

# IN THE COURT OF APPEALS OF THE STATE OF NEVADA

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Jun 03 2022 02:01 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

ANTHONY ODELL LONGSTREET, SR.,  
Appellant(s),

vs.

THE STATE OF NEVADA; AND ELY  
STATE PRISON WARDEN WILLIAM  
GITTERE,  
Respondent(s),

Case No: C-20-348182-1  
*Related Case A-21-841927-W*  
Docket No: 84171-COA

# RECORD ON APPEAL VOLUME 3

**ATTORNEY FOR APPELLANT**  
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PROPER PERSON  
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ELY, NV 89301

**ATTORNEY FOR RESPONDENT**  
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LAS VEGAS, NV 89155-2212

**I N D E X**

<b><u>VOLUME:</u></b>	<b><u>PAGE NUMBER:</u></b>
1	1 - 243
2	244 - 291
3	292 - 299

I N D E X

<u>VOL</u>	<u>DATE</u>	<u>PLEADING</u>	<u>PAGE NUMBER :</u>
<b>3</b>	<b>06/03/2022</b>	<b>Certification of Copy and Transmittal of Record</b>	
1	4/28/2020	Criminal Bindover	31 - 40
1	4/28/2020	Criminal Bindover (Confidential)	1 - 30
2	3/15/2022	District Court Minutes	273 - 291
1	8/21/2020	Ex Parte Motion and Order For Release of Certified Medical Records and Order to File Under Seal; Filed Under Seal	113 - 115
1	10/29/2020	Ex Parte Motion for Release of Certified Medical Records and Authorization for Related Witness Testimony	147 - 151
2	3/1/2022	Findings of Fact, Conclusions of Law and Order	258 - 264
1	5/12/2020	Guilty Plea Agreement	43 - 50
1	11/30/2020	Guilty Plea Agreement	186 - 193
1	4/30/2020	Information	41 - 42
1	2/7/2021	Judgment of Conviction (Plea of Guilty)	212 - 214
1	12/15/2020	Memorandum of Law in Support of Motion for Ineffective Assistance of Counsel and Appoint an Alternative Counsel	198 - 200
1	12/15/2020	Motion for Ineffective Assistance of Counsel and Appoint an Alternative Counsel	201 - 201
1	11/19/2020	Motion to Compel Production of Discovery & Brady Material	155 - 185
1	9/21/2020	Motion to Discharge Public Defender	130 - 140
1	3/4/2021	Notice of Change of Address	237 - 239
1	1/6/2021	Notice of Change of Hearing	210 - 211

I N D E X

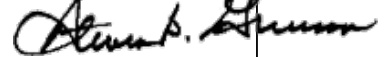
<u>VOL</u>	<u>DATE</u>	<u>PLEADING</u>	<u>PAGE NUMBER:</u>
2	3/2/2022	Notice of Entry of Findings of Fact, Conclusions of Law and Order	265 - 272
1	9/21/2020	Notice of Filing	141 - 141
1	11/9/2020	Order Denying Defendant's Pro Per Motion to Discharge Public Defender	152 - 154
1	10/6/2020	Order Releasing Certified Medical Records and Authorization for Related Witness Testimony	142 - 146
1	12/28/2020	Presentence Investigation Report (Unfiled) Confidential	202 - 209
1	9/3/2020	State's Notice of Intent to Seek Punishment as a Habitual Criminal	116 - 117
1	6/15/2020	State's Notice of Witnesses and/or Expert Witnesses [NRS 174.234]	51 - 54
1	8/20/2020	State's Supplemental Notice of Witnesses and/or Expert Witnesses [NRS 174.234]	109 - 112
<b>3</b>	<b>06/03/2022</b>	<b>Transcript of Hearing Held on January 27, 2021</b>	<b>292 - 299</b>
1	8/17/2020	Unfiled Document(s) - Attorney Letter w/Copy of Notice of Filing and w/Copy of Unfiled Motion to Disqualify a Judge	86 - 96
1	8/17/2020	Unfiled Document(s) - Attorney Letter w/Copy of Notice of Filing and w/Copy of Unfiled Petition for Writ of Mandamus	74 - 85
1	2/24/2021	Unfiled Document(s) - Attorney Letter w/Copy of Notice of Filing; w/Copy of Unfiled Motion for Sentence Modification Based on Judicial Error and Ineffective Assistance of Counsel Based on Conflict of Interest and w/Copy of Unfiled Memorandum of Law in Support of Motion for Sentence Modification Based on	215 - 236

I N D E X

<u>VOL</u>	<u>DATE</u>	<u>PLEADING</u>	<u>PAGE NUMBER :</u>
		Judicial Error and Ineffective Assistance of Counsel Based on a Conflict of Interest	
1	8/19/2020	Unfiled Document(s) - Attorney Letter w/Copy of Notice of Filing; w/Copy of Unfiled Motion to Dismiss and w/Copy of Unfiled Memorandum of Law in Support of the Motion to Dismiss	97 - 108
1	5/3/2021	Unfiled Document(s) - Attorney Letter w/Copy of Notice of Filing; w/Copy of Unfiled Motion to Modify Sentence Based on Conflict in the Statutory Provision and Motion for Ineffective Assistance of Counsel Based on a Conflict of Interest.; w/Copy of Unsigned Order Writ of Habea Corpus ad Testificandum and w/Copy of Unfiled Memorandum of Law in Support of Motion to Modify (Continued)	240 - 243
2	5/3/2021	Unfiled Document(s) - Attorney Letter w/Copy of Notice of Filing; w/Copy of Unfiled Motion to Modify Sentence Based on Conflict in the Statutory Provision and Motion for Ineffective Assistance of Counsel Based on a Conflict of Interest.; w/Copy of Unsigned Order Writ of Habea Corpus ad Testificandum and w/Copy of Unfiled Memorandum of Law in Support of Motion to Modify (Continuation)	244 - 257
1	8/17/2020	Unfiled Document(s) - Attorney Letter w/Copy of Unfiled Motion to Disqualify a Judge, w/Copy of Notice of Filing; w/Copy of Motion to Dismiss; w/Copy of Unfiled Memorandum of Law in Support of the Motion to Dismiss and w/Copy of Notice of Filing	55 - 73

I N D E X

<u>VOL</u>	<u>DATE</u>	<u>PLEADING</u>	<u>PAGE NUMBER:</u>
1	12/15/2020	Unfiled Document(s) - Attorney Letter w/Copy of Unfiled Motion to Withdraw Guilty Plea	194 - 197
1	9/21/2020	Unfiled Document(s) - Attorney Letter w/Copy of Unfiled Notice Motion in Limine; w/Copy of Unfiled Memorandum of Law in Support of Motion in Limine and w/Copy of Notice of Filing	118 - 129



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5 DISTRICT COURT  
6 CLARK COUNTY, NEVADA

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8 THE STATE OF NEVADA,  
9 Plaintiff,

10 vs.

11 ANTHONY ODELL LONGSTREET,  
12 Defendant.

CASE#: C-20-348182-1  
DEPT. XXIII

13  
14 BEFORE THE HONORABLE JASMIN LILLY-SPELLS,  
15 DISTRICT COURT JUDGE  
16 WEDNESDAY, JANUARY 27, 2021

17 RECORDER'S TRANSCRIPT OF HEARING:  
18 **SENTENCING**

19 APPEARANCES:

20 For the State: EKATERINA DERJAVINA, ESQ.  
21 Chief Deputy District Attorney

22 For the Defendant: SHANNON PHENIX, ESQ.

23  
24  
25 RECORDED BY: MARIA GARIBAY, COURT RECORDER

1 Las Vegas, Nevada, Wednesday, January 27, 2021

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3 [Case called at 1:09 p.m.]

4 THE CLERK: Move to page 15, Your Honor. State of Nevada  
5 verses Anthony Odell Longstreet, Case Number C348182.

6 [The Court and the CCDC Officer confer]

7 MS. PHENIX: And Your Honor, Shannon Phenix on Mr.  
8 Longstreet's behalf. I'm just standing in for Mr. Gutierrez. He did send  
9 the videos over to the Court this morning. I don't know if you received  
10 them.

11 MS. DERJAVINA: And Katie [phonetic] Derjavina on behalf of  
12 the State. I believe the State also did so, too.

13 THE COURT: Okay. Good morning, Mr. Longstreet.

14 THE DEFENDANT: How you doing, Your Honor?

15 THE COURT: We continued this from Monday for me to  
16 review the video. I want everyone to know I received the video at  
17 approximately 10:45 a.m. I'm not going to say that that was the fault of  
18 anyone. It was indicated that it was brought over to Chamber's a couple  
19 of days ago. We checked and we couldn't find it.

20 So I did get it at 10:45 a.m. Mr. Longstreet, this type of video  
21 is not one that automatically plays. It is like a video that has an  
22 application to it. I was unable to get the application open. My staff has  
23 been working on that, but I cannot view it from the bench. So I do  
24 apologize.

25 I'm going to have to -- if you want me to view that video I'll



1 have to put you over to next week. If you want me to go forward without  
2 viewing the video then I can go forward. And understand, you know, my  
3 calendar starts at 11:00. So that's why the Court was unable to do it  
4 when it received it at 10:45.

5 THE DEFENDANT: Okay, well I just prefer to just go forward,  
6 but what I would like to do with this explain to the Court what happened.  
7 Get my side of what happened because it's going to with coincide, you  
8 know, with the video or whatever it is. But I just want to get my side and  
9 explain to the Court what actually took place. So that you know that I  
10 own up to what I did wrong.

11 THE COURT: And I did allow everyone to speak last time.  
12 State is there any objection to Mr. Longstreet continuing his argument?

13 MS. DERJAVINA: No, Your Honor. That's fine.

14 THE COURT: Would the State wish to be heard prior to?

15 MS. DERJAVINA: No, Your Honor. I think the State had  
16 outlined exactly the criminal history and the reasons the State was  
17 requesting the 24 to 60 which is appropriate based on all the factors  
18 outlined previously.

19 THE COURT: Thank you. Go ahead, Mr. Longstreet.

20 THE DEFENDANT: Okay, Your Honor. On December 6,  
21 2019, I was called by a female friend to give her a ride to Hollywood and  
22 Lake Mead. And in exchange she would give me \$10 for gas. When I  
23 arrived at her apartment I picked -- went to pick her up she gave me \$8  
24 and told me to wait on her so she can finish getting dressed. So I do  
25 that.

1           While I'm waiting I decided to drive to the store and took the  
2 \$8 and I bought me a pint of gin. I went back to the house -- to her  
3 house and waited on her. While I was waiting a drunk the gin and when  
4 she came out we went over to -- I drove across the street to Dotty's to  
5 buy me something to eat. My intent was to use my debit card to buy the  
6 food. By the time I got inside of the place the alcohol hit me; the heat hit  
7 me; I got a little drunk.

8           And the victim had walked up on the side of me. For some  
9 unknown reason went in his wallet got the money and put it on the  
10 counter. Out of the kindness of my heart I moved the money over by the  
11 counter -- by the cash register. He reached and grabbed the money  
12 back because I was intoxicated I made a mistake and accused him of  
13 taking my money. This is how it all started.

14           So we had a few words. I walked away from him trying to  
15 figure out what I was going to do about the situation or whether I had  
16 made a mistake. He ended up walking over to where I was and we  
17 stood face to face. I took that as a sign of a threat. I didn't know  
18 whether or not I should do something about it or what was going on so I  
19 ended up taking the man down. And security came and broke the fight  
20 up.

21           In the process of me getting into it with the victim I dropped my  
22 debit card that's why we have -- you have a statement from one of the  
23 witnesses. Her name is Consuela So -- Consuela So -- oh okay  
24 Consuelo Jordan-Sosa. She gave a statement and her statement was  
25 that I had dropped a Visa card, but it was actually a MasterCard --

1 Master debit card, but anyway in the process of me -- them breaking up  
2 the fight I want to try to explain to the people what was going on. And  
3 for some unknown reason, again, I walked over there. I tried to beat the  
4 victim up some more and after that I left.

5 I grabbed my debit card from the cashier went on about my  
6 business. So that's what happened. I had accidentally -- I had spent the  
7 money, forgot I had spent it, and accidentally accused the victim of  
8 taking my money because he so happened to have \$8 that he put on the  
9 counter. Well it was just a coincident that he had \$8 and I had spent \$8.

10 So that's what happened. I made a mistake and with that I  
11 was asking time served. I know it's probationable but if I could get  
12 around the probation I would prefer to just do the time served.

13 THE COURT: Thank you. Ms. Phenix, Mr. Gutierrez did  
14 make argument previously. Do you wish to be heard, again?

15 MS. PHENIX: No, Your Honor. Mr. Gutierrez was requesting  
16 I believe 19 to 48 months and that's what he asked me to request. I  
17 guess Mr. Longstreet has 334 days credit as of today.

18 THE COURT: One brief moment because we have the video  
19 up there's a portion of it that I do want to see. For the record, the Court  
20 did briefly review a portion of the video that my Law Clerk was able to  
21 bring up. It was around 1:50 1:52 or so. Mr. Longstreet.

22 THE DEFENDANT: Yes ma'am.

23 THE COURT: Thank you very much for your arguments.  
24 Thank you each for the parties' for their arguments. This is a very  
25 violent offense and the Court is concerned about the prior eight felonies.

1 I understand that you indicated you were under the influence. However,  
2 the rendition of facts stated in the PSI as well as the video shows you  
3 kicking this individual in the face numerous times; stomping him on his  
4 face.

5 Based upon that in the accordance of the laws of the State of  
6 Nevada you are hereby adjudged guilty of the crime of Battery with  
7 Substantial Bodily Harm a felony. You are hereby sentenced to a  
8 minimum of 19 months a maximum of 48 months in the Nevada  
9 Department of Corrections. And please tell me how much credit Mr.  
10 Longstreet has.

11 MS. PHENIX: We have 334 days, Your Honor.

12 THE COURT: You'll receive 334 days so that you are  
13 required to pay the \$25 administrative assessment fee, the \$3 DNA fee,  
14 and the \$150 fee is imposed as your priors appear to be out of state.  
15 You are required to submit to genetic markers. Mr. Longstreet, the State  
16 agreed not to seek habitual criminal treatment here. Based upon the  
17 violence and your prior record that is what the Court deems as fair.  
18 Thank you, have a great day.

19 THE DEFENDANT: Okay, I just would just like to make one  
20 more statement, ma'am. I only have -- if you look at the presentence  
21 report for disposition. I only have five felony convictions not eight. This  
22 conviction that you just gave me makes it my six felony conviction.

23 THE COURT: Ms. Phenix, are you aware of there being any  
24 Stockmeier issues? Which obviously should have been brought to the  
25 Court previously but.

1 MS. PHENIX: No, Your Honor. I looked earlier and it does  
2 show eight felonies on the criminal record sheet on page three. Let me  
3 briefly look over it. I see one from 1987, one from 1989, another one  
4 from 1997. So that's three.

5 THE COURT: I think that the issue is that in one case there  
6 were four counts. And so --

7 MS. PHENIX: Yes, there are four counts.

8 THE COURT: That's April 2006 out of Chicago, Illinois. Mr.  
9 Longstreet, page five, it indicates that on one case you got four counts.  
10 So although it's one case the four counts is charged as four felonies.

11 MS. PHENIX: And that's correct. That's how they get to  
12 eight.

13 THE DEFENDANT: I only five felony convictions.  
14 [Indiscernible - audio distortion]. I only been to prison three times this  
15 will be my fourth time in prison.

16 THE COURT: Mr. Longstreet, the Court has considered  
17 everything before it. That is the Courts order. I'm not going to change it.  
18 Thank you very much. Have a great day. Next case, please.

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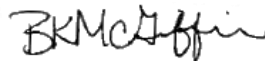
THE DEFENDANT: I would like to appeal.

THE COURT: Speak to your attorney about that, Mr.  
Longstreet.

[Hearing concluded at 1:21 p.m.]

\* \* \* \* \*

ATTEST: I do hereby certify that I have truly and correctly transcribed  
the audio/video proceedings in the above-entitled case to the best of my  
ability.



---

Brittany Kanger-McGiffin  
Court Recorder/Transcriber

# Certification of Copy and Transmittal of Record

State of Nevada }  
County of Clark } SS:

Pursuant to the Court of Appeals order dated May 23, 2022, I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, do hereby certify that the foregoing is a true, full and correct copy of the supplemental trial court record for the case referenced below. The record comprises volume three with pages numbered 292 through 299.

STATE OF NEVADA,

Plaintiff(s),

vs.

ANTHONY ODELL LONGSTREET,

Defendant(s),

Case No: C-20-348182-1

*Related Case A-21-841927-W*

Dept. No: II

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 3 day of June 2022.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk