau  
(Reporter)

**COURT** advised counsel for the State and the Defendant that the issues to be argued at the September 11, 2014 hearing are the issues regarding the Motion to Dismiss regarding Lost/Destroyed Evidence and the Motion in Limine regarding Prior Convictions. State's counsel agreed to provide the State's Proposed Jury Instructions to the Defendant at the September 11, 2014 hearing. Defendant advised the Court that he is willing to waive his right to stand-by counsel during the Jury Trial. **COURT** did not allow such waiver as stand-by counsel will assist in judicial resources for the Defendant during the trial. Discussion ensued regarding the surveillance videos previously received by the Defendant in discovery. Defendant requested both be placed into evidence for safekeeping.

**9/11/14  
10:00 a.m.  
Ongoing  
Pre-Trial  
Motions/  
Motion to  
Confirm Trial  
Date  
  
9/22/14  
10:00 a.m.  
Jury Trial**

**EXHIBITS A and B** marked by the Defendant.

Court recessed. Defendant remanded to the custody of the Sheriff.

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## Exhibits

Title: **THE STATE OF NEVADA VS. MARC PAUL SCHACHTER**

PLTF: **THE STATE OF NEVADA** PATY: **ZELALEM BOGALE, ESQ.**

DEFT: **MARC P. SCHACHTER** DATY: **PRO PER**

Case No: **CR14-1044**

Dept. No: **4** Clerk: **M. Stone**

Date: **9/3/2014**

Exhibit No.	Party	Description	Marked	Offered	Admitted
A.	Defendant	CD – “Disc 1; DA 14-12219; Schachter, Marc; 7/24/14 KP”	9/3/14		
B.	Defendant	CD - “Disc 2; DA 14-12219; Schachter, Marc; 7/24/14”	9/3/14		

CASE NO. CR14-1044

**TITLE: THE STATE OF NEVADA VS. MARC  
PAUL SCHACHTER**

**DATE, JUDGE  
OFFICERS OF**

**PAGE ONE**

**COURT PRESENT**

**APPEARANCES-HEARING**

**CONT'D TO**

9/22/14

**JURY TRIAL - DAY ONE**

HONORABLE

Chief Deputy District Attorney Cheryl Wilson, Esq., and Deputy District

CONNIE

Attorney Zelalem Bogale, Esq., represented the State. Defendant present

STEINHEIMER

representing himself. Chief Deputy Public Defender Carl Hylin, Esq.,

DEPT. NO.4

present as standby counsel.

M. Stone

9:50 a.m. Court convened outside the presence of the Jury.

(Clerk)

Motion for Leave to File Second Amended Information by State's Counsel

Molezzo

Bogale; presented argument; objection and argument by Defendant.

Reporters

**COURT ENTERED ORDER** denying Motion for Leave to File Second Amended Information.

(Reporter)

State's Counsel Bogale advised the Court of the last offer made to the Defendant through Standby Counsel Leslie. Defendant advised the Court that he did not know of such offer.

10:00 a.m. Court recessed.

10:16 a.m. Court reconvened with Respective Counsel and Defendant present.

State's Counsel Bogale advised the Court that the offer was conveyed to the Defendant during the recess. Defendant rejected such offer.

Motion to Dismiss Count II of the Amended Information by State's Counsel Bogale; presented argument; no objection by Defendant. **COURT ENTERED ORDER** dismissing Count II of the Amended Information.

Motion to Dismiss for Reasons of Prejudicial Delay by Defendant; presented argument. **COURT ENTERED ORDER** denying Motion as delay was caused by Defendant due to his self-representation and refusing to be represented by the Washoe County Public Defender's Office.

Standby Counsel Hylin advised the Court of the Defendant's issues with receiving a redacted version of the Jury Questionnaires. **COURT ENTERED ORDER** that the Defendant will not be provided with the Jurors' addresses as requested but the Court would inquire of each Juror as to their employment.

Defendant presented further argument regarding the Jury Questionnaires.

Motion to Suppress Evidence by Defendant; presented argument; objection and argument by State's Counsel Bogale; reply by Defendant. Although the photograph is not as good as the actual evidence, the use of a photograph does not rise to the level of suppression, therefore, **COURT ENTERED ORDER** denying Motion to Suppress.

Discussion ensued regarding the packet of Jury Instructions provided to the Court. **COURT** directed the State to correct the Jury Instructions as to the charging document to reflect the dismissal of Count II of the Amended Information.

Court advised the State and the Defendant which questions would be allowed during voir dire of the Jury.

DATE, JUDGE  
OFFICERS OF

PAGE TWO

COURT PRESENTAPPEARANCES-HEARINGCONT'D TO

9/22/14

JURY TRIAL - DAY ONE

Molezzo

Court reviewed the process of jury selection with the State and the Defendant.

Reporters

Based on stipulation between the State and Defendant, **COURT ENTERED**

(Reporter)

**ORDER** that the Defendant's also known as names listed in the Amended Information will not be presented to the Jury.

10:30 a.m. Court recessed.

10:50 a.m. Court reconvened with Respective Counsel and Defendant present.

Prospective Jurors present.

Court Personnel, Respective Counsel and Defendant introduced to the jury panel.

Roll called; all prospective Jurors present; State's Counsel Bogale and Defendant stipulated to the prospective Jury Panel as now constituted. Panel sworn as to their qualifications to serve as trial jurors and generally examined by the Court.

Twenty-Three names drawn (Moberly-Houston, Speech, Pissarro, Walden, Shawnee, Monte, Cozier, Royce, Michelson, Hurting, These, Be scup, Reis, Kelps, Ruff, Stricter, Kraemer, Hester lee, Bradfield, Weeks, Yarbrough, Argall, Setoff); seated and generally examined by Court.

Upon direction of the Court, State's Counsel Bogale specifically examined the prospective jury panel; passed for cause.

Upon direction of the Court, Defendant specifically examined the prospective jury panel; passed for cause.

Court thanked and excused unselected Jurors.

Prospective jury panel moved to another courtroom in order for the exercise of peremptory challenges.

State's first peremptory challenge was of juror Cozier.

Defendant's first peremptory challenge was of juror Hester lee.

State's second peremptory challenge was of juror Thiessen.

Defendant's second peremptory challenge was of juror Hartig.

State's third peremptory challenge was of juror Stichter.

Defendant's third peremptory challenge was of juror Moberly-Houston.

State's fourth peremptory challenge was of juror Specht.

Defendant's fourth peremptory challenge was of juror Yarbrough.

State's peremptory challenge of alternate jurors was of juror Weeks.

Defendant's peremptory challenge of alternate jurors was of juror Saathoff.

Jury returned to the Courtroom and Court Clerk called names of selected Jurors as follows:



**DATE, JUDGE  
OFFICERS OF****PAGE THREE****COURT PRESENT****APPEARANCES-HEARING****CONT'D TO**

9/22/14

**JURY TRIAL - DAY ONE**Molezzo  
ReportersRita Isparo  
Mliss Monte  
Joy Bescup  
Maureen RuffRachel Walden  
Tom Roice  
David Reis  
Bonnie KraemerAshvin Sawhney  
Stephen Mikkelson  
Amanda Klepps  
Debra Bradfield

Alternate: Noel Argall

Court thanked and excused unselected Jurors.

Court advised the selected jury panel of roll during these proceedings.

12:19 p.m. Selected Jury Panel sworn to try this case.

Court Clerk read the Amended Information aloud and indicated that the Defendant previously entered a plea of not guilty to the charge set forth therein.

12:26 p.m. Jury admonished and excused; said admonishment administered prior to each recess for the duration of trial. Court recessed.

1:41 p.m. Court reconvened outside the presence of the jury with Respective Counsel and Defendant present.

State's counsel Bogale provided the Court with the Jury Instruction to be provided to the Jury prior to commencement of evidence based on the Defendant's self-representation.

Rule of Exclusion invoked.

Motion to Exclude the term "R.O.P." Detective by defendant; presented argument. **COURT ENTERED ORDER** granting Motion.

Discussion ensued regarding Exhibits 10 and 11 referencing the Defendant being in custody at the Washoe County Jail. **COURT** directed the State and Defendant that no mention of the custody status of the Defendant shall be made by any witness without a hearing outside the presence of the Jury prior.

1:48 p.m. Jury entered. State's Counsel Bogale and Defendant stipulated to the presence of the jury.

Jury Instruction regarding self-representation read aloud to the Jury.

**EXHIBITS 1 – 15** previously marked.

State's Counsel Bogale presented opening statement.

Defendant presented opening statement.

Alejandro Monroy called by State's Counsel Bogale, sworn and testified.

**EXHIBIT 7** offered by State's Counsel Bogale; objection by Defendant; ordered admitted into evidence over objection.

Witness Monroy further direct examined.

\*\*\*Witness identified the Defendant for the record.

Witness Monroy further direct examined.

DATE, JUDGE  
OFFICERS OF  
COURT PRESENT

PAGE FOUR

APPEARANCES-HEARING

CONT'D TO

9/22/14

JURY TRIAL – DAY ONE

Molezzo

Reporters

(Reporter)

**EXHIBIT 16** marked by State's Counsel Bogale.

Witness Monroy further direct examined.

**EXHIBIT 16** offered by State's Counsel Bogale; objection by Defendant.

Jury admonished and excused in order for objection to be put on the record. Defendant set forth objection to Exhibit 16. Defendant examined Witness Monroy as to contents of video. Court examined Witness Monroy.

Court directed the State to play the video for the Defendant.

Defendant advised the Court that the video is the same as the video he received through the discovery process.

Defendant further examined witness Monroy.

2:31 p.m. Jury entered. State's Counsel Bogale and Defendant stipulated to the presence of the Jury.

**EXHIBIT 16** ordered admitted into evidence over objection.

Witness Monroy further direct examined.

**EXHIBIT 8** offered by State's Counsel Bogale; objection by Defendant; objection sustained, admission denied.

Jury admonished and excused. Outside the presence of the Jury, the Court instructed both the State and Defendant not to argue with the Court.

Court further directed the State to review Exhibit 8 as to relevance during the recess.

2:58 p.m. Court recessed.

3:18 p.m. Court reconvened outside the presence of the Jury with Respective Counsel and Defendant present.

State's Counsel Bogale set forth offer of proof as to Exhibit 8. **COURT** advised State's Counsel Bogale that the testimony presented fails to connect the property taken to the "training receipt" and advised State's Counsel Bogale that the person who created the "training receipt" would be needed in order for Exhibit 8 to be admitted.

3:23 p.m. Jury entered. State's Counsel Bogale and Defendant stipulated to the presence of the Jury.

**EXHIBIT 17** marked by the State during recess.

Court instructed the Jury to disregarding the previous testimony regarding Exhibit 8.

Witness Monroy further direct examined.

**EXHIBIT 17** offered by State's Counsel Bogale; objection by Defendant;

**DATE, JUDGE  
OFFICERS OF  
COURT PRESENT****PAGE FIVE****APPEARANCES-HEARING****CONT'D TO**

9/22/14

**JURY TRIAL – DAY ONE**

Molezzo

ordered admitted into evidence over objection.

Reporters

(Reporter)

Witness Monroy further direct examined.

**EXHIBIT 18** marked by State's Counsel Bogale.

Witness Monroy further direct examined; cross-examined by Defendant.

**EXHIBIT 18** offered by Defendant; no objection by State's Counsel Bogale; ordered admitted into evidence.

Witness further cross-examined; redirect examined; recross-examined; excused, subject to recall.

Matthew Hand called by State's Counsel Bogale.

\*\*\* Witness identified the Defendant for the record.

Witness Hand further direct examined.

4:58 p.m. Jury admonished and excused. Outside the presence of the Jury, Court advised State of modification to the packet of Jury Instructions as to gender neutrality made by the Court.

Court further directed the State to modify the Charging Instruction. Further the Court directed each side to remove the Instructions regarding Burglary from their packets.

State's Counsel Bogale presented objection to Exhibit 14 which is the 911 call as it has numerous calls recorded. **COURT ENTERED ORDER** that Exhibit 14 will be admitted of the limited purpose of the 911 call by Matthew Hand. The Exhibit will not be produced to the Jury during deliberations unless specifically requested at which time Court will reconvene for the limited purpose of playing the 911 call by Matthew Hand only.

State's Counsel Bogale advised the Court and Defendant of the schedule of witness for the next day.

Discussion ensued regarding the Jury Instructions. Defendant advised Court that Standby Counsel Hylin will presented the arguments regarding the Jury Instructions on behalf of the Defendant.

Defendant advised the Court that the defense will be calling 1 witness which the Washoe County Public Defender's Office is coordinating.

**COURT** canvassed the Defendant as to his rights against self-incrimination.

Discussion ensued regarding discovery production.

At the request of Defendant, **COURT** directed the Clerk to mark an Inmate Grievance Form by the Defendant as an exhibit.**EXHIBIT 19** marked by Defendant.

5:10 p.m. Court recessed. Defendant remanded to the custody of the Sheriff.

9/23/14

9:00 a.m.

Ongoing  
Jury Trial

CASE NO. CR14-1044

**TITLE: THE STATE OF NEVADA VS. MARC  
PAUL SCHACHTER**

**DATE, JUDGE  
OFFICERS OF**

**PAGE ONE**

**COURT PRESENT**

**APPEARANCES-HEARING**

**CONT'D TO**

9/23/14

**JURY TRIAL - DAY TWO**

HONORABLE  
CONNIE  
STEINHEIMER  
DEPT. NO.4

Chief Deputy District Attorney Cheryl Wilson, Esq., and Deputy District Attorney Zelalem Bogale, Esq., represented the State. Defendant present representing himself. Deputy Public Defender Carl Hylin, Esq., present as standby counsel.

M. Stone  
(Clerk)  
Molezzo  
Reporters  
(Reporter)

9:01 a.m. Court convened outside the presence of the Jury.  
**COURT** advised counsel that Juror Sawney recognized Det. Reed as somebody she had knowledge of. Deputy Butler set forth for the record the communication she had with Juror Sawney. State's Counsel Bogale advised the Court that the State does not intend to call Det. Reed. Defendant waived any conflict with Juror Sawney remaining on the panel.  
State's Counsel Bogale presented the Court with the modification to the Jury Instructions as requested by the Court. State's Counsel Bogale further advised the Court that should the Defendant specifically request a Jury Instruction regarding his right not to testify, the State has one available.  
Discussion ensued regarding the possibility of giving the Jury lessor included instructions.  
Defendant set forth for the record his grievance outlined in Exhibit 19. Standby Counsel Hylin advised the Court that the Defendant has all the discovery received by the Washoe County Public Defender's Office.  
9:25 a.m. Court recessed.  
9:41 a.m. Court reconvened with Respective Counsel and Defendant present. State's Counsel Bogale and Defendant stipulated to the presence of the Jury.

Witness Hand, heretofore sworn, resumed stand and was further cross-examined by Defendant; redirect examined; excused.

Anna Young called by State's Counsel Bogale, sworn and testified.

\*\*\*Witness identified the Defendant for the record.

Witness Young further direct examined.

**EXHIBIT 8** offered by State's Counsel Bogale; no objection by Defendant; ordered admitted into evidence.

Witness Young further direct examined; cross-examined by Defendant; redirect examined; recross-examined; excused.

Coralee Bunker called by State's Counsel Bogale, sworn and testified.

10:36 a.m. Jury admonished and excused. Outside the presence of the Jury, discussion ensued regarding the chain of custody of Exhibit 6.

**DATE, JUDGE  
OFFICERS OF****PAGE TWO****COURT PRESENT****APPEARANCES-HEARING****CONT'D TO**

9/23/14

**JURY TRIAL - DAY TWO**

Molezzo

Witness Bunker excused from Courtroom.

Reporters

State's Counsel Bogale presented additional offer of proof as to Exhibit 6.

(Reporter)

Defendant presented objection.

10:40 a.m. Court recessed.

10:50 a.m. Court reconvened outside the presence of the Jury with respective counsel and Defendant present.

State's Bogale advised the Court that no resolution was achieved as to the chain of custody of Exhibit 6.

State's Counsel Bogale requested that the items contained in Exhibit 6 be marked individually. Defendant presented objection.

**COURT ENTERED ORDER** overruling objection and directed the Clerk to mark each item contained in Exhibit 6 individually.**EXHIBITS 6A, 6B, 6C and 6D** marked by State's Counsel Bogale.

Witness Bunker, heretofore sworn resumed stand and was examined as to the offer of proof of Exhibit 6C.

**EXHIBIT 6C** offered by State's counsel; no objection by Defendant; ordered admitted into evidence.

11:21 a.m. Jury entered. State's counsel Bogale and Defendant stipulated to the presence of the Jury.

**COURT** advised the Jury that Exhibit 6C was admitted into evidence during hearing outside the presence of the Jury.

Witness Bunker was further direct examined.

\*\*\*Witness identified the Defendant for the record.

Witness Bunker was further direct examined; cross-examined by Defendant; redirect examined; recross-examined; excused.

Terry West called by State's Counsel Bogale, sworn and testified; cross-examined by Defendant.

**EXHIBIT 20** marked by Defendant.

Witness West further cross-examined.

**EXHIBIT 20** offered by Defendant; no objection by State's Counsel Bogale; ordered admitted into evidence.

Witness West further cross-examined; redirect examined.

**DATE, JUDGE  
OFFICERS OF  
COURT PRESENT**

**PAGE THREE**

**APPEARANCES-HEARING**

**CONT'D TO**

9/23/14

**JURY TRIAL - DAY TWO**

Molezzo

Reporters

**EXHIBIT 21** marked by State's Counsel Bogale.

Witness West further redirect examined; recross-examined; excused.

12:06 p.m. Jury admonished and excused. Outside the presence of the Jury, State's Counsel Bogale advised the Court of the schedule of witnesses. Defendant advised the Court that he does not believe he will testify. Defendant requested clarification of the scope of testimony of Officer Keisha Ellis.

12:10 p.m. Court recessed.

1:26 p.m. Court reconvened with Respective Counsel and Defendant present. State's Counsel Bogale and Defendant stipulated to the presence of the Jury.

Keisha Ellis called by State's Counsel Bogale, sworn and testified.

**EXHIBIT 22** marked by State's Counsel Bogale.

Witness Ellis further direct examined.

**EXHIBIT 22** offered by State's Counsel Bogale; no objection by Defendant; ordered admitted into evidence.

Witness Ellis further direct examined; cross-examined by Defendant; excused.

State rested.

Phillip Yoder called by Defendant, sworn and testified; cross-examined by State's Counsel Bogale; redirect examined; excused.

1:57 p.m. Jury admonished and excused. Outside the presence of the Jury, discussion ensued regarding the Jury Instructions. Defendant specifically requested the lessor included Jury Instructions and Verdict Forms.

2:00 p.m. Court recessed.

2:14 p.m. Court reconvened outside the presence of the Jury with Respective Counsel and Defendant present.

Defendant advised the Court that Officer West will not be called as a Witness on behalf of the defense. Defendant further advised the Court that he invokes his rights against self-incrimination and request a Jury Instruction be given to the Jury stating his rights.

State's Counsel Bogale advised the Court that the State has no rebuttal case to present.

2:20 p.m. Jury entered was admonished and excused for the day.

Outside the presence of the Jury, discussions ensued regarding the Jury Instructions.

DATE, JUDGE  
OFFICERS OF

PAGE FOUR

**COURT PRESENT****APPEARANCES-HEARING****CONT'D TO**

9/23/14

**JURY TRIAL – DAY TWO**

Molezzo

Reporters

(Reporter)

Based on no objections being made, **COURT ENTERED ORDER** removing Jury Instruction 23A from packet and modifying Jury Instruction 23B to remove Grand Larceny as an option. Once modification made, that instruction will be marked Jury Instruction 23.

State's counsel presented objection to Jury Instruction 21. Standby Counsel Hylin presented argument in favor of Jury Instruction 21. The Court having reviewed Crawford in totality, finds that if the Defendant requests instruction then it must be given.

Discussion ensued regarding the forms of Verdict.

State's Counsel Bogale and Standby Counsel Hylin had no further objections to offer and no further instructions to offer. State's Counsel Bogale and Standby Counsel Hylin had no objections to the forms of Verdict.

Court advised Respective Counsel and Defendant that Jury Instructions 1-28 would be given to the Jury.

State's Counsel Bogale and Defendant stipulated to the reading of the Jury Instructions prior to arguments.

2:37 p.m. Court recessed. Defendant remanded to the custody of the Sheriff.

**9/24/14**  
**9:30 a.m.**  
**Ongoing**  
**Jury Trial**

CASE NO. CR14-1044

**TITLE: THE STATE OF NEVADA VS. MARC  
PAUL SCHACHTER**

**DATE, JUDGE  
OFFICERS OF**

**PAGE ONE**

**COURT PRESENT**

**APPEARANCES-HEARING**

**CONT'D TO**

9/24/14

**JURY TRIAL - DAY THREE**

HONORABLE

Chief Deputy District Attorney Cheryl Wilson, Esq., and Deputy District

CONNIE

Attorney Zelalem Bogale, Esq., represented the State. Defendant present

STEINHEIMER

representing himself. Deputy Public Defender Carl Hylin, Esq., present as

DEPT. NO.4

standby counsel.

M. Stone

9:39 a.m. Court convened outside the presence of the Jury.

(Clerk)

State's Counsel Bogale and Defendant advised the Court that they are ready

Molezzo

to proceed and have no issues to resolve.

Reporters

9:40 a.m. Jury entered. State's counsel Bogale and Defendant stipulated to

(Reporter)

the presence of the Jury.

Court read the Jury Instructions aloud.

State's Counsel Bogale presented opening argument.

Defendant presented answering argument.

State's Counsel Bogale presented closing argument.

Upon agreement of counsel, Alternate Juror Argall excused to return to normal daily activities, subject to recall.

10:28 a.m. Bailiff and Law Clerk sworn.

Outside the presence of the Jury, Court advised respective counsel and Defendant that a "clean" computer has been received from the District Attorney's Office for the Jury's use during deliberation. Defendant had no objection to such procedure.

Court further advised Respective Counsel and Defendant that Exhibit 14 would not be presented to the Jury for use in the jury room until specifically requested then Court would reconvene in order to present the Exhibit in its limited capacity.

10:31 a.m. Court recessed awaiting Jury.

11:29 a.m. Court reconvened.

Clerk called roll of the jury panel.

Jury returned the following verdict:

**VERDICT**

We, the jury in the above-entitled matter, find the defendant, MARC PAUL SCHACHTER, GUILTY of COUNT I. ATTEMPTED ROBBERY.

DATED this 24th day of September, 2014.

(sgd) Tom Roice  
FOREPERSON



DATE, JUDGE  
OFFICERS OF

PAGE TWO

COURT PRESENTAPPEARANCES-HEARINGCONT'D TO

9/24/14	<b><u>JURY TRIAL – DAY THREE</u></b>	
Molezzo	Court inquired of the jurors as a whole if the verdict as read was the verdict	
Reporters	to which they agreed and there were no negative responses.	<b>10/2/14</b>
(Reporter)	Upon request of Defendant, <b>COURT ORDERED</b> jury polled. To the	<b>9:00 a.m.</b>
	Question “Is this your verdict as read?” posed to each juror individually,	<b>Status</b>
	there were no negative responses.	<b>Hearing</b>
	Court thanked and excused the jury.	
	<b>COURT ORDERED</b> the matter referred to Probation Department for PSI and	<b>12/4/14</b>
	continued for entry of judgment, consideration of probation report and	<b>3:00 p.m.</b>
	imposition of sentence.	<b>Sentencing</b>
	Defendant advised the Court that he may withdraw his request for self-	
	representation for the purposes of sentencing. <b>COURT</b> set a status hearing	
	in 1 week for Defendant to decide whether or not he would like counsel	
	appointed for sentencing purposes.	
	Based on the dismissal of Count II of the Amended Information, <b>COURT</b>	
	<b>ENTERED ORDER</b> reducing the Defendant’s bail to \$20,000.00 bondable.	
	11:43 a.m. Court recessed. Defendant remanded to the custody of the	
	Sheriff.	

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## Exhibits

Title: **THE STATE OF NEVADA VS. MARC PAUL SCHACHTER**

PLTF: **THE STATE OF NEVADA**      PATY: **ZELALEM BOGALE, ESQ.**

DEFT: **MARC P. SCHACHTER**      DATY: **PRO PER**

Case No: **CR14-1044**

Dept. No: **4**

Clerk: **M. Stone**

Date: **9/3/2014**

Exhibit No.	Party	Description	Marked	Offered	Admitted
A.	Defendant	CD – “Disc 1; DA 14-12219; Schachter, Marc; 7/24/14 KP”	9/3/14		
B.	Defendant	CD - “Disc 2; DA 14-12219; Schachter, Marc; 7/24/14”	9/3/14		
B1.	State	Computer PrintPage of CD File Contents (JustWare5)	9/11/14	No Objection	9/11/14
C.	State	CD- “Case #14-10834; Schachter, Marc; Disc on JW 6-26-14”	9/11/14	No Objection	9/11/14
D.	State	Computer PrintPage of CD File Content (DVD RW Drive (D:) Export Media	9/11/14	Objection Overruled	9/11/14
E.	State	CD – “14-10837 Schachter, M.”	9/11/14		
F.	State	Photograph – Backpack and Contents	9/11/14	No Objection	9/11/14
1.	State	Evidence Envelope containing CD Depicting Incident at Walmart ***Admitted for 9/11/14 Pre-Trial Motions Hearing then marked for Trial purposes	9/11/14		

## Exhibits

Title: **THE STATE OF NEVADA VS. MARC PAUL SCHACHTER**

PLTF: **THE STATE OF NEVADA**      PATY: **ZELALEM BOGALE, ESQ.**

DEFT: **MARC P. SCHACHTER**      DATY: **PRO PER**

Case No: **CR14-1044**

Dept. No: **4**    Clerk: **M. Stone**

Date: **9/3/2014**

Exhibit No.	Party	Description	Marked	Offered	Admitted
1A.	State	CD – Depicting Incident at Walmart ***Admitted for 9/11/14 Pre-Trial Motions Hearing then marked for Trial purposes	9/11/14		
1B.	State	Computer PrintPage of CD Content (JustWareWebService) (1A) ***Admitted for 9/11/14 Pre-Trial Motions Hearing then marked for Trial purposes	9/11/14		
2.	State	Prior Conviction – Second Judicial District Court case no. CR09-1429	9/11/14		
3.	State	Prior Conviction – Ninth Judicial District Court case no. 06-CR-00052-DC	9/11/14		
4.	State	Prior Conviction – Santa Clara Municipal Court case no. E9171929	9/11/14		
5.	State	Prior Conviction – Suffolk County Court case no. CC#86-863893	9/11/14		

## Exhibits

Title: **THE STATE OF NEVADA VS. MARC PAUL SCHACHTER**

PLTF: **THE STATE OF NEVADA**      PATY: **ZELALEM BOGALE, ESQ.**

DEFT: **MARC P. SCHACHTER**      DATY: **PRO PER**

Case No: **CR14-1044**

Dept. No: **4**    Clerk: **M. Stone**

Date: **9/3/2014**

Exhibit No.	Party	Description	Marked	Offered	Admitted
6.	State	Clear Plastic Evidence Envelope – Contents from Property Obtained from Marc Schachter	9/22/14		
6A.	State	Box of Hair Color contained in Exhibit 6	9/23/14		
6B.	State	Solar Garden Light contained in Exhibit 6	9/23/14		
6C.	State	Original Walmart Receipt contained in Exhibit 6	9/23/14	No Objection	9/23/14
6D.	State	Receipt – Washoe County, Nevada Office of the District Attorney dated 9/19/14	9/23/14		
7.	State	Diagram of Walmart	9/22/14	Objection Overruled	9/22/14
8.	State	Walmart Receipt #00009052 – Invalid Receipt – Training	9/22/14	No Objection	9/23/14
9.	State	Copy of Receipt – 00001423 – Solar Light and Haircolor	9/22/14		
10.	State	Tiburon Print Screen – Personal Property Tab - Schachter, Marc Paul	9/22/14		
11.	State	CD – Jail Calls for Schachter, Marc	9/22/14		
12A- H.	Defendant	Photographs - Walmart	9/22/14		
13.	Defendant	Diagram – Floor Plan of Walmart	9/22/14		

## Exhibits

Title: **THE STATE OF NEVADA VS. MARC PAUL SCHACHTER**

PLTF: **THE STATE OF NEVADA**      PATY: **ZELALEM BOGALE, ESQ.**

DEFT: **MARC P. SCHACHTER**      DATY: **PRO PER**

Case No: **CR14-1044**

Dept. No: **4**    Clerk: **M. Stone**

Date: **9/3/2014**

Exhibit No.	Party	Description	Marked	Offered	Admitted
14.	Defendant	CD – 911 Calls	9/22/14	Objection Overruled	9/23/14 – Limited Admission
15.	Defendant	Walmart – Performance Evaluation for Anna Young	9/22/14		
16.	State	CD - “Disc 2; DA 14-12219; Schachter, Marc; 7/24/14”	9/22/14	Objection Overruled	9/22/14
17.	State	Photograph - Backpack and Contents (Same as Exhibit f)	9/22/14	Objection Overruled	9/22/14
18.	State	RPD – Statement of Alejandro Monroy case no. 14-10834	9/22/14	No Objection	9/22/14
19.	Defendant	Inmate Grievance Form dated 9/8/14 from Inmate Schachter, M	9/22/14		
20.	Defendant	Arrest Report and Declaration of Probable Cause case no. 14-10834 by T. West	9/23/14	No Objection	9/23/14
21.	State	RPD – Report dated 6/9/14 by West, Terry	9/23/14		
22.	State	Washoe County Sheriff’s Office Detention Property Record Form for Schachter, Marc	9/23/14	No Objection	9/23/14

CASE NO. CR14-1044

**TITLE: THE STATE OF NEVADA VS. MARC  
PAUL SCHACHTER**

**DATE, JUDGE  
OFFICERS OF**

**COURT PRESENT**

**APPEARANCES-HEARING**

**CONT'D TO**

10/2/14	<b><u>STATUS HEARING REGARDING SELF-REPRESENTATION</u></b>	
HONORABLE	Deputy District Attorney Zelalem Bogale, Esq., represented the State.	<b>11/20/14</b>
CONNIE	Defendant present representing himself. Chief Deputy Public Defender	<b>9:00 a.m.</b>
STEINHEIMER	James Leslie, Esq., present as standby counsel.	<b>Sentencing</b>
DEPT. NO.4	Defendant requested guidance from the Court as to what his sentence	
M. Stone	would be. <b>COURT</b> advised the defendant that the Court does not make a	
(Clerk)	determination of sentence until the presentence investigation report is	
J. Schonlau	received and all sentencing arguments are presented.	
(Reporter)	Defendant advised the Court that he wishes to remain self-represented at	
	this time.	
	State's counsel advised the Court that there are 7 prior convictions alleged	
	in the Habitual Criminal charge and further advised the defendant of the	
	possible penalty.	
	<b>COURT</b> encouraged the Defendant to have the Public Defender's Office	
	appointed to represent him for sentencing purposes.	
	Motion for Trial Transcripts at Public Expense provided to standby counsel	
	for filing.	
	<b>COURT</b> advised the defendant of his appeal rights.	
	Defendant provided a list of legal materials needed to standby counsel.	
	Defendant advised the Court that he has had a presentence investigation	
	report prepared in the last 5 years and requests waiver of new report.	
	State's counsel invoked right to a presentence investigation report.	
	<b>COURT</b> directed standby counsel to advise the defendant of his rights	
	during the presentence investigation interview.	
	Sentencing to remain as previously scheduled.	
	Defendant remanded to the custody of the Sheriff.	

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CASE NO. CR14-1044

**TITLE: THE STATE OF NEVADA VS. MARC PAUL  
SCHACHTER**

**DATE, JUDGE  
OFFICERS OF**

**COURT PRESENT**

**APPEARANCES-HEARING**

**CONT'D TO**

11/20/14

**STATUS HEARING**

HONORABLE

Deputy District Attorney Zelalem Bogale, Esq., represented the State.

**12/4/14**

CONNIE

Defendant present representing himself. Chief Deputy Public Defender

**9:00 a.m.**

STEINHEIMER

James Leslie, Esq., present as standby counsel. Probation Officer Thomas

**Sentencing**

DEPT. NO. 4

Wilson was present on behalf of the Division of Parole and Probation.

M. Slane

Defendant's stand by counsel advised the Court that paper was provided to

(Clerk)

the Defendant as requested, all documents provided to stand by counsel by

J. Schonlau

Defendant have been filed, as well as the handwritten copies of same have

(Reporter)

been returned to Defendant. Stand by counsel further advised the Court

that Defendant has been provided with the necessary form to file a Notice of

Appeal and that all copies of cases requested by Defendant as to case law

have been provided to him, save one.

Defendant notified the Court that he filed a Motion for Clarification of Pre-Trial Order, a Request for Case File of Stand-By Counsel Including All Work Product, a Motion for Trial Transcripts at Public Expense and a Petition for Writ of Habeas Corpus.

Based on a filing of a Petition for Writ of Habeas Corpus creating a conflict of interest for the Public Defender's Office, **COURT ORDERED** the Alternate Public Defender's Office appointed as stand-by counsel.

Defendant noted he has filed a Motion for Trial Transcripts at Public Expense. Court advised Defendant that this Motion is not appropriate until he has filed the appeal.

Motion by Defendant that sentencing be continued to a later date. **COURT ORDERED** Motion for Continuance denied at this time unless and until new stand-by counsel requests such.

Defendant noted his objections to the Pre-Sentence Investigation Report. Court advised Defendant that his Objection to Pre-Sentence Investigation Report will be filed with the Court.

State's counsel advised the Division of Parole and Probation that certified copies of Defendant's prior convictions can be made available to them.

**COURT** directed the Clerk to make the Court's certified copies of Defendant's prior convictions available to him, further directing State's counsel to also provide their certified copies to Defendant.

Defendant advised the Court of his issue regarding items and services needed for his pro se representation. **COURT** directed Bailiff to contact the jail.

Defendant remanded to the custody of the Sheriff

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CASE NO. CR14-1044

**TITLE: THE STATE OF NEVADA VS. MARC  
PAUL SCHACHTER**

**DATE, JUDGE  
OFFICERS OF**

**COURT PRESENT**

**APPEARANCES-HEARING**

**CONT'D TO**

11/13/14

**STATUS HEARING REGARDING SELF-REPRESENTATION**

HONORABLE

Deputy District Attorney Zelalem Bogale, Esq., represented the State.

**11/20/14**

CONNIE

Defendant present representing himself. Chief Deputy Public Defender

**9:00 a.m.**

STEINHEIMER

James Leslie, Esq., present as stand-by counsel for the Defendant.

**Status**

DEPT. NO.4

Motion for Release from Custody into the Salvation Army Treatment

**Hearing**

M. Stone

Program by defendant; presented argument; objection and argument by

(Clerk)

State's counsel. **COURT ENTERED ORDER** denying Motion.

J. Schonlau

Stand-by counsel Leslie advised the Court that the Defendant provided

(Reporter)

documents to him for filing with the Court, which will be done if the

document are appropriate and timely to be filed at this time.

State's counsel noted for the record that the Defendant's fifth prior

conviction has been provided to the Defendant.

Currently set status hearing to remain as scheduled.

Defendant remanded to the custody of the Sheriff.

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CASE NO. CR14-1044

**TITLE: THE STATE OF NEVADA VS. MARC  
PAUL SCHACHTER**

**DATE, JUDGE  
OFFICERS OF**

**COURT PRESENT**

**APPEARANCES-HEARING**

**CONT'D TO**

12/11/14

**STATUS HEARING**

HONORABLE

Deputy District Attorney Zelalem Bogale represented the State. Defendant present representing himself. Deputy Alternate Public Defender Jarrod

**2/26/15**

CONNIE

Hickman present as stand-by counsel.

**1:30 p.m.**

STEINHEIMER

DEPT. NO.4

Defendant requested counsel be appointed to represent him for sentencing purposes. **COURT ENTERED ORDER** appointing the Alternate Public Defender's Office to represent the defendant for sentencing purposes.

**Continued  
Sentencing**

M. Stone

Motion to Continue Currently Set Sentencing Date by defense counsel; presented argument; no objection by State's counsel.

(Clerk)

J. Schonlau

**COURT ENTERED ORDER** continuing the sentencing set for January 16, 2015.

(Reporter)

Defense counsel advised the Court that the defense would be requesting the trial transcripts.

Defense counsel further withdrew the Petition for Writ of Habeas Corpus filed by the defendant as it is premature.

**COURT FURTHER ORDERED** the Division of Parole and Probation to prepare a supplemental PSI no later than January 26, 2015 taking into account the defendant's objection.

Defendant remanded to the custody of the Sheriff

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CASE NO. CR14-1044

**TITLE: THE STATE OF NEVADA VS. MARC  
PAUL SCHACHTER**

**DATE, JUDGE  
OFFICERS OF**

**PAGE ONE**

**COURT PRESENT**

**APPEARANCES-HEARING**

**CONT'D TO**

2/26/15

**ENTRY OF JUDGMENT AND IMPOSITION OF SENTENCE**

HONORABLE

Deputy District Attorney Zelalem Bogale represented the State. Defendant present with counsel, Deputy Public Defender Marc Picker. Probation

CONNIE

STEINHEIMER

Officer Deborah Brown present on behalf of the Division of Parole and Probation.

DEPT. NO.4

M. Stone

Court noted receipt of the amended supplemental report from the Division of Parole and Probation.

(Clerk)

R. Malnerich

Defense counsel presented additional corrections to be made to the report as to the defendant's date of birth and criminal history.

(Reporter)

**EXHIBIT 24** marked and offered by defense counsel; no objection by State's counsel; ordered admitted into evidence to show that local rules regarding objections to PSI's were followed.

**COURT ENTERED ORDER** striking the additional date of birth.

**COURT FURTHER ENTERED ORDER** denying the request as to the defendant's criminal history.

Defense counsel Picker advised the Court that the defendant does not waive any of his prior objections to the PSI.

State's counsel set forth additional corrections to be made to the PSI.

**EXHIBIT 4** offered by State's counsel; objection and argument by defense counsel; ordered admitted into evidence after being found constitutionally valid to verify the existence of a prior conviction. The Court found that the defendant was represented by counsel and that his rights were protected.

Motion to Strike Exhibit 5 by defense counsel; presented argument; objection and argument by State's counsel; reply by defense counsel.

**COURT ENTERED ORDER** denying the Motion as the defendant had a trial set and was not promised any favors in the statement of plea when he entered his plea of guilty.

Motion to Strike Exhibit 23 by defense counsel; presented argument; objection and argument by State's counsel; reply by defense counsel.

**COURT ENTERED ORDER** granting Motion and Exhibit 23 will not be considered by the Court.

Respective counsel presented argument regarding the defendant being found to be a Habitual Criminal.

**DATE, JUDGE  
OFFICERS OF****PAGE TWO****COURT PRESENT****APPEARANCES-HEARING****CONT'D TO**

2/26/15

**ENTRY OF JUDGMENT AND IMPOSITION OF SENTENCE**R. Malnerich  
(Reporter)

Probation Officer Brown update the report as to credit for time served and stood by the recommendation in the report.

Defendant made a statement on his own behalf.

The Court finds that the Defendant has suffered constitutionally valid previous convictions to support the adjudication of habitual criminal. In addition, after considering all factors in mitigation, the prior lectures he has received, the prior chances from the State through negotiations as well as his prior chances on parole, this Court finds that it is just and proper that the Defendant deserves to be declared a habitual criminal. Based upon those findings, this Court finds the Defendant to be a habitual criminal. The Defendant shall be sentenced as a Habitual Criminal, as defined in NRS 207.010(a).

**EXHIBITS 2 and 3** ordered admitted in to evidence after having been found constitutionally valid prior convictions.

**COURT ORDERED JUDGMENT ENTERED** and sentenced the defendant to imprisonment in the Nevada Department of Corrections for the term of forty-eight (48) months with minimum parole eligibility of twelve (12) months with credit for two hundred sixty-three (263) days time served, for Count I; to imprisonment in the Nevada Department of Corrections for the maximum term of twenty (20) years with the minimum parole eligibility of five (5) years, with credit for two hundred sixty-three (263) days time served, for Count III, to be served concurrently with sentence imposed in Count I; and to pay attorney's fees in the amount of One Thousand Dollars (\$1,000.00) for reimbursement of legal expenses. Defendant is further ordered to pay a Three Dollar (\$3.00) administrative assessment for obtaining a biological specimen and conducting a genetic marker analysis and a Twenty-Five Dollar (\$25.00) administrative assessment fee to the Clerk of the Second Judicial District Court.

The fees are subject to removal from the Defendant's books at the Nevada Department of Corrections.

Defendant remanded to the custody of the Sheriff for transportation to the Warden.

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## Exhibits

Title: **THE STATE OF NEVADA VS. MARC PAUL SCHACHTER**

PLTF: **THE STATE OF NEVADA**      PATY: **ZELALEM BOGALE, ESQ.**

DEFT: **MARC P. SCHACHTER**      DATY: **PRO PER**

Case No: **CR14-1044**

Dept. No: **4**

Clerk: **M. Stone**

Date: **9/3/2014**

Exhibit No.	Party	Description	Marked	Offered	Admitted
A.	Defendant	CD – “Disc 1; DA 14-12219; Schachter, Marc; 7/24/14 KP”	9/3/14		
B.	Defendant	CD - “Disc 2; DA 14-12219; Schachter, Marc; 7/24/14”	9/3/14		
B1.	State	Computer PrintPage of CD File Contents (JustWare5)	9/11/14	No Objection	9/11/14
C.	State	CD- “Case #14-10834; Schachter, Marc; Disc on JW 6-26-14”	9/11/14	No Objection	9/11/14
D.	State	Computer PrintPage of CD File Content (DVD RW Drive (D:) Export Media	9/11/14	Objection Overruled	9/11/14
E.	State	CD – “14-10837 Schachter, M.”	9/11/14		
F.	State	Photograph – Backpack and Contents	9/11/14	No Objection	9/11/14
1.	State	Evidence Envelope containing CD Depicting Incident at Walmart ***Admitted for 9/11/14 Pre-Trial Motions Hearing then marked for Trial purposes	9/11/14		

## Exhibits

Title: **THE STATE OF NEVADA VS. MARC PAUL SCHACHTER**

PLTF: **THE STATE OF NEVADA**      PATY: **ZELALEM BOGALE, ESQ.**

DEFT: **MARC P. SCHACHTER**      DATY: **PRO PER**

Case No: **CR14-1044**

Dept. No: **4**    Clerk: **M. Stone**

Date: **9/3/2014**

Exhibit No.	Party	Description	Marked	Offered	Admitted
1A.	State	CD – Depicting Incident at Walmart ***Admitted for 9/11/14 Pre-Trial Motions Hearing then marked for Trial purposes	9/11/14		
1B.	State	Computer PrintPage of CD Content (JustWareWebService) (1A) ***Admitted for 9/11/14 Pre-Trial Motions Hearing then marked for Trial purposes	9/11/14		
2.	State	Prior Conviction – Second Judicial District Court case no. CR09-1429	9/11/14	No Objection	2/26/15
3.	State	Prior Conviction – Ninth Judicial District Court case no. 06-CR-00052-DC	9/11/14	No Objection	2/26/15
4.	State	Prior Conviction – Santa Clara Municipal Court case no. E9171929	9/11/14	Objection Sustained	
5.	State	Prior Conviction – Suffolk County Court case no. CC#86-863893	9/11/14	Objection Sustain	

## Exhibits

Title: **THE STATE OF NEVADA VS. MARC PAUL SCHACHTER**

PLTF: **THE STATE OF NEVADA**      PATY: **ZELALEM BOGALE, ESQ.**

DEFT: **MARC P. SCHACHTER**      DATY: **PRO PER**

Case No: **CR14-1044**

Dept. No: **4**    Clerk: **M. Stone**

Date: **9/3/2014**

Exhibit No.	Party	Description	Marked	Offered	Admitted
6.	State	Clear Plastic Evidence Envelope – Contents from Property Obtained from Marc Schachter	9/22/14		
6A.	State	Box of Hair Color contained in Exhibit 6	9/23/14		
6B.	State	Solar Garden Light contained in Exhibit 6	9/23/14		
6C.	State	Original Walmart Receipt contained in Exhibit 6	9/23/14	No Objection	9/23/14
6D.	State	Receipt – Washoe County, Nevada Office of the District Attorney dated 9/19/14	9/23/14		
7.	State	Diagram of Walmart	9/22/14	Objection Overruled	9/22/14
8.	State	Walmart Receipt #00009052 – Invalid Receipt – Training	9/22/14	No Objection	9/23/14
9.	State	Copy of Receipt – 00001423 – Solar Light and Haircolor	9/22/14		
10.	State	Tiburon Print Screen – Personal Property Tab - Schachter, Marc Paul	9/22/14		
11.	State	CD – Jail Calls for Schachter, Marc	9/22/14		
12A- H.	Defendant	Photographs - Walmart	9/22/14		
13.	Defendant	Diagram – Floor Plan of Walmart	9/22/14		

## Exhibits

Title: **THE STATE OF NEVADA VS. MARC PAUL SCHACHTER**

PLTF: **THE STATE OF NEVADA**      PATY: **ZELALEM BOGALE, ESQ.**

DEFT: **MARC P. SCHACHTER**      DATY: **PRO PER**

Case No: **CR14-1044**

Dept. No: **4**    Clerk: **M. Stone**

Date: **9/3/2014**

Exhibit No.	Party	Description	Marked	Offered	Admitted
14.	Defendant	CD – 911 Calls	9/22/14	Objection Overruled	9/23/14 – Limited Admission
15.	Defendant	Walmart – Performance Evaluation for Anna Young	9/22/14		
16.	State	CD - “Disc 2; DA 14-12219; Schachter, Marc; 7/24/14”	9/22/14	Objection Overruled	9/22/14
17.	State	Photograph - Backpack and Contents (Same as Exhibit f)	9/22/14	Objection Overruled	9/22/14
18.	State	RPD – Statement of Alejandro Monroy case no. 14-10834	9/22/14	No Objection	9/22/14
19.	Defendant	Inmate Grievance Form dated 9/8/14 from Inmate Schachter, M	9/22/14		
20.	Defendant	Arrest Report and Declaration of Probable Cause case no. 14-10834 by T. West	9/23/14	No Objection	9/23/14
21.	State	RPD – Report dated 6/9/14 by West, Terry	9/23/14		
22.	State	Washoe County Sheriff’s Office Detention Property Record Form for Schachter, Marc	9/23/14	No Objection	9/23/14
23.	State	Los Angeles Superior Court case no. 8A031490-01	2/26/15	Objection Sustained	

## **Exhibits**

Title: **THE STATE OF NEVADA VS. MARC PAUL SCHACHTER**

PLTF: **THE STATE OF NEVADA**      PATY: **ZELALEM BOGALE, ESQ.**

DEFT: **MARC P. SCHACHTER**      DATY: **PRO PER**

Case No: **CR14-1044**

Dept. No: **4**    Clerk: **M. Stone**

Date: **9/3/2014**

<b>Exhibit No.</b>	<b>Party</b>	<b>Description</b>	<b>Marked</b>	<b>Offered</b>	<b>Admitted</b>
24	Defendant	E-Mail communication regarding Objections to the PSI	2/26/15	No Objection	2/26/15



CASE NO. CR14-1044

**TITLE: THE STATE OF NEVADA VS. MARC  
PAUL SCHACHTER**

**DATE, JUDGE  
OFFICERS OF**

**COURT PRESENT**

**APPEARANCES-HEARING**

**CONT'D TO**

3/5/15

HONORABLE

CONNIE

STEINHEIMER

DEPT. NO.4

M. Stone

(Clerk)

**IN-CHAMBERS CONFERENCE REGARDING JUDGMENT OF**

**CONVICTION**

Deputy District Attorney Zelalem Bogale represented the State. Defendant present with counsel, Deputies Alternate Public Defender Jarrod Hickman and Marc Picker.

Counsel noted receipt of the proposed Judgment of Conviction in the above entitled case.

Upon request of the State and no objection by the defense, **COURT ENTERED ORDER** adding the language "it is just and proper" to page two, line one of the proposed Judgment of Conviction.

**COURT** directed Clerk to prepare Judgment of Conviction in accordance with the above for signature.

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CASE NO. CR14-1044

**TITLE: THE STATE OF NEVADA VS. MARC  
PAUL SCHACHTER**

**DATE, JUDGE  
OFFICERS OF**

**PAGE ONE**

**COURT PRESENT**

**APPEARANCES-HEARING**

**CONT'D TO**

9/11/14 **ONGOING PRE-TRIAL MOTIONS/MOTION TO CONFIRM TRIAL DATE**

HONORABLE Deputy District Attorney Zelalem Bogale, Esq., represented the State.  
CONNIE Defendant present representing himself. Chief Deputy Public Defender  
STEINHEIMER James Leslie, Esq., present as stand-by counsel for the Defendant.  
DEPT. NO.4

M. Stone Alejandro Monroy called by State's counsel, sworn and testified.

(Clerk)  
J. Schonlau \*\*\*Witness identified the Defendant for the record.  
(Reporter)

**EXHIBIT C** marked by State's counsel.

Witness Monroy further direct examined.

**EXHIBIT C** offered by State's counsel; voir dire and no objection by  
Defendant; ordered admitted into evidence.

Witness Monroy further direct examined; cross-examined; redirect  
examined; recross-examined; excused.

Nick Reed called by State's counsel, sworn and testified.

**EXHIBITS 1 and 1A** marked and offered by State's counsel; no objection by  
Defendant; ordered admitted into evidence.

Witness Reed further direct examined.

**EXHIBIT 1B** marked by State's counsel.

Witness Reed further direct examined; cross-examined; excused.

Discussion ensued regarding the purpose of the testimony and contents of  
Exhibits A and B marked at previous hearing.

11:11 a.m. Court recessed.

11:48 a.m. Court reconvened with State's counsel, Defendant and Stand-  
By counsel present.

Michelle Bays called by State's counsel, sworn and testified.

**EXHIBIT 1B** offered by State's counsel; no objection by Defendant; ordered

CASE NO. CR14-1044

**TITLE: THE STATE OF NEVADA VS. MARC  
PAUL SCHACHTER**

**DATE, JUDGE  
OFFICERS OF**

**PAGE TWO**

**COURT PRESENT**

**APPEARANCES-HEARING**

**CONT'D TO**

9/11/14

**PRE-TRIAL MOTIONS**

J. Schonlau  
(Reporter)

admitted into evidence.

**EXHIBIT B1** marked by State's counsel.

Witness Bays further direct examined.

**EXHIBIT B1** offered by State's counsel; no objection by Defendant; ordered admitted into evidence.

Witness Bays further direct examined.

State's counsel set forth differences to all the surveillance videos.

Witness Bays excused subject to recall.

12:06 p.m. Court recessed.

1:09 p.m. Court reconvened with State's counsel, Defendant and Stand-By counsel present.

Witness Bays, heretofore sworn, resumed stand and was further direct examined.

**EXHIBIT D** marked by State's counsel.

Witness Bays further direct examined.

**EXHIBIT D** offered by State's counsel; objection by Defendant; objection sustained, admission denied.

Witness Bays further direct examined.

**EXHIBIT D** re-offered by State's counsel; admission held in abeyance pending further questioning of the witness.

Witness Bays further direct examined.

**EXHIBIT E** marked by State's counsel.

CASE NO. CR14-1044

**TITLE: THE STATE OF NEVADA VS. MARC  
PAUL SCHACHTER**

**DATE, JUDGE  
OFFICERS OF**

**PAGE THREE**

**COURT PRESENT**

**APPEARANCES-HEARING**

**CONT'D TO**

9/11/14

**PRE-TRIAL MOTIONS**

J. Schonlau  
(Reporter)

Witness Bays further direct examined

**EXHIBIT D** re-offered by State's counsel; voir dire and objection by Defendant; ordered admitted into evidence over objection.

Witness Bays further direct examined.

**EXHIBITS A and B** offered by State's counsel; no objection by Defendant; ordered admitted into evidence.

Witness Bays further direct examined; cross-examined; excused.

Discussion ensued regarding the State recalling Witness Monroy.

Witness Monroy, heretofore sworn, recalled by State's counsel and was direct examined; cross-examined; examined by the Court; redirect examined; recross-examined; further examined by the Court, State's counsel and Defendant; excused

1:30 p.m. Court recessed.

4:06 p.m. Court reconvened with State's counsel, Defendant and Stand-by counsel.

Witness Monroy, heretofore sworn, recalled by State's counsel and was direct examined.

**EXHIBIT F** marked by State's counsel.

Witness Monroy further direct examined.

**EXHIBIT F** offered by State's counsel; voir dire and no objection by Defendant; ordered admitted into evidence.

Witness Monroy further direct examined; cross-examined; examined by the Court; excused.

State rested.

4:10 p.m. Court recessed.

**DATE, JUDGE  
OFFICERS OF  
COURT PRESENT****PAGE FOUR****APPEARANCES-HEARING****CONT'D TO**

9/11/14

**PRE-TRIAL MOTIONS**J. Schonlau  
(Reporter)

4:45 p.m. Court reconvened with State's counsel, Defendant and Stand-by counsel present.

Motion to Dismiss due to Prejudicial Delay by defendant; presented argument.

Motion to Dismiss due to Lost or Destroyed Evidence by defendant; presented argument.

**COURT ENTERED ORDER** denying the Motion for Preliminary Hearing Transcript based on the defendant's refusal to accept the remedy of remanding case back to Justice Court for preliminary examination; granting Motion to Compel State to provide "Brady" Material; granting the Motion in Limine regarding bad acts of the State's witnesses and a hearing outside the presence of the jury must be conducted prior to any questions being asked.

State's counsel presented objections to the Motions to Dismiss.

Discussion ensued regarding the Faretta canvass conducted by Judge Lynch in the lower Court, the defendant's inability to hire an investigator, the request for an investigator at public expense and subpoena's issued on behalf of the defendant by the Public Defender's Office.

State's counsel provided the defendant and stand-by counsel with the State's packet of proposed Jury Instructions.

**EXHIBITS 2, 3, 4 and 5** marked by State's counsel.

State's counsel advised the Court and the defendant that Exhibits 2 and 3 would be utilized for impeachment purposes.

Stand-by counsel Leslie presented argument on behalf of the defendant for the limited purpose of the use of Exhibits 2 and 3 for impeachment purposes. State's counsel presented reply argument.

**COURT ENTERED ORDER** allowing for the use of the Judgments of Conviction contained in Exhibits 2 and 3 for impeachment purposes should the defendant testify and deny having prior convictions. **COURT** further found Exhibits 2 and 3 constitutionally valid for impeachment purposes.**COURT** took the following Motions under advisement: Motions to Dismiss due to Prejudicial Delay, Motion to Dismiss due to Lost or Destroyed Evidence, Motion to Advise Witnesses for the State of the privilege against self-incrimination, Motion to Compel the State to provide exculpatory evidence, Motion to Obtain Material and Exculpatory Video Recording, Motion for the Production of the Replacement or Substitute lost or stolen Material, and Motion in Limine with Regard to the Surveillance video Evidence.

Exhibit marking set.

CASE NO. CR14-1044

**TITLE: THE STATE OF NEVADA VS. MARC PAUL  
SCHACHTER**

**DATE, JUDGE  
OFFICERS OF**

**COURT PRESENT**

**APPEARANCES-HEARING**

**CONT'D TO**

3/25/2022

**ORAL ARGUMENTS ON MOTION TO MODIFY AND/OR CORRECT**

HONORABLE

**ILLEGAL SENTENCE**

CONNIE

Deputy District Attorney Kevin Naughton, appearing from Washoe County,

STEINHEIMER

Nevada, represented the State. Defendant present, appearing from

DEPT. NO.4

Southern Desert Correctional Center, Clark County, Nevada, representing

M. Stone

himself.

(Clerk)

J. Schonlau

This hearing was held remotely based on the Administrative Orders entered in this District. The Court and all the participants appeared via simultaneous audiovisual transmission. The Court was physically located in Reno, Washoe County, Nevada which was the site of the court session. Counsel and the Defendant acknowledged receipt of Notice that the hearing was taking place pursuant to Nevada Supreme Court Rules- Part 9 relating to simultaneous audiovisual transmissions and all stated they had no objection to going forward in this manner.

(Reporter)

Appearances made for the record.

Court noted receipt of the pleadings filed in this matter.

The Defendant deferred argument on the Motion to Modify and/or Correct Sentencing until after the State presents its argument against the motion. State's counsel presented objection and argument against the motion; reply argument by Defendant.

At the direction of the Court, State's counsel addressed the changes in the habitual criminal statute since the conviction in this matter.

The Court found that the changes to the habitual criminal statute were not retro-active and do not apply in this case, that the Court had jurisdiction to correct the Judgment of conviction as the correction was structural in nature, not modifying the actual sentence, and that the Supreme Court upheld the Corrected Judgment of Conviction in its Order of Affirmance. Therefore, **COURT ENTERED ORDER** adopting the argument of the State in its opposition to the Motion and denied the Motion to Modify and/or Correct Illegal Sentence.

State's counsel to prepare order in accordance with the above ruling.

Defendant was advised that he has 30 days to file an appeal once the written order is entered.

Court recessed.

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Code 1350

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF WASHOE

THE STATE OF NEVADA,

Plaintiff,

Case No. CR14-1044

vs.

Dept. No. 4

MARC PAUL SCHACHTER,

Defendant.

**CERTIFICATE OF CLERK AND TRANSMITTAL – NOTICE OF APPEAL**

I certify that I am an employee of the Second Judicial District Court of the State of Nevada, County of Washoe; that on the 8th day of April, 2022, I electronically filed the Notice of Appeal in the above entitled matter to the Nevada Supreme Court.

I further certify that the transmitted record is a true and correct copy of the original pleadings on file with the Second Judicial District Court.

Dated this 8th day of April, 2022.

Alicia L. Lerud  
Clerk of the Court  
By /s/Y.Viloria  
Y.Viloria  
Deputy Clerk