

Attorneys for Non-Party Sheriff Joseph Lombardo on Behalf of LVMPD

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **NOTICE OF APPEAL** was submitted electronically for filing and/or service with the Eighth Judicial District Court on the 21st day of April, 2022. Electronic service of the foregoing document shall be made in accordance with the E-Service List as follows:¹

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Public Defender	pdclerk@clarkcountynv.gov
Clark County District Attorney	motions@clarkcountyda.com
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Kirk Widmar	kwidmar@doc.nv.gov

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage prepaid, addressed to: N/A

s/Sherri Mong
An employee of Marquis Aurbach

¹ Pursuant to EDCR 8.05(a), each party who submits an E-Filed document through the E-Filing System consents to electronic service in accordance with NRCP 5(b)(2)(D).

Exhibit 1

1 ORDR
2 JoNell Thomas #4771
3 Clark County Special Public Defender
4 Tegan C. Machnich #11642
5 Chief Deputy Special Public Defender
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7 Las Vegas, Nevada 89155
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9 (702) 455-6273 (fax)
10 Tegan.Machnich@ClarkCountyNV.gov
11 Attorney for Mateo Jesus Facio
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DISTRICT COURT
CLARK COUNTY

State of Nevada,

Plaintiff,

v.

Mateo Jesus Facio,

Defendant.

Case No. C-22-361822-1

Dept. No. 6

ORDER TO REMAND DEFENDANT

18 This matter having come before the Court on March 22, 2022, the Court being
19 fully advised in the premises and good cause appearing;

20 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the Nevada
21 Department of Corrections will remand Mateo Jesus Facio, ID 1251456, to the
22 custody of the Clark County Detention Center on or before March 26, 2022, thirty
23 (30) days before trial, so that Defendant can assist his attorneys with preparation for
24 his jury trial set for April 25, 2022.

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1 IT IS FURTHER ORDERED that Mateo Jesus Facio will be transported from
2 High Desert State Prison to the Clark County Detention Center where he will be
3 housed through his trial date, and that Clark County Detention Center shall accept
4 Defendant Facio and house him according to this Order.

5 Dated this 23rd day of March, 2022

6 
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8 298 958 D7C4 C679 NH
9 Jacqueline M. Bluth
District Court Judge

10 Respectfully submitted,

For the Honorable Senior Judge
Bixler

11 JoNell Thomas
12 Clark County Special Public Defender

13 /s/ Tegan C. Machnich
14 Tegan C. Machnich
15 Chief Deputy Special Public Defender
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1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 State of Nevada

CASE NO: C-22-361822-1

7 vs

DEPT. NO. Department 6

8 Mateo Facio
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 3/23/2022

15 Diane Resch

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20 Clark County District Attorney

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21 Martina Bauhaus, Esq.

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EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY**CASE NO. C-22-361822-1**

State of Nevada
vs
Mateo Facio

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Location: **Department 6**
 Judicial Officer: **Bluth, Jacqueline M.**
 Filed on: **01/13/2022**
 Case Number History:
 Cross-Reference Case Number: **C361822**
 Defendant's Scope ID #: **8385982**
 ITAG Case ID: **2474203**
 Lower Court Case # Root: **21-CR-046744**
 Lower Court Case Number: **21-CR-046744-001**

CASE INFORMATION

Offense	Statute	Deg	Date	Case Type:	Felony/Gross Misdemeanor
1. MURDER WITH USE OF A DEADLY WEAPON	200.010	F	08/29/2021	Subtype:	Homicide
Arrest: 01/14/2022 MET - Metro				Case Status:	01/13/2022 Open
2. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON	200.010	F	08/29/2021		
3. BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM	200.481.2e2	F	08/29/2021		
4. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON	200.010	F	08/29/2021		
5. BATTERY WITH USE OF A DEADLY WEAPON	200.481.2e1	F	08/29/2021		
6. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON	200.010	F	08/29/2021		
7. BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM	200.481.2e2	F	08/29/2021		
8. CONSPIRACY TO COMMIT MURDER	200.010	F	08/29/2021		
9. DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE, VEHICLE, AIRCRAFT, OR WATERCRAFT	202.285.1b	F	08/29/2021		
10. DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE, VEHICLE, AIRCRAFT, OR WATERCRAFT	202.285.1b	F	08/29/2021		
11. DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE, VEHICLE, AIRCRAFT, OR WATERCRAFT	202.285.1b	F	08/29/2021		
12. DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE, VEHICLE, AIRCRAFT, OR WATERCRAFT	202.285.1b	F	08/29/2021		
13. DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE, VEHICLE, AIRCRAFT, OR WATERCRAFT	202.285.1b	F	08/29/2021		
14. DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE, VEHICLE, AIRCRAFT, OR WATERCRAFT	202.285.1b	F	08/29/2021		
15. DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE, VEHICLE, AIRCRAFT, OR WATERCRAFT	202.285.1b	F	08/29/2021		
16. DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE, VEHICLE, AIRCRAFT, OR WATERCRAFT	202.285.1b	F	08/29/2021		
17. DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE, VEHICLE, AIRCRAFT, OR WATERCRAFT	202.285.1b	F	08/29/2021		
18. DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE, VEHICLE,	202.285.1b	F	08/29/2021		

CASE SUMMARY**CASE NO. C-22-361822-1**

AIRCRAFT, OR WATERCRAFT			
19. DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE, VEHICLE, AIRCRAFT, OR WATERCRAFT	202.285.1b	F	08/29/2021
20. DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE, VEHICLE, AIRCRAFT, OR WATERCRAFT	202.285.1b	F	08/29/2021
21. DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE, VEHICLE, AIRCRAFT, OR WATERCRAFT	202.285.1b	F	08/29/2021
22. DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE, VEHICLE, AIRCRAFT, OR WATERCRAFT	202.285.1b	F	08/29/2021
23. DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE, VEHICLE, AIRCRAFT, OR WATERCRAFT	202.285.1b	F	08/29/2021
24. DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE, VEHICLE, AIRCRAFT, OR WATERCRAFT	202.285.1b	F	08/29/2021
25. DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE OR VEHICLE	202.287.1b	F	08/29/2021
26. DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE OR VEHICLE	202.287.1b	F	08/29/2021
27. DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE OR VEHICLE	202.287.1b	F	08/29/2021
28. DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE OR VEHICLE	202.287.1b	F	08/29/2021
29. DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE OR VEHICLE	202.287.1b	F	08/29/2021
30. DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE OR VEHICLE	202.287.1b	F	08/29/2021
31. DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE OR VEHICLE	202.287.1b	F	08/29/2021
32. DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE OR VEHICLE	202.287.1b	F	08/29/2021
33. DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE OR VEHICLE	202.287.1b	F	08/29/2021
34. DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE OR VEHICLE	202.287.1b	F	08/29/2021
35. DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE OR VEHICLE	202.287.1b	F	08/29/2021
36. DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE OR VEHICLE	202.287.1b	F	08/29/2021
37. DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE OR VEHICLE	202.287.1b	F	08/29/2021
38. DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE OR VEHICLE	202.287.1b	F	08/29/2021
39. DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE OR VEHICLE	202.287.1b	F	08/29/2021
40. DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE OR VEHICLE	202.287.1b	F	08/29/2021
41. DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE, VEHICLE, AIRCRAFT, OR WATERCRAFT	202.285.1b	F	08/29/2021
42. DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE OR VEHICLE	202.287.1b	F	08/29/2021

Related Cases

C-22-361822-2 (Multi-Defendant Case)

C-22-361822-3 (Multi-Defendant Case)

CASE SUMMARY**CASE NO. C-22-361822-1**

CASE ASSIGNMENT

DATE

Current Case Assignment

Case Number	C-22-361822-1
Court	Department 6
Date Assigned	02/14/2022
Judicial Officer	Bluth, Jacqueline M.

PARTY INFORMATION












Defendant	Facio, Mateo	<i>Lead Attorneys</i>
		Special Public Defender <i>Retained</i>
Plaintiff	State of Nevada	Wolfson, Steven B 702-671-2700(W)

DATE











EVENTS & ORDERS OF THE COURT

INDEX

EVENTS

01/14/2022	 Reporters Transcript <i>[1] Reporter's Transcript of Preliminary Hearing 12/13/2021</i>	<i>Index #1</i>
01/14/2022	 Reporters Transcript <i>[2] Reporter's Transcript of Preliminary Hearing 12/14/2021</i>	<i>Index #2</i>
01/14/2022	 Reporters Transcript <i>[3] Reporter's Transcript of Preliminary Hearing 12/15/2021</i>	<i>Index #3</i>
01/14/2022	 Criminal Bindover - Confidential <i>[4]</i>	<i>Index #4</i>
01/14/2022	 Criminal Bindover <i>[5]</i>	<i>Index #5</i>
01/14/2022	 Order for Production of Inmate <i>[6] Order for Production of Inmate</i>	<i>Index #6</i>
01/19/2022	 Information <i>[7] Information</i>	<i>Index #7</i>
01/25/2022	 Reporters Transcript <i>[8] Reporter's Transcript of Preliminary Hearing 1/13/2022</i>	<i>Index #8</i>
02/18/2022	 Order <i>[9] Order to Remand Defendant to CCDC</i>	<i>Index #9</i>
02/22/2022	 Order <i>[10] Amended Order to Remand Defendant</i>	<i>Index #10</i>
02/24/2022	 Motion to Reconsider Filed By: Plaintiff State of Nevada	<i>Index #11</i>

CASE SUMMARY**CASE NO. C-22-361822-1**



	<i>[11] Specially Appearing Interested Party Sheriff Joseph Lombardo's Motion to Reconsider Order</i>	
02/24/2022	 Clerk's Notice of Hearing <i>[12] Notice of Hearing</i>	<i>Index #12</i>
03/07/2022	 Reporters Transcript <i>[13] Reporter's Transcript of Preliminary Hearing 1/13/2022</i>	<i>Index #13</i>
03/07/2022	 Opposition to Motion Filed By: Defendant Facio, Mateo <i>[14] Opposition to Sherriff's Motion to Reconsider Order</i>	<i>Index #14</i>
03/07/2022	 Reply to Opposition Filed by: Plaintiff State of Nevada <i>[15] Specially Appearing Interested Party Sheriff Joseph Lombardo's Reply to Defendant's Opposition to Motion to Reconsider Order</i>	<i>Index #15</i>
03/11/2022	 Ex Parte Application <i>[16] Ex Parte Application AND order for Expedited Transcript</i>	<i>Index #16</i>
03/15/2022	 Recorders Transcript of Hearing <i>[17] Recorders Transcript of Motion to Reconsider Order</i>	<i>Index #17</i>
03/17/2022	 Motion to Compel Filed By: Defendant Facio, Mateo <i>[18] Defendant's Motion to Compel Nevada Department of Corrections to Allow Daily Visitation, to Reconsider Remanding Defendant and Clarify when Defendant will be Remanded to CCDC prior to Trial</i>	<i>Index #18</i>
03/17/2022	 Clerk's Notice of Hearing Party: Defendant Facio, Mateo <i>[19] Notice of Hearing</i>	<i>Index #19</i>
03/18/2022	 Notice of Change of Hearing <i>[20] Notice of Change of Hearing</i>	<i>Index #20</i>
03/21/2022	 Opposition Filed By: Plaintiff State of Nevada <i>[21] Specially Appearing Interested Party Sheriff Joseph Lombardo's Opposition to Motion to Reconsider Remand and Clarify When Defendant Will Be Remanded to CCDC Prior to Trial</i>	<i>Index #21</i>
03/21/2022	 Response Filed by: Other Nevada Department of Corrections <i>[22] Non- Party Nevada Department of Corrections Response in Partial Opposition and Partial Concurrence to Defendant's Motion to Compel Nevada Department of Corrections to Allow Daily Visitations, to Reconsider Remanding Defendant and Clarify When Defendant Will be Remanded to CDCC Prior to Trial</i>	<i>Index #22</i>
03/23/2022	 Order <i>[23] Order Granting Specially Appearing Interested Party Sheriff Joseph Lombardo's Motion to Reconsider Order</i>	<i>Index #23</i>
03/23/2022	 Order <i>[24] Order to Remand to CCDC 001</i>	<i>Index #24</i>

CASE SUMMARY

CASE NO. C-22-361822-1

03/24/2022	 Recorders Transcript of Hearing [27] <i>Recorders Transcript of Hearing Re: Specially Appearing Interested Party Sheriff Joseph Lombardo;s Motion to Reconsider Order, March 22, 2022</i>	Index #27
03/30/2022	 Notice Filed By: Other Sheriff Joseph Lombardo on Behalf of LVMPD [28] <i>Notice of Filing Writ Petition</i>	Index #28
03/30/2022	 Motion to Continue Trial Filed By: Defendant Facio, Mateo [29] <i>Motion to Continue Jury Trial Set for April 25, 2022</i>	Index #29
04/01/2022	 Clerk's Notice of Hearing [30] <i>Notice of Hearing</i>	Index #30
04/04/2022	 Notice of Witnesses and/or Expert Witnesses [31] <i>State's Notice of Witnesses and/or Expert Witnesses</i>	Index #31
04/05/2022	 Notice of Witnesses and/or Expert Witnesses [32] <i>State's Notice of Witnesses and/or Expert Witnesses</i>	Index #32
04/19/2022	 Motion to Withdraw As Counsel Filed By: Defendant Facio, Mateo [33] <i>Motion to Withdraw Due to Conflict</i>	Index #33
04/19/2022	 Clerk's Notice of Hearing [34] <i>Notice of Hearing</i>	Index #34
04/21/2022	 Notice of Appeal (Criminal) Party: Other Sheriff Joseph Lombardo on Behalf of LVMPD [35] <i>Notice of Appeal</i>	Index #35

HEARINGS

01/28/2022	 Initial Arraignment (8:30 AM) (Judicial Officer: Jones, Tierra) Continued; Journal Entry Details: <i>APPEARANCES CONTINUED: Parties present via video through bluejeans technology. Upon Court's inquiry, Ms. Luzaich advised she expects this case to go to the death review committee next week. Court so noted. There being no opposition to continuing the arraignment until after the death review, COURT ORDERED, arraignment CONTINUED to the date given. CUSTODY 02/14/22 8:30 A.M. ARRAIGNMENT CONTINUED;</i>	
02/14/2022	Arraignment Continued (8:30 AM) (Judicial Officer: Jones, Tierra)	
02/18/2022	 Status Check (9:30 AM) (Judicial Officer: Bluth, Jacqueline M.) <i>Status Check: Trial Setting</i> Trial Date Set; Journal Entry Details: <i>Michael Sanft, Esq., appearing on behalf of Co-Def. Matus and Robert Purdy, Esq., appearing on behalf of Co-Def. Diaz. Upon Court's inquiry, Ms. Luzaich stated the Deft's Facio and Matus have invoked their rights to a speedy trial, Def. Diaz has waived his right to a speedy trial and that the State is not seeking the death penalty. COURT ORDERED, matter SET for trial on an invoked setting. RECALLED: Ms. Machnich requested the Def. be REMANDED to the Clark County Detention Center, COURT SO ORDERED. Court directed Ms. Machnich to prepare an order. CUSTODY 3/18/22 9:30 AM STATUS CHECK: TRIAL</i>	

CASE SUMMARY

CASE NO. C-22-361822-1

READINESS 4/19/22 11:00 AM CALENDAR CALL 4/25/22 10:00 AM JURY TRIAL;

03/08/2022



Motion to Reconsider (11:00 AM) (Judicial Officer: Ellsworth, Carolyn)

Specially Appearing Interested Party Sheriff Joseph Lombardo's Motion to Reconsider Order Motion Granted;

Journal Entry Details:

Martina Bauhaus present on behalf of LVMPD; Defendant not present. Ms. Machnich argued she was never served with the Motion and requested the Defendant be present for this hearing. COURT STATED this is not a substantive Motion for the Defendant's presence be required. Ms. Bauhaus stated she was not aware the Defense was not served, as they filed an Opposition, and she filed a Reply. Ms. Machnich again requested the Defendant be present, as that is the issue they are arguing is the prison is restricting access to the Defendant. Ms. Bauhaus argued there is no good reason for the current order in place, and requested the Motion to Reconsider be granted. COURT ORDERED, Motion to Reconsider GRANTED. CUSTODY (COC-NDC) 3/18/2022 9:30 A.M. STATUS CHECK: TRIAL READINESS 4/19/2022 9:30 A.M. CALENDAR CALL 4/25/2022 10:00 A.M. JURY TRIAL;

03/22/2022



Motion to Compel (11:00 AM) (Judicial Officer: Bixler, James)

Defendant's Motion to Compel Nevada Department of Corrections to Allow Daily Visitation, to Reconsider Remanding Defendant and Clarify when Defendant will be Remanded to CCDC prior to Trial

Granted;

Journal Entry Details:

APPEARANCES CONTINUED: Martina Bauhaus, Las Vegas Metropolitan Police Dept., also present. Deft. not present. Ms. Machnich argued in support of the motion. Mr. Gilmer stated the Nevada Department of Correction would comply with an order to transport. Ms. Bauhaus argued in opposition to the motion. COURT ORDERED motion GRANTED. COURT FURTHER ORDERED the Defendant's to be transported to the Clark County Detention Center (CCDC) within 30 days of trial for trial preparation. Ms. Machnich is to prepare the order. CUSTODY (COC);

03/25/2022



Minute Order (4:50 PM) (Judicial Officer: Bluth, Jacqueline M.)

Minute Order - No Hearing Held;

Journal Entry Details:

On March 23, 2022 this court inadvertently signed and entered an Order Denying Defendant's Motion for a New Trial. As the order was filed in the wrong case, COURT ORDERED, order entered on March 23, 2022 at 3:27 pm is hereby STRICKEN. Furthermore, on March 24, 2022 a Transcript of Hearing was filed inadvertently into this case. As the transcript was filed in the wrong case, COURT ORDERED, transcript filed on March 24, 2022 at 9:16 am is hereby STRICKEN. CLERK'S NOTE: Copy of this Minute Order was electronically served to parties via Odyssey File & Serve. //3-25-22/dy CLERK'S NOTE: Minutes sent to the Seal / strike / redacting team. //3-25-22/dy ;

04/01/2022

Status Check: Trial Readiness (9:30 AM) (Judicial Officer: Bluth, Jacqueline M.)

Trial Scheduling/Trial Readiness

04/12/2022



Motion to Continue Trial (11:00 AM) (Judicial Officer: Craig, Christy)

Defendant's Motion to Continue Jury Trial Set for April 25, 2022

Granted;

Journal Entry Details:

APPEARANCES: Giancarlo Pesci, Deputy District Attorney, Scott Bindrup, Special Public Defender, and Michael Sanft present. Deft's Mateo Facio and Exavian Diaz not present. Deft. Briana Matus also present. Mr. Bindrup asked that the trial be continued to January of 2023. Mr. Sanft objected to the continuance as Deft. Matus would not waive her right to a speedy trial. Mr. Pesci stated if the continuance was as to all Deft's they would not object, otherwise they would object. The Court noted Ms. Matus would not waive her right to a speedy trial, however, the Court is able to reset cases in order to clear the Court's calendar. As to all Deft's, COURT ORDERED Calendar Call and Trial Date VACATED and Trial Date RESET. NDC 9/14/22 9:30 AM STATUS CHECK: TRIAL READINESS 11/15/22 9:30 AM CALENDAR CALL 11/28/22 10:00 AM JURY TRIAL CLERK'S NOTE: Minutes updated to reflect Status Check: Trial Readiness, Calenar Call, and Jury Trial date changes. Counsel notified via email of the changes (4/21/22 dg).;

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. C-22-361822-1

04/19/2022	CANCELED Calendar Call (11:00 AM) (Judicial Officer: Holthus, Mary Kay) <i>Vacated - per Judge</i>
04/25/2022	CANCELED Jury Trial (10:00 AM) (Judicial Officer: Bluth, Jacqueline M.) <i>Vacated - per Judge</i>
05/11/2022	Motion to Withdraw as Counsel (9:30 AM) (Judicial Officer: Bluth, Jacqueline M.) <i>Motion to Withdraw Due to Conflict</i>
09/14/2022	Status Check: Trial Readiness (9:30 AM) (Judicial Officer: Bluth, Jacqueline M.)
09/15/2022	CANCELED Status Check: Trial Readiness (9:30 AM) (Judicial Officer: Bluth, Jacqueline M.) <i>Vacated</i>
11/15/2022	Calendar Call (9:30 AM) (Judicial Officer: Bluth, Jacqueline M.)
11/28/2022	Jury Trial (10:00 AM) (Judicial Officer: Bluth, Jacqueline M.)

1 ORDR
2 JoNell Thomas #4771
3 Clark County Special Public Defender
4 Tegan C. Machnich #11642
5 Chief Deputy Special Public Defender
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9 (702) 455-6273 (fax)
10 Tegan.Machnich@ClarkCountyNV.gov
11 Attorney for Mateo Jesus Facio
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DISTRICT COURT
CLARK COUNTY

State of Nevada,

Plaintiff,

v.

Mateo Jesus Facio,

Defendant.

Case No. C-22-361822-1

Dept. No. 6

ORDER TO REMAND DEFENDANT

18 This matter having come before the Court on March 22, 2022, the Court being
19 fully advised in the premises and good cause appearing;

20 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the Nevada
21 Department of Corrections will remand Mateo Jesus Facio, ID 1251456, to the
22 custody of the Clark County Detention Center on or before March 26, 2022, thirty
23 (30) days before trial, so that Defendant can assist his attorneys with preparation for
24 his jury trial set for April 25, 2022.

25 ///

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1 IT IS FURTHER ORDERED that Mateo Jesus Facio will be transported from
2 High Desert State Prison to the Clark County Detention Center where he will be
3 housed through his trial date, and that Clark County Detention Center shall accept
4 Defendant Facio and house him according to this Order.

5 Dated this 23rd day of March, 2022

6 
7

8 298 958 D7C4 C679 NH
9 Jacqueline M. Bluth
District Court Judge

10 Respectfully submitted,

For the Honorable Senior Judge
Bixler

11 JoNell Thomas
12 Clark County Special Public Defender

13 /s/ Tegan C. Machnich
14 Tegan C. Machnich
15 Chief Deputy Special Public Defender
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1 **CSERV**

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3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 State of Nevada

CASE NO: C-22-361822-1

7 vs

DEPT. NO. Department 6

8 Mateo Facio
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 3/23/2022

15 Diane Resch

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24 Randy Gilmer

dgilmer@ag.nv.gov

25 Scott Bindrup

scott.bindrup@clarkcountynv.gov

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 28, 2022

C-22-361822-1 State of Nevada
 vs
 Mateo Facio

January 28, 2022 8:30 AM Initial Arraignment

HEARD BY: Jones, Tierra **COURTROOM:** RJC Courtroom 14B

COURT CLERK: Teri Berkshire

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT: Facio, Mateo Defendant
 Machnich, Tegan Attorney

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Parties present via video through bluejeans technology.

Upon Court's inquiry, Ms. Luzaich advised she expects this case to go to the death review committee next week. Court so noted. There being no opposition to continuing the arraignment until after the death review, COURT ORDERED, arraignment CONTINUED to the date given.

CUSTODY

02/14/22 8:30 A.M. ARRAIGNMENT CONTINUED

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 18, 2022

C-22-361822-1 State of Nevada
 vs
 Mateo Facio

February 18, 2022 9:30 AM Status Check

HEARD BY: Bluth, Jacqueline M.

COURTROOM: RJC Courtroom 10C

COURT CLERK: Kristen Brown

RECORDER: Sara Richardson

REPORTER:

PARTIES

PRESENT:	Bindrup, Scott L.	Attorney
	Facio, Mateo	Defendant
	Luzaich, Elissa	Attorney
	Machnich, Tegan	Attorney
	Special Public Defender	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Michael Sanft, Esq., appearing on behalf of Co-Def. Matus and Robert Purdy, Esq., appearing on behalf of Co-Def. Diaz.

Upon Court's inquiry, Ms. Luzaich stated the Deft's Facio and Matus have invoked their rights to a speedy trial, Deft. Diaz has waived his right to a speedy trial and that the State is not seeking the death penalty. COURT ORDERED, matter SET for trial on an invoked setting.

RECALLED: Ms. Machnich requested the Deft. be REMANDED to the Clark County Detention Center, COURT SO ORDERED. Court directed Ms. Machnich to prepare an order.

CUSTODY

3/18/22 9:30 AM STATUS CHECK: TRIAL READINESS

4/19/22 11:00 AM CALENDAR CALL

4/25/22 10:00 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 08, 2022

C-22-361822-1 State of Nevada
vs
Mateo Facio

March 08, 2022 11:00 AM Motion to Reconsider

HEARD BY: Ellsworth, Carolyn **COURTROOM:** RJC Courtroom 11B

COURT CLERK: Kory Schlitz
Chris Harrington

RECORDER: Kimberly Estala

REPORTER:

PARTIES

PRESENT:	Bindrup, Scott L.	Attorney
	Facio, Mateo	Defendant
	Machnich, Tegan	Attorney

JOURNAL ENTRIES

- Martina Bauhaus present on behalf of LVMPD; Defendant not present.

Ms. Machnich argued she was never served with the Motion and requested the Defendant be present for this hearing. COURT STATED this is not a substantive Motion for the Defendant's presence be required. Ms. Bauhaus stated she was not aware the Defense was not served, as they filed an Opposition, and she filed a Reply. Ms. Machnich again requested the Defendant be present, as that is the issue they are arguing is the prison is restricting access to the Defendant. Ms. Bauhaus argued there is no good reason for the current order in place, and requested the Motion to Reconsider be granted. COURT ORDERED, Motion to Reconsider GRANTED.

CUSTODY (COC-NDC)

3/18/2022 9:30 A.M. STATUS CHECK: TRIAL READINESS

4/19/2022 9:30 A.M. CALENDAR CALL

4/25/2022 10:00 A.M. JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 22, 2022

C-22-361822-1 State of Nevada
 vs
 Mateo Facio

March 22, 2022 11:00 AM Motion to Compel

HEARD BY: Bixler, James **COURTROOM:** RJC Courtroom 11B

COURT CLERK: David Gibson

RECORDER: Jennifer Gerold

REPORTER:

PARTIES

PRESENT: Gilmer, Donald R. Attorney
 Machnich, Tegan Attorney

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Martina Bauhaus, Las Vegas Metropolitan Police Dept., also present. Deft. not present.

Ms. Machnich argued in support of the motion. Mr. Gilmer stated the Nevada Department of Correction would comply with an order to transport. Ms. Bauhaus argued in opposition to the motion. COURT ORDERED motion GRANTED. COURT FURTHER ORDERED the Defendant's to be transported to the Clark County Detention Center (CCDC) within 30 days of trial for trial preparation. Ms. Machnich is to prepare the order.

CUSTODY (COC)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 25, 2022

C-22-361822-1 State of Nevada
 vs
 Mateo Facio

March 25, 2022 4:50 PM Minute Order

HEARD BY: Bluth, Jacqueline M. **COURTROOM:** Chambers

COURT CLERK: Dara Yorke

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- On March 23, 2022 this court inadvertently signed and entered an Order Denying Defendant s Motion for a New Trial. As the order was filed in the wrong case, COURT ORDERED, order entered on March 23, 2022 at 3:27 pm is hereby STRICKEN.

Furthermore, on March 24, 2022 a Transcript of Hearing was filed inadvertently into this case. As the transcript was filed in the wrong case, COURT ORDERED, transcript filed on March 24, 2022 at 9:16 am is hereby STRICKEN.

CLERK'S NOTE: Copy of this Minute Order was electronically served to parties via Odyssey File & Serve. //3-25-22/dy

CLERK'S NOTE: Minutes sent to the Seal / strike / redacting team. //3-25-22/dy

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 12, 2022

C-22-361822-1 State of Nevada
vs
Mateo Facio

April 12, 2022 11:00 AM Motion to Continue Trial

HEARD BY: Craig, Christy

COURTROOM: RJC Courtroom 10C

COURT CLERK: David Gibson

RECORDER: De'Awna Takas

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- APPEARANCES: Giancarlo Pesci, Deputy District Attorney, Scott Bindrup, Special Public Defender, and Michael Sanft present. Deft's Mateo Facio and Exavian Diaz not present. Deft. Briana Matus also present.

Mr. Bindrup asked that the trial be continued to January of 2023. Mr. Sanft objected to the continuance as Deft. Matus would not waive her right to a speedy trial. Mr. Pesci stated if the continuance was as to all Deft's they would not object, otherwise they would object. The Court noted Ms. Matus would not waive her right to a speedy trial, however, the Court is able to reset cases in order to clear the Court's calendar. As to all Deft's, COURT ORDERED Calendar Call and Trial Date VACATED and Trial Date RESET.

NDC

9/14/22 9:30 AM STATUS CHECK: TRIAL READINESS

11/15/22 9:30 AM CALENDAR CALL

11/28/22 10:00 AM JURY TRIAL

CLERK'S NOTE: Minutes updated to reflect Status Check: Trial Readiness, Calenar Call, and Jury Trial date changes. Counsel notified via email of the changes (4/21/22 dg).



EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE
NOTICE OF DEFICIENCY
ON APPEAL TO NEVADA SUPREME COURT

NICK D. CROSBY, ESQ.
10001 PARK RUN DR.
LAS VEGAS, NV 89145

DATE: April 25, 2022
CASE: C-22-361822-1

RE CASE: STATE OF NEVADA vs. MATEO FACIO aka MATEO JESUS FACIO

NOTICE OF APPEAL FILED: April 21, 2022

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:



Case Appeal Statement

- NRAP 3 (a)(1), Form 2



Order



Notice of Entry of Order

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. **The district court clerk shall apprise appellant of the deficiencies in writing**, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (g) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

Certification of Copy

State of Nevada }
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; DISTRICT COURT DOCKET ENTRIES; ORDER TO REMAND DEFENDANT; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

STATE OF NEVADA,

Plaintiff(s),

vs.

MATEO FACIO aka MATEO JESUS FACIO,

Defendant(s).

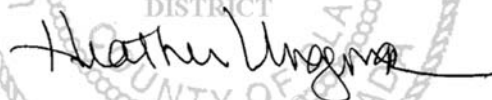
Case No: C-22-361822-1

Dept No: VI

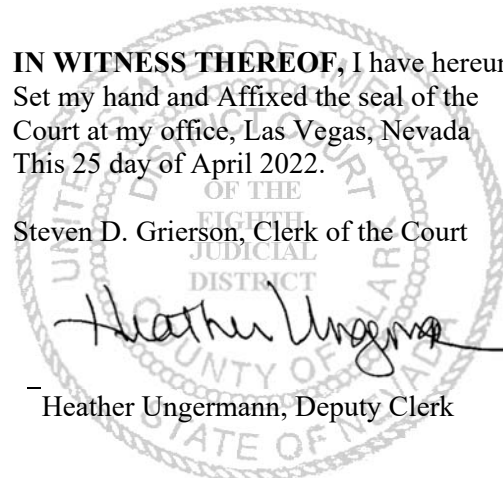
now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 25 day of April 2022.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk





**EIGHTH JUDICIAL DISTRICT COURT
CLERK OF THE COURT**

REGIONAL JUSTICE CENTER
200 LEWIS AVENUE, 3rd FL.
LAS VEGAS, NEVADA 89155-1160
(702) 671-4554

Steven D. Grierson
Clerk of the Court

Anntoinette Naumec-Miller
Court Division Administrator

April 25, 2022

Elizabeth A. Brown
Clerk of the Court
201 South Carson Street, Suite 201
Carson City, Nevada 89701-4702

RE: STATE OF NEVADA vs. MATEO FACIO aka MATEO JESUS FACIO
D.C. CASE: C-22-361822-1

Dear Ms. Brown:

Please find enclosed a Notice of Appeal packet, filed April 25, 2022. Due to extenuating circumstances minutes from the date(s) listed below have not been included:

February 14, 2022
April 1, 2022

We do not currently have a time frame for when these minutes will be available.

If you have any questions regarding this matter, please contact me at (702) 671-0512.

Sincerely,
STEVEN D. GRIERSON, CLERK OF THE COURT

/s/ Heather Ungermann
Heather Ungermann, Deputy Clerk