

IN THE SUPREME COURT OF THE STATE OF NEVADA

ISIAH TAYLOR,

Appellant,

v.

STATE OF NEVADA,

Respondent.

Docket No. 83709

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Jan 27 2022 03:19 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

APPELLANT'S APPENDIX

Volume 1

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CERTIFICATE OF SERVICE

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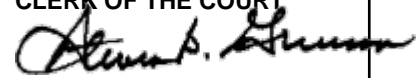
MONIQUE MCNEILL

STEVEN WOLFSON

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage pre-paid, addressed to:

Isiah Taylor

By: /S/ Monique McNeill



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I.A. 05/06/2020
8:00 AM
SPD

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

ISIAH TAYLOR,
#2889160

Defendant.

CASE NO: **C-20-348230-1**

DEPT NO: **V**

I N F O R M A T I O N

STATE OF NEVADA)
COUNTY OF CLARK) ss.

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

That **ISIAH TAYLOR**, as Defendant above named, has committed the crimes of **COUNT 1 - BURGLARY (Category B Felony - NRS 205.060 - NOC 50424)** and **COUNT 2 - COERCION SEXUALLY MOTIVATED (Category B Felony - NRS 207.190, 175.547, 207.193 - NOC 55532)** in the manner following:

That on or about the 16th day of October, 2015, at and within the County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases made and provided, and against the peace and dignity of the State of Nevada,

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1 COUNT 1 - BURGLARY

2 Defendant did willfully, unlawfully and feloniously enter a building, owned or occupied
3 by F.B., located at 8455 W Sahara Avenue #5/263, Las Vegas, Clark County, Nevada, with
4 intent to commit assault and/or battery and/or a felony, to wit: Coercion Sexually Motivated.

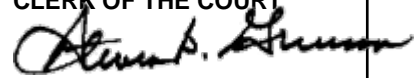
5 COUNT 2 - COERCION SEXUALLY MOTIVATED

6 Defendant did then and there, willfully, unlawfully and feloniously use physical force,
7 or the immediate threat of such force, against F.B., with intent to compel F.B. to do, or abstain
8 from doing, an act which F.B. had a right to do, or abstain from doing, by placing his mouth
9 and/or tongue and/or finger(s) and/or penis on and/or into the genital opening of F.B., one of
10 the purposes for which the Defendant committed the offense was Defendant's sexual
11 gratification.

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

15 BY /s/ GENEVIEVE CRAGGS
16 GENEVIEVE CRAGGS
17 Deputy District Attorney
18 Nevada Bar #013469
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27 DA#19F23502X/hjc/SVU
28 LVMPD EV#151016001417
(TK12)



AINF
STEVEN B. WOLFSON
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Nevada Bar #001565
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DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

-vs-

ISIAH TAYLOR,
#2889160

Defendant.

CASE NO: **C-20-348230-1**

DEPT NO: **V**

A M E N D E D
I N F O R M A T I O N

STATE OF NEVADA)
COUNTY OF CLARK) ss.

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

That **ISIAH TAYLOR**, as Defendant above named, has committed the crimes of **SEXUAL ASSAULT (Category A Felony - NRS 200.364, 200.366 - NOC 50095)** and **ATTEMPT SEXUAL ASSAULT (Category B Felony - NRS 200.364, 200.366, 193.330 - NOC 50119)** in the manner following:

That on or about the 16th day of October, 2015, at and within the County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases made and provided, and against the peace and dignity of the State of Nevada,

//

//

COUNT 1 - SEXUAL ASSAULT

Defendant did then and there, willfully, unlawfully, and feloniously sexually assault and subject F.B. to sexual penetration, to wit: digital penetration, by inserting his finger(s) into the genital opening of F.B., against the will of F.B., or under conditions in which Defendant knew, or should have known, that F.B. was mentally or physically incapable of resisting or understanding the nature of Defendant's conduct.

COUNT 2 - SEXUAL ASSAULT

Defendant did then and there, willfully, unlawfully and feloniously sexually assault and subject F.B. to sexual penetration, to wit: cunnilingus, by placing his mouth and/or tongue on any part of the female genitalia of F.B., against the will of F.B., or under conditions in which Defendant knew, or should have known, that F.B. was mentally or physically incapable of resisting or understanding the nature of Defendant's conduct.

COUNT 3 - SEXUAL ASSAULT

Defendant did then and there, willfully, unlawfully and feloniously sexually assault and subject F.B. to sexual penetration, to wit: sexual intercourse, by inserting his penis into the genital opening of F.B., against the will of F.B., or under conditions in which Defendant knew, or should have known, that F.B. was mentally or physically incapable of resisting or understanding the nature of Defendant's conduct.

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1 COUNT 4 - ATTEMPT SEXUAL ASSAULT

2 Defendant did then and there, willfully, unlawfully and feloniously attempt to sexually
3 assault and subject F.B. to sexual penetration, to wit: sexual intercourse, by attempting to insert
4 his penis into the genital opening of F.B., against the will of F.B., or under conditions in which
5 Defendant knew, or should have known, that F.B. was mentally or physically incapable of
6 resisting or understanding the nature of Defendant's conduct.

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

9
10 BY /s/ Genevieve Craggs
11 GENEVIEVE CRAGGS
Deputy District Attorney
Nevada Bar #013469

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

14 COR or Designee; CCDC

15 COR or Designee; LVMPD COMMUNICATIONS

16 COR or Designee; LVMPD RECORDS

17 F.B.; c/o CCDA-SVU/VWAC

18 MCCAFFERY; LVMPD#08731

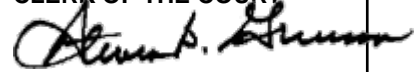
19 MCPHAIL; LVMPD#03326

20 PETERS, CIERRA; UNK

21 RYLAND; LVMPD#08608

22 SALAVESSA; LVMPD#07073

23
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27 DA#19F23502X/hjc/SVU
28 LVMPD EV#151016001417
(TK12)



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Attorney for Plaintiff

**DISTRICT COURT
CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,

Plaintiff,

-vs-

ISIAH TAYLOR,
#2889160

Defendant.

CASE NO: **C-20-348230-1**

DEPT NO: **I**

**THIRD AMENDED
INFORMATION**

STATE OF NEVADA }
COUNTY OF CLARK } ss.

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

That **ISIAH TAYLOR**, as Defendant above named, has committed the crimes of **TWO (2) COUNTS - ATTEMPT SEXUAL ASSAULT (Category B Felony - NRS 200.364, 200.366, 193.330 - NOC 50119)** in the manner following:

That on or about the 16th day of October, 2015, at and within the County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases made and provided, and against the peace and dignity of the State of Nevada, Defendant

COUNT 1

did then and there, willfully, unlawfully and feloniously attempt to sexually assault and subject F.B. to sexual penetration, to wit: sexual intercourse, by attempting to insert his penis into the genital opening of F.B., against the will of F.B., or under conditions in which

1 Defendant knew, or should have known, that F.B. was mentally or physically incapable of
2 resisting or understanding the nature of Defendant's conduct.

3 COUNT 2

4 did then and there willfully, unlawfully, and feloniously attempt to sexually assault
5 and subject F.B., a female person, to sexual penetration, to wit: by attempting to place his
6 mouth and/or tongue on any part of the female genitalia of the said F.B., against her will, or
7 under conditions in which Defendant knew, or should have known, that F.B. was mentally or
8 physically incapable of resisting or understanding the nature of Defendant's conduct.

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

11 BY



12 TYLER SMITH
13 Deputy District Attorney
Nevada Bar #011870

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27 DA#19F23502X/mlb/SVU
28 LVMPD EV#151016001417
(TK12)



1 **RTRAN**

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5 **DISTRICT COURT**
6 **CLARK COUNTY, NEVADA**

7
8 **THE STATE OF NEVADA,**
9 **Plaintiff,**

CASE#: C-20-348230-1
DEPT. I

10 **vs.**

11 **ISIAH TAYLOR,**
12 **Defendant.**

13
14 **BEFORE THE HONORABLE CRISTINA D. SILVA, DISTRICT COURT JUDGE**
15 **FRIDAY, JUNE 4, 2021**

16 ***RECORDER'S TRANSCRIPT OF HEARING:***
17 ***ENTRY OF PLEA***

18
19 **APPEARANCES:**

20 **For the State:**

LINDSEY D. MOORS, ESQ.
Chief Deputy District Attorney

21
22 **For the Defendant:**

MELISSA E. OLIVER, ESQ.
Chief Deputy Special Public Defender
JORDAN S. SAVAGE, ESQ.
Deputy Special Public Defender

23
24
25 **RECORDED BY: GINA VILLANI, COURT RECORDER**

1 Las Vegas, Nevada, Friday, June 4, 2021

2
3 [Hearing commenced at 3:32 p.m.]

4
5 THE COURT: Mr. Taylor, I'm Judge Silva. Can you hear me?

6 THE DEFENDANT: Yes, ma'am, I can. Thank you.

7 THE COURT: All right. Good afternoon to you.

8 I understand that you're going to change your plea this
9 afternoon; is that correct?

10 THE DEFENDANT: Yes, ma'am.

11 THE COURT: All right. I'm standing in for Judge Yeager
12 who's currently unavailable so I told her I would do this for her. So as
13 soon as we're ready we'll get started.

14 I just want to confirm, both State and counsel are ready to
15 proceed?

16 MR. SAVAGE: We are, Your Honor.

17 MS. OLIVER: Yes, Judge.

18 THE COURT: And our recorder, we're ready to go?

19 THE COURT RECORDER: Yes, Your Honor.

20 THE COURT: All right. Great.

21 So let's get started, we're going to call Case C-20-348230-1,
22 State of Nevada versus Isiah Taylor.

23 Who's present on behalf of the State?

24 MS. MOORS: Lindsey Moors on behalf of Tyler Smith for the
25 State.

1 THE COURT: All right. And good afternoon to you.

2 And who's present on behalf of Mr. Taylor?

3 MR. SAVAGE: Jordan Savage and Melissa Oliver, Special
4 Public Defender's Office, on behalf of Mr. Taylor.

5 THE COURT: And good afternoon to both of you.

6 And, again, good afternoon, Mr. Taylor, who is present in
7 custody but available via video conferencing.

8 All right. Mr. Taylor, I want to go over this Guilty Plea
9 Agreement with you. It advises that you're going to plead guilty, pursuant
10 to the *Alford* decision, to two counts of attempt sexual assault, which are
11 category D felonies, the parties are stipulating to a 4 to 20 year sentence
12 in the Nevada Department of Corrections.

13 Is that your understanding of the negotiations?

14 THE DEFENDANT: Yes, ma'am.

15 THE COURT: All right. And you -- I'll ask you specific
16 questions about the *Alford* plea here shortly, but I'll just advise at this
17 time if you have any problems hearing me or if I'm speaking too quickly, I
18 have a tendency to do that, just let me know; okay?

19 THE DEFENDANT: Yes, ma'am.

20 THE COURT: All right. What is your true name?

21 THE DEFENDANT: Isiah Taylor.

22 THE COURT: And how old are you?

23 THE DEFENDANT: I'm 30.

24 THE COURT: How far did you go in school?

25 THE DEFENDANT: I got my GED.

1 THE COURT: Do you do read, write, and understand the
2 English language?

3 THE DEFENDANT: Yes, ma'am.

4 THE COURT: Do you have any sort of learning disability?

5 THE DEFENDANT: No, ma'am.

6 THE COURT: Have you recently been treated for any mental
7 illness or addiction issues?

8 THE DEFENDANT: No.

9 THE COURT: Are you currently under the influence of any
10 drug, medication, or alcoholic beverage?

11 THE DEFENDANT: No.

12 THE COURT: Have you reviewed the charging document
13 charging you with two counts of attempt sexual assault?

14 THE DEFENDANT: Yes.

15 THE COURT: Do you understand the nature of the charges?

16 THE DEFENDANT: Yes.

17 THE COURT: Have you discussed this case with your
18 attorneys?

19 THE DEFENDANT: Yes.

20 THE COURT: Are you fully satisfied with your attorneys'
21 representation of you and the advice given to you by your attorneys?

22 THE DEFENDANT: Yes.

23 THE COURT: All right. How do you plead to the two counts in
24 the Third Amended Information, guilty pursuant to *Alford* or not guilty?

25 THE DEFENDANT: What was the -- I don't -- how is the plea?

1 Guilty but I'm pleading to --

2 THE COURT: Right, you're --

3 THE DEFENDANT: I don't know what the other one --

4 THE COURT: -- you're pleading guilty pursuant to *Alford*, so
5 that was my question. Do you plead guilty --

6 THE DEFENDANT: Oh, yeah, okay.

7 THE COURT: -- pursuant to *Alford* or do you plead not guilty?

8 THE DEFENDANT: Pleading guilty to *Alford*.

9 THE COURT: All right. And are you making this plea both
10 freely and voluntarily?

11 THE DEFENDANT: Yes.

12 THE COURT: Has anyone forced or threatened you, or has
13 anyone close to you forced or threatened you to get you to take this
14 plea?

15 THE DEFENDANT: No.

16 THE COURT: Has anyone made any promises to you outside
17 the terms of this written Guilty Plea Agreement in order for you to take
18 this plea?

19 THE DEFENDANT: No.

20 THE COURT: All right. I have this Guilty Plea Agreement in
21 front of me and it appears on page 6 of this agreement that you signed it;
22 is that correct?

23 THE DEFENDANT: Yes.

24 THE COURT: Before you signed it, did you read it?

25 THE DEFENDANT: Yes.

1 THE COURT: And did you talk to your attorney about it?
2 THE DEFENDANT: Yes.
3 THE COURT: Did they answer all your questions about this
4 agreement?
5 THE DEFENDANT: Yes.
6 THE COURT: And do you feel that you had sufficient time to
7 review the agreement and to talk to your attorneys about it?
8 THE DEFENDANT: Did I have time?
9 THE COURT: Did you have sufficient time, enough time?
10 THE DEFENDANT: Yeah.
11 THE COURT: All right. Do you understand --
12 THE DEFENDANT: Even though --
13 THE COURT: I'm sorry, sir?
14 THE DEFENDANT: Go ahead, ma'am.
15 THE COURT: Okay. Do you understand that by pleading
16 guilty you're waiving certain constitutional and appellate rights?
17 THE DEFENDANT: Yes.
18 THE COURT: Do you also understand that if you're not a U.S.
19 citizen by entering this plea of guilty it may have immigration
20 consequences including deportation?
21 THE DEFENDANT: Yes.
22 THE COURT: All right. Do you understand that the potential
23 maximum range of penalty for this crime is not less than 2 years and not
24 more than 20 years in the Nevada Department of Corrections?
25 THE DEFENDANT: Yes.

1 THE COURT: Do you also understand as a result of your plea
2 of guilty, pursuant to *Alford*, you may be ordered to pay restitution to the
3 victim or ordered to pay any reimbursement for any expenses related to
4 extradition, if any, it doesn't necessarily have to be any; and, third, that
5 you will have to undergo, unless waived by the parties, a psychosexual
6 evaluation prior to sentencing?

7 THE DEFENDANT: Yes.

8 THE COURT: All right. I understand there's a stipulation for
9 time, is there going to be a psychosexual evaluation?

10 MR. SAVAGE: No, there won't be at this time; that's correct.

11 THE COURT: Okay. All right

12 Do you understand that pursuant to your pleas of guilty,
13 pursuant to *Alford*, that you are not eligible for probation due to the nature
14 of the charge or charges?

15 THE DEFENDANT: Yes.

16 THE COURT: All right. And you would only be eligible if you
17 came back as a risk of -- not a high risk to reoffend if you were to have
18 that psychosexual evaluation.

19 Do you also understand --

20 THE DEFENDANT: Yes.

21 THE COURT: -- that you are agreeing to a term of 4 to 20
22 years in the Nevada Department of Corrections?

23 THE DEFENDANT: Yes.

24 THE COURT: Do you understand that before you'll be eligible
25 for any time of parole, you'll have to undergo another evaluation to

1 determine whether or not you are a high risk to reoffend?

2 THE DEFENDANT: Yes.

3 THE COURT: Do you understand as part of your sentence the
4 Court must sentence you to lifetime supervision following any term of
5 imprisonment or probation upon your release to parole?

6 THE DEFENDANT: Yes, ma'am.

7 THE COURT: And do you also understand that you will have
8 to register as a sex offender and maintain your sex offender registration
9 status, you'll have to register within 48 hours of your release from
10 custody.

11 Do you understand that?

12 THE DEFENDANT: Yes.

13 THE COURT: And I'll advise you at this time that registration
14 as a sex offender can impact where you live, where you work, where you
15 go to school, and other factors that will be discussed with you by the
16 Department of Parole and Probation.

17 THE DEFENDANT: Okay.

18 THE COURT: All right. Do you understand while there's an
19 agreement between yourself and the State regarding the sentence, that
20 ultimately sentencing is up to the judge and no one is in any position to
21 promise you what sort of sentence you're going to get?

22 THE DEFENDANT: Yes.

23 THE COURT: However, this is the result of a settlement
24 conference so if the judge does not accept this plea, you would be able
25 to -- it's going to be negotiated, so there is an agreement and the judge

1 will accept the plea.

2 MR. SAVAGE: This -- technically this wasn't --

3 THE COURT: Oh, that's right, it wasn't a settlement
4 conference, strike that.

5 MR. SAVAGE: It wasn't the result of settlement conference.
6 But can I just --

7 THE COURT: So I was right the first time; okay.

8 MR. SAVAGE: Yeah, but can I just --

9 THE COURT: So let me restate that, so do you understand
10 that ultimately sentencing is up to the judge and no one is in any position
11 to promise you what kind of sentence you're going to get?

12 MS. OLIVER: Judge, if we could just add something really
13 quickly to the record.

14 MR. SAVAGE: Yeah, we reached out to Judge Yeager today
15 and she has agreed to follow the stipulated sentence in this case

16 THE COURT: All right. I appreciate that.

17 Were you able to hear that, Mr. Taylor?

18 THE DEFENDANT: Yes.

19 THE COURT: All right. So there was contact made by the
20 parties and the judge who will sentence you has agreed to follow the
21 negotiations in this matter.

22 Do you understand that?

23 THE DEFENDANT: Yes.

24 THE COURT: All right.

25 All right. Let's talk about what you did that's leading you to

1 plead guilty here today, are you pleading guilty pursuant to *Alford*
2 because you believe it is in your best interest?

3 THE DEFENDANT: Yes.

4 THE COURT: All right. I'm going to ask the State at this time
5 to summarize the facts it would rely on should this matter have gone to
6 trial in order for me to make a factual finding that there's a basis to take
7 this plea.

8 State, when you're ready.

9 MS. MOORS: Yes, Your Honor.

10 If the State had proceeded to trial in this matter we would have
11 proven beyond a reasonable doubt that on or about October 16th of 2015,
12 that the defendant committed a burglary by entering the home of an F.B.
13 unlawfully and that after he entered that home that he sexually assaulted
14 her by inserting his penis into her genital opening.

15 THE COURT: All right. And that appears to be Count 1.

16 And what about Count 2?

17 MS. MOORE: And, Your Honor, I apologize, I don't have the
18 file in front of me. What --

19 THE COURT: All right. I just want to confirm that the State
20 would be -- at trial be able to prove beyond a reasonable doubt that the
21 defendant willfully, unlawfully, and feloniously attempted to sexually
22 assault F.B., a female, by attempting to place his mouth or tongue on any
23 part of the victim's genitalia.

24 MS. MOORS: Yes, Your Honor, and that as well, I apologize, I
25 don't have it in front of me.

1 THE COURT: Okay. That's fine.

2 All right. So, Mr. Taylor, do you understand that those are the
3 facts the State would have relied on to go to trial, if you hadn't resolved
4 this case?

5 THE DEFENDANT: Yeah.

6 THE COURT: Okay. So let me ask you this question, is one of
7 the reasons you're deciding to take this negotiation is because you
8 understood you could face a higher penalty had you been convicted at
9 trial?

10 THE DEFENDANT: Yes.

11 THE COURT: So I'll ask this again, so did you believe this was
12 in your best interest to accept this negotiation?

13 THE DEFENDANT: Yes.

14 THE COURT: All right. State, do you require any further
15 canvassing of the defendant?

16 MS. MOORS: No, Your Honor.

17 THE COURT: All right. So, Mr. Taylor, do you have any
18 questions for me or for your attorneys before we finish here today?

19 THE DEFENDANT: No.

20 THE COURT: Well, the Court finds the defendant's plea of
21 guilty pursuant to *Alford* is both knowingly and voluntarily made and the
22 defendant understands the nature of the offenses and the consequences
23 of his plea and therefore I accept his plea of guilty pursuant to *Alford*.

24 This matter will be referred to the Department of Parole and
25 Probation for a Presentence Investigation Report.

1 And to confirm, State and defense, we are waiving a
2 psychosexual evaluation; is that correct, State?

3 MS. MOORS: Yes, Your Honor.

4 THE COURT: And for defense?

5 MR. SAVAGE: Yes, Your Honor.

6 THE COURT: All right. So with that, let's get you a sentencing
7 date, Mr. Taylor, one moment.

8 THE CLERK: Okay. That'll be July 19th at 8:30.

9 THE COURT: All right. July 19th, 8:30 in the morning will be
10 your sentencing date.

11 Anything else we need to address this afternoon?

12 MR. SAVAGE: No, we just thank the Court for staying late
13 today to take this. We appreciate it.

14 THE COURT: No problem. No problem.

15 Thank you, Mr. Taylor.

16 All right. We can go ahead and go off the record.

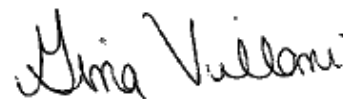
17 MS. MOORS: Yeah, and nothing from the State.

18 THE COURT: Thank you, Ms. Moors. Take care.

19 [Hearing concluded at 3:43 p.m.]

20 * * * * *

21
22 ATTEST: I do hereby certify that I have truly and correctly transcribed the
23 audio/video proceedings in the above-entitled case to the best of my ability.

24 

25 Gina Villani
Court Recorder/Transcriber
District Court Dept. IX

Steven D. Grierson

1 **GPA**
2 **STEVEN B. WOLFSON**
3 **Clark County District Attorney**
4 **Nevada Bar #001565**
5 **TYLER SMITH**
6 **Chief Deputy District Attorney**
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8 **200 Lewis Avenue**
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10 **(702)671-2500**
11 **Attorney for Plaintiff**

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

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

11 **-vs-**

12 **ISIAH TAYLOR,**
13 **#2889160**

14 **Defendant.**

CASE NO: C-20-348230-1

DEPT NO: I

15 **GUILTY PLEA AGREEMENT**

JEI
Pursuant to Alford

16 I hereby agree to plead guilty to: **TWO COUNTS (2) ATTEMPT SEXUAL**
17 **ASSAULT (Category B Felony - NRS 200.364, 200.366, 193.330 - NOC 50119)** as more
18 fully alleged in the charging document attached hereto as Exhibit "1".

19 My decision to plead guilty is based upon the plea agreement in this case which is as
20 follows:

21 The parties stipulate to four (4) to twenty (20) years in the Nevada Department of
22 Corrections.

23 I agree to the forfeiture of any and all electronic storage devices, computers, and/or
24 related equipment and/or weapons or any interest in any electronic storage devices, computers
25 and/or related equipment and/or weapons seized and/or impounded in connection with the
26 instant case and/or any other case negotiated in whole or in part in conjunction with this plea
27 agreement.

28 I understand and agree that, if I fail to interview with the Department of Parole and

1 Probation (P&P), fail to appear at any subsequent hearings in this case, or an independent
2 magistrate, by affidavit review, confirms probable cause against me for new criminal charges
3 including reckless driving or DUI, but excluding minor traffic violations, the State will have
4 the unqualified right to argue for any legal sentence and term of confinement allowable for the
5 crime(s) to which I am pleading guilty, including the use of any prior convictions I may have
6 to increase my sentence as an habitual criminal to five (5) to twenty (20) years, Life without
7 the possibility of parole, Life with the possibility of parole after ten (10) years, or a definite
8 twenty-five (25) year term with the possibility of parole after ten (10) years.

9 Otherwise I am entitled to receive the benefits of these negotiations as stated in this
10 plea agreement.

11 ~~I understand that by pleading guilty I admit the facts which support all the elements of~~
12 ~~the offense(s) to which I now plead as set forth in Exhibit 1.~~ *CONSEQUENCES OF THE PLEA*
13 *I plead guilty pursuant to Alford. I do not admit*
14 *the elements of the offense but I plead guilty to avoid the risk of*
15 *a much worse punishment.*
16 *more serious charges and*

17 As to Count 1 and Count 2, I understand that as a consequence of my plea of guilty
18 the Court must sentence me to imprisonment in the Nevada Department of Corrections for a
19 minimum term of not less than TWO (2) years and a maximum term of not more than
20 TWENTY (20) years. The minimum term of imprisonment may not exceed forty percent
21 (40%) of the maximum term of imprisonment.

22 I understand that, if appropriate, I will be ordered to make restitution to the victim of
23 the offense(s) to which I am pleading guilty and to the victim of any related offense which is
24 being dismissed or not prosecuted pursuant to this agreement. I will also be ordered to
25 reimburse the State of Nevada for any expenses related to my extradition, if any.

26 I understand that pursuant to NRS 176.139 and my plea of guilty to a sexual offense for
27 which the suspension of sentence or the granting of probation is permitted, P&P shall arrange
28 for a psychosexual evaluation as part of the Division's presentence investigation and report
(PSI) to the court.

As to Count 1 and Count 2, I understand that I am not eligible for probation for the
offense to which I am pleading guilty.

1 I understand that I am not eligible for probation pursuant to NRS 176A.110 unless the
2 psychosexual evaluation certifies that I do not represent a high risk to reoffend based upon a
3 currently accepted standard of assessment. I understand that, except as otherwise provided by
4 statute, the question of whether I receive probation is in the discretion of the sentencing
5 judge.

6 I understand that, before I am eligible for parole a panel consisting of the Administrator
7 of the Mental Health and Developmental Services of the Department of Human Resources or
8 his designee; the Director of the Department of Corrections or his designee; and a psychologist
9 licensed to practice in this state or a psychiatrist licensed to practice medicine in this state
10 certifies that I was under observation while confined in an institution of the department of
11 corrections and that I do not represent a high risk to reoffend based upon a currently accepted
12 standard of assessment.

13 I understand that, pursuant to NRS 176.0931, the Court must include as part of my
14 sentence, in addition to any other penalties provided by law, a special sentence of lifetime
15 supervision commencing after any period of probation or any term of imprisonment and period
16 of release upon parole.

17 I understand that the Court will include as part of my sentence, in addition to any other
18 penalties provided by law, pursuant to NRS 179D.441 to 179D.550, inclusive, I must register
19 as a sex offender within forty-eight (48) hours of release from custody onto probation or parole.

20 I understand that I must submit to blood and/or saliva tests under the direction of P&P
21 to determine genetic markers and/or secretor status.

22 I understand that if more than one sentence of imprisonment is imposed and I am
23 eligible to serve the sentences concurrently, the sentencing judge has the discretion to order
24 the sentences served concurrently or consecutively.

25 I understand that information regarding charges not filed, dismissed charges, or charges
26 to be dismissed pursuant to this agreement may be considered by the judge at sentencing.

27 I have not been promised or guaranteed any particular sentence by anyone. I know that
28 my sentence is to be determined by the Court within the limits prescribed by statute.

1 I understand that if my attorney or the State of Nevada or both recommend any specific
2 punishment to the Court, the Court is not obligated to accept the recommendation.

3 I understand that if the State of Nevada has agreed to recommend or stipulate a
4 particular sentence or has agreed not to present argument regarding the sentence, or agreed not
5 to oppose a particular sentence, such agreement is contingent upon my appearance in court on
6 the initial sentencing date (and any subsequent dates if the sentencing is continued). I
7 understand that if I fail to appear for the scheduled sentencing date or I commit a new criminal
8 offense prior to sentencing the State of Nevada would regain the full right to argue for any
9 lawful sentence.

10 I understand if the offense(s) to which I am pleading guilty to was committed while I
11 was incarcerated on another charge or while I was on probation or parole that I am not eligible
12 for credit for time served toward the instant offense(s).

13 I understand that if I am not a United States citizen, any criminal conviction will likely
14 result in serious negative immigration consequences including but not limited to:

- 15 1. The removal from the United States through deportation;
- 16 2. An inability to reenter the United States;
- 17 3. The inability to gain United States citizenship or legal residency;
- 18 4. An inability to renew and/or retain any legal residency status; and/or
- 19 5. An indeterminate term of confinement, with the United States Federal
20 Government based on my conviction and immigration status.

21 Regardless of what I have been told by any attorney, no one can promise me that this
22 conviction will not result in negative immigration consequences and/or impact my ability to
23 become a United States citizen and/or a legal resident.

24 I understand that P&P will prepare a report for the sentencing judge prior to sentencing.
25 This report will include matters relevant to the issue of sentencing, including my criminal
26 history. This report may contain hearsay information regarding my background and criminal
27 history. My attorney and I will each have the opportunity to comment on the information
28 contained in the report at the time of sentencing. Unless the District Attorney has specifically

1 agreed otherwise, then the District Attorney may also comment on this report.

2 WAIVER OF RIGHTS

3 By entering my plea of guilty, I understand that I am waiving and forever giving up the
4 following rights and privileges:

- 5 1. The constitutional privilege against self-incrimination, including the right
6 to refuse to testify at trial, in which event the prosecution would not be
7 allowed to comment to the jury about my refusal to testify.
- 8 2. The constitutional right to a speedy and public trial by an impartial jury,
9 free of excessive pretrial publicity prejudicial to the defense, at which
10 trial I would be entitled to the assistance of an attorney, either appointed
11 or retained. At trial, the State would bear the burden of proving beyond
12 a reasonable doubt each element of the offense(s) charged.
- 13 3. The constitutional right to confront and cross-examine any witnesses who
14 would testify against me.
- 15 4. The constitutional right to subpoena witnesses to testify on my behalf.
- 16 5. The constitutional right to testify in my own defense.
- 17 6. The right to appeal the conviction with the assistance of an attorney,
18 either appointed or retained, unless specifically reserved in writing and
19 agreed upon as provided in NRS 174.035(3). I understand this means I
20 am unconditionally waiving my right to a direct appeal of this conviction,
21 including any challenge based upon reasonable constitutional,
22 jurisdictional or other grounds that challenge the legality of the
23 proceedings as stated in NRS 177.015(4). However, I remain free to
24 challenge my conviction through other post-conviction remedies
25 including a habeas corpus petition pursuant to NRS Chapter 34.

19 VOLUNTARINESS OF PLEA

20 I have discussed the elements of all of the original charge(s) against me with my
21 attorney and I understand the nature of the charge(s) against me.

22 I understand that the State would have to prove each element of the charge(s) against
23 me at trial.

24 I have discussed with my attorney any possible defenses, defense strategies and
25 circumstances which might be in my favor.

26 All of the foregoing elements, consequences, rights, and waiver of rights have been
27 thoroughly explained to me by my attorney.

28 I believe that pleading guilty and accepting this plea bargain is in my best interest, and

1 that a trial would be contrary to my best interest.

2 I am signing this agreement voluntarily, after consultation with my attorney, and I am
3 not acting under duress or coercion or by virtue of any promises of leniency, except for those
4 set forth in this agreement.


5 I am not now under the influence of any intoxicating liquor, a controlled substance or
6 other drug which would in any manner impair my ability to comprehend or understand this
7 agreement or the proceedings surrounding my entry of this plea.

8 My attorney has answered all my questions regarding this guilty plea agreement and its
9 consequences to my satisfaction and I am satisfied with the services provided by my attorney.

10 DATED this 4 day of June, 2021.

11 
12 _____
13 ISIAH TAYLOR
14 Defendant

14 AGREED TO BY:

15 
16 _____
17 TYLER SMITH
18 Chief Deputy District Attorney
19 Nevada Bar #011870
20
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1 CERTIFICATE OF COUNSEL:

2 I, the undersigned, as the attorney for the Defendant named herein and as an officer of the court
3 hereby certify that:

- 4 1. I have fully explained to the Defendant the allegations contained in the
5 charge(s) to which guilty pleas are being entered.
- 6 2. I have advised the Defendant of the penalties for each charge and the restitution
7 that the Defendant may be ordered to pay.
- 8 3. I have inquired of Defendant facts concerning Defendant's immigration status
9 and explained to Defendant that if Defendant is not a United States citizen any
10 criminal conviction will most likely result in serious negative immigration
11 consequences including but not limited to:
- 12 a. The removal from the United States through deportation;
- 13 b. An inability to reenter the United States;
- 14 c. The inability to gain United States citizenship or legal residency;
- 15 d. An inability to renew and/or retain any legal residency status; and/or
- 16 e. An indeterminate term of confinement, by with United States Federal
17 Government based on the conviction and immigration status.

18 Moreover, I have explained that regardless of what Defendant may have been
19 told by any attorney, no one can promise Defendant that this conviction will not
20 result in negative immigration consequences and/or impact Defendant's ability
21 to become a United States citizen and/or legal resident.

- 22 4. All pleas of guilty offered by the Defendant pursuant to this agreement are
23 consistent with the facts known to me and are made with my advice to the
24 Defendant.
- 25 5. To the best of my knowledge and belief, the Defendant:
- 26 a. Is competent and understands the charges and the consequences of
27 pleading guilty as provided in this agreement,
- 28 b. Executed this agreement and will enter all guilty pleas pursuant hereto
voluntarily, and
- c. Was not under the influence of intoxicating liquor, a controlled
substance or other drug at the time I consulted with the Defendant as
certified in paragraphs 1 and 2 above.

Dated: This 4 day of June, 2021.


SPECIAL PUBLIC DEFENDER

mlb/SVU

1 **AINF**
2 **STEVEN B. WOLFSON**
3 **Clark County District Attorney**
4 **Nevada Bar #001565**
5 **TYLER SMITH**
6 **Chief Deputy District Attorney**
7 **Nevada Bar #011870**
8 **200 Lewis Avenue**
9 **Las Vegas, Nevada 89155-2212**
10 **(702) 671-2500**
11 **Attorney for Plaintiff**

DISTRICT COURT
CLARK COUNTY, NEVADA

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

CASE NO: C-20-348230-1

DEPT NO: I

12 **-vs-**

13 **ISIAH TAYLOR,**
14 **#2889160**

THIRD AMENDED
INFORMATION

Defendant.

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

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

19 **That ISIAH TAYLOR, as Defendant above named, has committed the crimes of**
20 **TWO (2) COUNTS - ATTEMPT SEXUAL ASSAULT (Category B Felony - NRS**
21 **200.364, 200.366, 193.330 - NOC 50119) in the manner following:**

22 **That on or about the 16th day of October, 2015, at and within the County of Clark, State**
23 **of Nevada, contrary to the form, force and effect of statutes in such cases made and provided,**
24 **and against the peace and dignity of the State of Nevada, Defendant**

25 **COUNT 1**

26 **did then and there, willfully, unlawfully and feloniously attempt to sexually assault and**
27 **subject F.B. to sexual penetration, to wit: sexual intercourse, by attempting to insert his penis**
28 **into the genital opening of F.B., against the will of F.B., or under conditions in which**

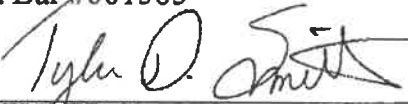
1 Defendant knew, or should have known, that F.B. was mentally or physically incapable of
2 resisting or understanding the nature of Defendant's conduct.

3 COUNT 2

4 did then and there willfully, unlawfully, and feloniously attempt to sexually assault
5 and subject F.B., a female person, to sexual penetration, to wit: by attempting to place his
6 mouth and/or tongue on any part of the female genitalia of the said F.B., against her will, or
7 under conditions in which Defendant knew, or should have known, that F.B. was mentally or
8 physically incapable of resisting or understanding the nature of Defendant's conduct.

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

12 BY


13 TYLER SMITH
14 Deputy District Attorney
15 Nevada Bar #011870

16
17 Names of witnesses known to the District Attorney's Office at the time of filing this
18 Information are as follows:

19 CARNELL, CRISTEN; CCDA INVESTIGATOR

20 COR or Designee; CCDC

21 COR or Designee; LVMPD COMMUNICATIONS

22 COR or Designee; LVMPD RECORDS

23 F.B.; c/o CCDA-SVU/VWAC

24 MCCAFFERY; LVMPD#08731

25 MCGILL, JODI; CCDA INVESTIGATOR

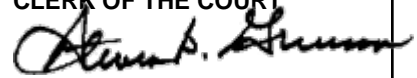
26 MCPHAIL; LVMPD#03326

27 PETERS, CIERRA; UNK

28 REVELS, JEROME; CCDA INVESTIGATOR

1 RYLAND; LVMPD#08608
2 SALAVESSA; LVMPD#07073
3 SCOGGINS, JOCELYN; CCDA INVESTIGATOR
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27 DA#19F23502X/mlb/SVU
28 LVMPD EV#151016001417
(TK12)



MOT

JoNELL THOMAS
SPECIAL PUBLIC DEFENDER
Nevada Bar No.: 4771
JORDAN SAVAGE
Assistant Special Public Defender
Nevada Bar No.: 5480
330 South Third Street, 8th Floor
Las Vegas, NV 89101
Phone: (702) 455-6265
Fax: (702) 380-6948
savagejs@clarkcountynv.gov
Attorneys for Isiah Taylor

**DISTRICT COURT
CLARK COUNTY, NEVADA**

STATE OF NEVADA,
Plaintiff

CASE NO. C-20-348230-1
DEPT. NO. 5

vs.

ISIAH TAYLOR, ID: 2889160
Defendant.

DEFENDANT'S MOTION TO WITHDRAW GUILTY PLEA

COMES NOW, Defendant, ISIAH TAYLOR, by and through his attorneys,
JoNELL THOMAS, Special Public Defender, and JORDAN SAVAGE, Assistant Special
Public Defender, and files Defendant's Motion to Withdraw Guilty Plea (Exhibit A).

DATED this 1st day of July, 2021.

SUBMITTED BY:

/s/ Jordan Savage

JORDAN SAVAGE
Attorney for Taylor

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NOTICE OF MOTION

TO: STATE OF NEVADA, Plaintiff; and

TO: STEVEN WOLFSON, District Attorney, Attorney for Plaintiff

YOU WILL PLEASE TAKE NOTICE that the undersigned will bring on the above
and foregoing **MOTION** on for hearing on _____, at the hour of _____,
or as soon thereafter as counsel may be heard.

CERTIFICATE OF SERVICE

I hereby certify that service of the above Defendant's Motion to Withdraw Guilty
Plea, was made on July 1, 2021, by Electronic Filing to:

DISTRICT ATTORNEY'S OFFICE
email: motions@clarkcountynyda.com

/s/ Elizabeth (Lisa) Araiza
Legal Secretary
Special Public Defender

EXHIBIT A

U.S. District Court. All Districts
C.R. 11:31 MOTION TO WITHDRAW GUILTY PLEA

JORDAN SAVAGE

OFFICE OF THE SPECIAL PUBLIC DEFENDER
330 S. THIRD STREET, 8TH FLOOR, LAS VEGAS NV 89101
(702) 455-6273 FAX (702) 455-6265/6266
/s/ JORDAN SAVAGE Esq.

name of attorney
name of firm
Street address
fax number
e-mail address

ASSISTANT SPECIAL PUBLIC DEFENDER

State bar id. number-

ATTORNEYS FOR ISIAH TAYLOR

Case No: C-20-348230-1
Dept No: 5

UNITED STATES DISTRICT COURT
CLARK COUNTY, NEVADA

STATE OF NEVADA

VS.

ISIAH TAYLOR

Docket No.

MOTION TO WITHDRAW

GUILTY PLEA

C-20-348230-1

(Fed. R. Crim. P. 11(d)(2)(B))

RECEIVED
JUN 29 2021
CLERK OF THE COURT

RELIEF SOUGHT

DEFENDANT ISIAH TAYLOR MOVES THE COURT TO WITHDRAW
ISIAH TAYLOR #02889160 PLEA OF GUILTY PURSUANT TO
THE PROVISIONS OF RULE 11(d)(2)(B) OF THE FEDERAL RULES
OF CRIMINAL PROCEDURE, AND HAVE THIS MATTER RESET
FOR (JURY) TRIAL ON A NEW PLEA OF NOT GUILTY.

GROUNDS FOR RELIEF

DEFENDANT ISIAH TAYLOR MOVES THE COURT TO WITHDRAW ISIAH TAYLOR PLEA OF GUILTY. THE DEFENDANT SHOULD BE GRANTED THE RELIEF SOUGHT IN THIS MOTION BECAUSE AS OF THE AFFIDAVIT OF ISIAH TAYLOR REJECTS OFFER NEGOTIATED WITH PUBLIC DEFENDER AND PROSECUTOR. AFTER ORIGINAL NEGOTIATION, PAPER WORK ON THIS CASE HAS BEEN REVIEWED WHICH NEEDS TO BE RELOOKED AT. I WOULD LIKE TO HAVE MY PUBLIC DEFENDER WITHDRAW MY PLEA. I WOULD LIKE MY CASE TO RELOOKED AT BY JUSTICE OF THE PEACE. MY CASE SHOULD NOT HAVE BEEN BOUND OVER. I WAS PUSHED BY MY PUBLIC DEFENDER JORDAN SAVAGE TO BE HELD TO ANSWER BEFORE I WAS ABLE TO ESTABLISH MY NEGOTIATION CORRECTLY. THEN ARRAIGNED IN FRONT OF HEARING MASTER AND HELD TO ANSWER A NEGOTIATION THAT WAS NOT THE DEAL THAT I THOUGHT WAS DESCRIBED. SO I WITHDRAW ALL NEGOTIATIONS AND FILLING THIS MOTION TO WITHDRAW. I WILL ENTER A PLEA OF NOT GUILTY. I WILL TAKE THIS CASE TO TRIAL SO THE JURY ULTIMATELY CAN HEAR THE CASE. THE EVIDENCE ESTABLISHED BY PROSECUTOR AND THE STATE OF NEVADA IS NOT ENOUGH FOR ME TO TAKE THE DEAL OFFERED. I HAVE THE RIGHT TO APPEAL MY CASE. I AM WILLING TO REMEET WITH MY PUBLIC DEFENDER AND THE PROSECUTOR TO RENEGOTIATE MY PLEA. I WILL CONSIDER A NEW PLEA. BUT AS OF TODAY JUNE 24-2021 I WILL ASK TO WITHDRAW ALL NEGOTIATIONS MADE. I HAVE THE RIGHT TO APPEAL, TO WITHDRAW MY GUILTY PLEA. I WANT TO BE RESEEN BY JUDGE (HEARING MASTER) ULTIMATELY WITHDRAWING MY NEGOTIATIONS.

I WOULD ALSO LIKE ALL PAPER WORK SENT BY PUBLIC DEFENDERS OFFICE AND PROSECUTOR OFFICE, THAT SHOWS ANY AND ALL EVIDENCE THAT PROSECUTOR HAS. I HAVE ASKED FOR EVIDENTIARY HEARING ON THE STATES MOTION TO ADMIT EVIDENCE OF CRIMES. DISCLOSURE BY PROSECUTING ATTORNEY OF EVIDENCE RELATING TO PROSECUTION; LIMITATIONS 1) EXCEPT AS OTHERWISE PROVIDED IN NRS 174.233 TO 174.295, INCLUSIVE, ALL THE REQUEST OF A DEFENDANT, THE PROSECUTING ATTORNEY SHALL PERMIT THE DEFENDANT TO INSPECT AND TO COPY OR PHOTOGRAPH ANY:

WRITTEN OR RECORDED STATEMENTS OR CONFESSIONS MADE BY DEFENDANT, OR ANY WRITTEN RECORDED STATEMENTS MADE BY A WITNESS THE PROSECUTING ATTORNEY INTENDS TO CALL DURING THE CASE IN CHIEF OF THE STATE, OR COPIES THEREOF, WITHIN THE POSSESSION, CUSTODY OR CONTROL OF THE STATE, THE EXISTENCE OF WHICH IS KNOWN, OR BY THE EXERCISE OF DUE DILIGENCE MAY BECOME KNOWN, TO THE PROSECUTING ATTORNEY; RESULTS OR REPORTS OF PHYSICAL OR MENTAL EXAMINATIONS, SCIENTIFIC TEST OR ANY EXPERIMENTS MADE IN CONNECTION WITH THE PARTICULAR CASE, OR COPIES THEREOF, WITHIN THE POSSESSION, CUSTODY OR CONTROL OF THE STATE. BOOKS, PAPERS DOCUMENTS, TANGIBLE OBJECTS, OR COPIES THEREOF, WHICH THE PROSECUTING ATTORNEY INTENDS TO INTRODUCE DURING THE CASE IN CHIEF OF THE STATE AND WHICH ARE WITHIN THE POSSESSION, CUSTODY OR CONTROL OF THE STATE, AN INTERNAL REPORT, DOCUMENT OR MEMORANDUM, THE DISCOVERY AND INSPECTION.

MATTER ON WHICH DEFENDANT MISINFORMED e.g. IT WOULD BE IMPOSSIBLE TO PROVE ISIAH TAYLOR DEFENSE BECAUSE ISIAH TAYLOR WOULD NOT BE ABLE TO COMPEL THE WITNESS TO TESTIFY ON ISIAH TAYLOR BEHALF. ISIAH TAYLOR FELT PUSHED INTO TAKING DEAL. ISIAH TAYLOR WAS TOLD THE JUDGE WOULD IMPOSE THE MAXIMUM STATUTORY PUNISHMENT FOR THE OFFENSE IF THE DEFENDANT WENT TO TRIAL AND WAS FOUND GUILTY, UNDER THE SENTENCING GUIDELINES, THE ACTUAL SENTENCE WOULD BE MUCH LESS THAN THE STATUTORY MAXIMUM AND THAT PROBATION WOULD BE POSSIBILITY, EVEN FOLLOWING A CONVICTION AFTER TRIAL. DEFENDANT COULD ALWAYS RECONSIDER ISIAH TAYLOR PLEA PRIOR TO ACTUAL SENTENCING. ISIAH TAYLOR WAS TOLD TO TAKE ADVANTAGE OF THE PLEA AGREEMENT THAT WAS BEING OFFERED. ISIAH TAYLOR HAS FILED THIS MOTION SO THAT THERE HAS BEEN NO UNDUE ON THE PART OF THE DEFENDANT IN SEEKING RELIEF. ISIAH TAYLOR HAS HAD TO FILE DIRECTLY SO THE PLEADING ON FILE IN THIS ACTION, AND ON WHAT EVER EVIDENCE AND ARGUMENT MAY BE ALLOWED AT A HEARING ON THIS MOTION.

DATE: JUNE 25, 2021 (6/25/2021)

COPIES BEING SENT TO

COURT OF CLERK, DISTRICT COURT, UNITED STATES,
DISTRICT COURT, CLARK COUNTY NEVADA, OFFICE
OF THE SPECIAL PUBLIC DEFENDER (JORDAN SAVAGE)

PAPERS SUBMITTED WITH MOTION

THIS MOTION IS BASED ON THIS DOCUMENT, THE ATTACHED MEMORANDUM OF LAW, THE ATTIDAVITS OF ISIAH TAYLOR, ALL OF THE PAPERS AND PLEADINGS ON FILE IN THIS ACTION, AND ON WHATEVER EVIDENCE AND ARGUMENT MAY BE ALLOWED AT A HEARING ON THIS MOTION.

DATE: JUNE 25, 2021

6-25-2021 FRIDAY

CASE NO. C-20-348230-1

ISIAH TAYLOR / SIGNATURE: *Isiah Taylor* 6/25/21

ATTORNEY FOR ISIAH TAYLOR

ASSISTANT SPECIAL PUBLIC DEFENDER

OFFICE OF THE SPECIAL PUBLIC DEFENDER

330 S. THIRD STREET, 8TH FLOOR, LAS VEGAS

NV. 89101

JORDAN SAVAGE

FAX (702) 455-6273

(702) 455-6265

(702) 455-6266

PETER A. SEWALL

DATE: 6-25-21

SIGNATURE: *P. A. Sewall*

DATE:

SIGNATURE:

WITNESS

1 MDC

2 Name: Isiah Taylor #2889160

3 Address: 330 S. Casino Center

4 City/State/Zip: Las Vegas, NV 89101

5 Phone: 614 629 7845

6 DEFENDANT IN PROPER PERSON

FILED

JUL 07 2021

John J. Blum
CLERK OF COURT

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

8 State of Nevada

9 Plaintiff,

10 vs.

Case No.: C-20-348230-1

Dept. No.: 5

12 Isiah M Taylor #2889160

13 Defendant

14 July 28, 2021
8:30 AM

16 MOTION TO DISMISS COUNSEL AND APPOINT ALTERNATE COUNSEL

17
18 COMES NOW, the Defendant Isiah Taylor #2889160, and moves this
19 Honorable Court to dismiss Defendant's counsel, Jordan Savage, and appoint
20 alternate counsel to represent Defendant.

21 This Motion is based upon all papers, pleadings, and documents on file.

22 POINTS AND AUTHORITIES

23
24 It is respectfully requested of this court to grant this Motion to Dismiss Counsel and
25 Appoint Alternate Counsel for the reasons listed below:

CLERK OF THE COURT

RECEIVED
JUL - 6 2021

1 I. PROCEDURAL BACKGROUND AND FACTUAL SUMMARY

2 Since Jordan Savage was appointed as counsel on 8-23-20, Defendant
3 has been prejudiced and suffered manifest injustice based on counsel's refusal or failure to:

4 Accept ~~the~~ the fact I never wanted him on
5 my case from the very beginning. He had my fasty
6 Speedy trial waived and I did not give him consent
7 at all. I did not even know what was going on when it
8 got waived. He also try to find every way for me to
9 take a deal instead of finding a way to fight my
10 case. He recently came to see and I felt like I
11 forced to take a deal with no time to think about
12 anything I was rushed into taking a deal I
13 did not want to take at all and I felt rushed
14 into ~~signing~~ signing the paper. I honestly felt
15 this man has been against me from the beginning
16 I seriously do not want to feel forced to
17 take a deal for something I did not do
18 I ~~just~~ just wanted a fair chance with
19 proper representation behind me please understand
20 my concerns please I should never felt forced
21 by someone who was suppose to be helping me
22 thats way too much time for me to be taking
23 especially if I did not do the crime I really
24 was scared to go to trial with this defense I
25 just know he wouldn't have given his best
26 effort please look into this matter please and
27 may God Bless
28

II. ARGUMENT

Defendant, Isiah Taylor #2889160 asserts that he/she is being denied his/her right to effective representation due to wholly inadequate actions of his/her court-appointed counsel. Further, counsel's actions constitute a violation of the Defendant's due process rights under the following cases, statutes, and/or rules of professional conduct:

Yonney V. Nev. 120 Nev. 963.102 P30 572.120 Nev. Adv
Rep 98.2004 Nev. Lexis 141 (Nev. 2004)

WHEREFORE, the undersigned prays that the court grant Defendant's Motion to Dismiss Counsel and Appoint Alternate Counsel.

DATED THIS 17 day of June, 2021.

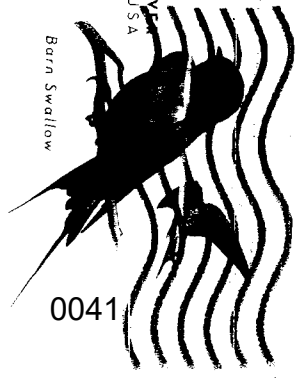
Respectfully submitted,

Isiah Taylor #2889160
Defendant

Isiah Taylor 2869160
CCDC
330 S. Casino Center Blvd
Las Vegas, NV 89101

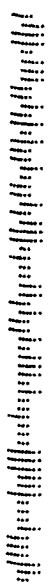
LAS VEGAS NV 890
1 JUL 2021 PM 3

FOREVER
USA



Clerk of the Court Steven G
Eight Judicial District Court
200 Lewis Ave
Las Vegas, NV 89155

65101-630000



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CLARK COUNTY DETENTION CENTER
LAS VEGAS, NEVADA

Steven D. Grierson

MATSUDA LAW, Ltd.
JESS Y. MATSUDA, ESQ.
Nevada State Bar No. 10929
228 S. Fourth Street, Third Floor
Las Vegas, NV 89101
P: (702) 383-0506
F: (702) 825-2688
Attorney for Defendant
ISAIH TAYLOR

**EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA**

STATE OF NEVADA,

Plaintiff,

vs.

ISAIH TAYLOR,

Defendant.

) Case No.: C-20-348230-1

) Dept. No.: I

) **MOTION TO WITHDRAW GUILTY
PLEA**

) **Hearing Date: August 30, 2021**

) **Hearing Time: 8:30 A.M.**

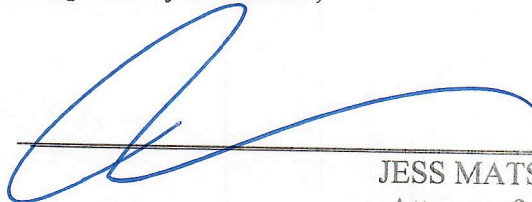
Defendant ISAIH TAYLOR, by and through his attorney, JESS MATSUDA, and, pursuant to NRS 176.165 and the United States and Nevada Constitutions, moves this Honorable Court to withdraw his guilty plea entered on July 1, 2021, on the following grounds:

- (1) ISAIH TAYLOR's plea was not knowingly and intelligently entered; and
- (2) Allowing the plea to stand would be fundamentally unfair.

This Motion is made and based upon the papers and pleadings on file herein, the Points and Authorities which follow, and arguments of counsel.

DATED this 22nd day of August, 2021.

Respectfully submitted,



JESS MATSUDA, ESQ.
Attorney for Defendant

MEMORANDUM OF POINTS AND AUTHORITIES

I. PROCEDURAL BACKGROUND

On May 5th, 2020, Mr. Taylor was charged by way of Indictment on one (1) count of Burglary (Category B Felony – NRS 205.060 – NOC 50424 and one (1) count of Coercion Sexually Motivated (Category B Felony – NRS 207.190, 175.547, 207.193 – NOC 55532). On July 1st, 2021, a Guilty Plea Agreement was filed on behalf of Mr. Taylor. Mr. Taylor pled guilty by way of Alford to two (2) counts of Attempt Sexual Assault (Category B Felony – NRS 200.364, 200.366, 193.330 – NOC 50119). Pursuant to the Guilty Plea Agreement, the parties stipulated to four (4) to twenty (20) years in the Nevada Department of Corrections.

II. LAW

The question of a defendant's guilt or innocence is not put in issue with a motion to withdraw a plea of guilty. State v. District Court, 85 Nev. 381, 385 (1969); Hargrove v. State, 100 Nev. 498, 502 (1984); Kercheval v. United States, 274 U.S. 220, 224 (1927). The validity of a defendant's guilty plea must be challenged in the first instance in the sentencing court by way of a motion to withdraw the plea or by way of a petition for post-conviction relief. Bryant v. State, 102 Nev. 268, 272 (1986). "[T]he test is essentially factual in nature, and is thus best suited to trial court review in the first instance." Bryant v. State, 102 Nev. at 272. "[T]he burden [is] on the defendant to establish that his plea was not entered knowingly and intelligently" or that it was the product of coercion. Bryant v. State, 102 Nev. at 272; Gardner v. State, 91 Nev. 443, 446-47 (1975). The decision of the trial court to allow a defendant to withdraw his guilty plea "is discretionary and will not be reversed unless there has been a clear abuse of that discretion." State v. District Court, 85 Nev. at 385; State v. Adams, 94 Nev. 503, 505 (1978); Bryant v. State, 102 Nev. at 272.

III. ARGUMENT

A. ALLOWING MR. TAYLOR TO WITHDRAW HIS PLEA IS FAIR AND JUST.

1 "A motion to withdraw a plea of guilty, guilty but mentally ill or nolo contendere may be
2 made only before sentence is imposed or imposition of sentence is suspended. To correct manifest
3 injustice, the court after sentence may set aside the judgment of conviction and permit the
4 defendant to withdraw the plea." NRS 176.165. Thus, "A district court may, in its discretion,
5 grant a defendant's motion to withdraw a guilty plea for any 'substantial reason' if it is 'fair and
6 just.'" Molina v. State, 87 P.3d 533, 537 (Nev 2004). A court must examine the totality of the
7 circumstances to determine whether a defendant entered his plea voluntarily, knowingly, and
8 intelligently. Molina, 87 P.3d at 537. "In reviewing an attack on a guilty plea a court must consider
9 whether the plea was voluntarily entered as well as whether, considered as a whole, the process by
10 which the plea was obtained was fundamentally fair." Taylor v. Warden, 96 Nev. at 274.

11 More recently, the Nevada Supreme Court also opined that whether a plea was entered
12 voluntarily, knowingly, and intelligently is not the only consideration in whether the withdrawal
13 of the plea is "fair and just," and held that the Court must consider *the totality of the circumstances*
14 in determining whether withdrawal of the plea is fair and just. Stevenson v. State, 131 Nev. Adv.
15 61, 2015.

16 A reviewing court need not look only to the technical sufficiency of a plea canvass to
17 determine whether a plea has been entered with a true understanding of the nature of the offense
18 charged. Bryant v. State, 102 Nev. at 271. The court may "review the entire record, and look to
19 the totality of the facts and circumstances of a defendant's case, to determine whether a defendant
20 entered his plea with an actual understanding of the nature of the charges against him." Bryant v.
21 State, 102 Nev. at 271; Stocks v. Warden, 86 Nev. at 761 ("The voluntariness of [a defendant's]
22 plea is to be determined by considering all relevant circumstances surrounding it").

23 Additionally, one of the purposes of the application of the "fair and just" analysis is to
24 allow a defendant to withdraw his plea where it is made with "unsure heart and confused mind."
25 Stevenson, 131 Nev. Adv. 61, quoting U.S. v. Alexander, 948 F.2d 1002, 1004 (6th Cir. 1991).
26 Moreover, the circumstances surrounding the defendant's entry of plea, the inducements to plead
27 guilty including strength of evidence and judicial rulings, and the amount of time passing between
28 the entry of plea and the indication that the defendant wishes to withdraw are all important
considerations. Id.

Here, the totality of circumstances shows that Mr. Taylor wishes to withdraw his plea for
fair and just reasons. Mr. Taylor was not in the right state of mind when he accepted this plea deal.

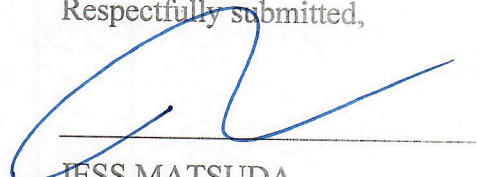
1 On July 1, 2021, the day Mr. Taylor was canvassed by this Court, Mr. Taylor represents that he
2 had taken medication the night before and felt drowsy, confused, and generally didn't understand
3 what was going on. Additionally, Mr. Taylor represents that his understanding of the Guilty Plea
4 Agreement (GPA) was that he was stipulating to probation, and that he never received a physical
5 copy of the GPA, so he did not have a chance to review the document in its entirety prior to the
6 plea canvass. For these reasons, Mr. Taylor wishes to withdraw his plea as it was not entered
7 knowingly, intelligently, and voluntarily.

8 **IV. CONCLUSION**

9
10 Based upon the foregoing, Defendant Isaih Taylor respectfully requests that this Court
11 allow him to withdraw his guilty plea and set this matter for trial at a date convenient to this Court.

12 DATED this 22nd day of August, 2021.

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14 Respectfully submitted,


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17 JESS MATSUDA
18 Attorney for Defendant

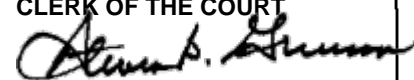
19
20 **CERTIFICATE OF SERVICE**

21 I hereby certify that I am a person competent to serve papers, that I am not a party to the
22 above-entitled action, and that on the 23rd day of August, 2021, I served the forgoing
23 document on:

24 Clark County District Attorney's Office

25 Via E-Mail: motions@clarkcountyda.com

26
27 
28 An Employee of
MATSUDA LAW, LTD.



1 **OPPS**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 LINDSEY MOORS
6 Chief Deputy District Attorney
7 Nevada Bar #012232
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

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

10 THE STATE OF NEVADA,
11 Plaintiff,

12 -vs-

13 ISIAH TAYLOR, #2889160
14 Defendant.

CASE NO: C-20-348230-1

DEPT NO: I

15
16 **DATE OF HEARING: AUGUST 30, 2021**
17 **TIME OF HEARING: 8:30 A.M.**

18 **OPPOSITION TO DEFENDANT'S MOTION TO WITHDRAW GUILTY PLEA**
19

20 COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, District Attorney,
21 through LINDSEY MOORS, Chief Deputy District Attorney, and hereby submits the attached
22 Points and Authorities in Opposition to Defendant's Motion,

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

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1 POINTS AND AUTHORITIES

2 STATEMENT OF THE FACTS RELEVANT TO THIS OPPOSITION

3 Defendant, ISIAH TAYLOR was initially charged by way of Indictment with three
4 count of SEXUAL ASSAULT (Category A Felony - NRS 200.364, 200.366 - NOC 50095)
5 and one count of ATTEMPT SEXUAL ASSAULT (Category B Felony - NRS 200.364,
6 200.366, 193.330 - NOC 50119). The crimes occurred on or about October 16, 2015. The
7 victim is F.B.

8 On October 16, 2015. F.B. called Las Vegas Metropolitan Police Department
9 (LVMPD) to report that she was a victim of a sexual assault by a black male adult known to
10 her as Defendant. F.B. knew Defendant as he was her cousins' ex-boyfriend. Defendant had
11 just been released from Clark County Detention Center after serving eight months on a
12 Misdemeanor Battery Constituting Domestic Violence.

13 F.B. heard someone knocking at her door and realized it was Defendant. He wanted to
14 come pick up his property that he believed was at her apartment. She refused to let him into
15 her residence as she doesn't have any of his. F.B. then laid down at approximately 10:30 and
16 was starting to fall asleep when she heard noises coming from the window that was next to the
17 front door. F.B. said her window had been left unlocked by her other cousin who had stayed
18 at the apartment the previous night. Defendant ran into her bedroom. F.B. tried to call 911 but
19 Defendant knocked the phone out of her hand.

20 Defendant held her down on the bed with his hands on her chest and was very rough.
21 He pulled her dress off and pulled her legs apart. He said, "I ain't had it in a long time and you
22 ain't had it in a long time so you're gonna take this dick." He then penetrated her vagina
23 digitally and performed cunnilingus on her. He then penetrated her vagina with his penis for
24 approximately 15-20 minutes. He attempted to put his penis in her anus, but she began
25 screaming so he stopped. She thought he ejaculated but was unsure if he used a condom. After
26 the assault, Defendant went into her bathroom and washed his face, wiping it on a towel in her
27 bathroom. He then left the apartment.

28 ///

1 F.B. immediately called police. She was transported to University Medical Center to a
2 have a full sexual assault examination. Investigators responded to the scene and took photos.
3 The bedding was impounded, as was the towel from F.B.'s bathroom. Adult hand and
4 fingerprints were found on the window that F.B. said Defendant came through.

5 Detectives attempt to make contact with Defendant but were unsuccessful. F.B.'s
6 cousin, who was Defendant's alleged ex-girlfriend, told police she believed F.B. was lying.
7 The case was closed pending forensics and fingerprint analysis.

8 On May 25, 2017, a Latent Print Report was received from LVMPD Forensic
9 Laboratory that showed the several palm and fingerprints lifted from the exterior sliding
10 window were identified as a match belonging to Defendant. In January of 2018, the results of
11 the sexual assault kit were returned. It was reported the cervical swabs and vaginal swabs had
12 male DNA indicated, but due to the presence of high levels of total human DNA compared to
13 male, DNA, the samples were not processed for STR analysis. The rectal swabs were
14 inconclusive. Now that all forensics were returned, the case was reopened and assigned to a
15 sexual assault cold case detective. The detective requested that the towel taken from F.B.'s
16 apartment be analyzed.

17 Defendant was located in Ohio where he was in custody on unrelated Rape and
18 Kidnapping charges. With the help of the police and courts in Ohio, a search warrant for
19 Defendant's buccal was procured and served on Defendant. After being read his *Miranda*
20 rights, Defendant stated that he never went to her house when he got out of jail. He denied
21 having consensual sex with her or ever forcing F.B. to have sexual intercourse with him. He
22 admitted to stopping by with his ex-girlfriend at certain points during their relationship, but he
23 never stayed long. He made multiple references to F.B.'s appearance, stating he would never
24 want to "touch that."

25 After receiving the reference standard, the LVMPD Forensic Laboratory concluded that
26 there was one male contributor in both the epithelial and sperm fractions found on the towel.
27 The report concluded that the probability of randomly selecting an unrelated individual from
28 the general population have a DNA profile that is consistent with the partial, deduced DNA

1 profile obtained from the sperm fraction taken from the towel is approximately 1 in 318
2 septillion (318×10^{24}).

3 On May 26, 2021, a Franks hearing was held in this matter to introduce evidence of
4 prior bad acts for propensity purposes in a sexual assault case. On that date, the State's Motion
5 to Admit Prior Bad Acts was granted. Upon granting of the Motion, Defendant's prior Defense
6 counsel contacted the State to resolve the case. The older offer of 3 to 8 years in the Nevada
7 Department of Corrections (never probation) had been revoked on the record prior to the
8 Franks hearing, and new offer of 4-20 years in the Nevada Department of Corrections was
9 then discussed by the parties.

10 On June 4, 2021, after entering into plea negotiations with the State, Defendant entered
11 a guilty plea, pursuant to North Carolina v. Alford, 400 U.S. 25 (1970). The terms of the plea
12 agreement are such that the parties stipulate to four (4) to twenty (20) years in the Nevada
13 Department of Prisons. On August 23, 2021, Defendant filed a Motion to Withdraw Guilty
14 Plea. The State's Opposition follows.

15 LEGAL ARGUMENT

16 I.

17 DEFENDANT PRESENTS NO LEGITIMATE GROUNDS UPON WHICH TO 18 WITHDRAW HIS PLEA

19 NRS 176.165 states in pertinent part:

20 Except as otherwise provided in the section, a motion to withdraw
21 a plea of guilty, guilty but mentally ill or nolo contendere may be
22 made only before sentencing is imposed or imposition of sentence
23 is suspended. To correct manifest injustice, the court after
sentence may set aside the judgment of conviction and permit the
defendant to withdraw his plea.

24 The law in Nevada clearly establishes that a plea of guilty is presumptively valid and
25 the burden is on the defense to show that the plea was not voluntarily entered. Wingfield v.
26 State, 91 Nev. 336 (1975). A defendant who seeks to withdraw a plea of guilty must show
27 good cause therefore, as a plea of guilty is presumptively valid. Wynn v. State, 96 Nev. 673,
28 675, 615 P.2d 946, 947 (1980). The case of Patton v. Warden, 91 Nev. 1 (1975) suggests that

1 the presence and advice of counsel is a significant factor in determining the voluntariness of a
2 plea of guilty. Furthermore, the Nevada Supreme Court makes it clear in the case of Heffley
3 v. Warden, 89 Nev. 573 (1973) that the guidelines for voluntariness of pleas of guilty "do not
4 require the articulation of talismanic phrases." It required only that the record must
5 affirmatively disclose that a defendant who pled guilty entered his plea understandingly and
6 voluntarily. Brady v. United States, 397 U.S. 742 (1970)."

7 In Wilson v. State, 99 Nev. 362 (1983), the Nevada Supreme Court stated:

8 In Higby v. Sheriff, 86 Nev. 774, 476 P.2d 959 (1970), concluded
9 that certain minimum requirements must be met when a judge
10 canvasses a defendant regarding the voluntariness of a guilty plea.
11 We held that the record must affirmatively show the following: 1)
12 the defendant knowingly waived his privilege against self-
13 incrimination, the right to trial by jury, and the right to confront
14 his accusers; 2) the plea was voluntary, was not coerced, and was
15 not the result of a promise of leniency; 3) the defendant understood
16 the consequences of his plea and the range of punishment; and 4)
17 the defendant understood the nature of the charge, i.e., the
18 elements of the crime. Id. at 781, 476 P.2d at 963. As to this last
19 requirement, we subsequently held that in order for the record to
20 show an understanding of the nature of the charge it is necessary
21 that there be a showing that the defendant has made factual
22 statements to the court which constitutes in admission to the
23 pleaded offense. Hanley v. State, Nev. 130, 135, 624, P.2d 1287,
24 1290 (1981). The Court reviewing the validity of a guilty plea may
25 look at the entire record in order to determine whether a plea was
26 entered knowingly and intelligently in light of all the
27 circumstances. The Court may determine that the guilty plea is
28 valid by reason of the plea canvass itself or under a 'totality of the
circumstances approach'. Bryan v. State, 102 Nev. 268 (1986).

20 The Nevada Supreme Court has held that in order to properly accept a guilty plea the
21 court must sufficiently canvass the defendant to determine if he knowingly and intelligently
22 entered into the plea. Williams v. State, 102 Nev. 268, 721 P.2d 364 (1986). A determination
23 of whether a defendant knowingly and intelligently entered into a plea must be made by using
24 a totality of the circumstances approach. Iverson v. State, 107 Nev. 94, 99, 807 P.2d 1372
25 (1991) (*citing* Bryant v. State, 102 Nev. 268, Nev. 268, 721 P.2d 364 (1986)). The totality of
26 the circumstances approach requires that the trial court review the entire record to determine
27 whether the plea was valid. Mitchell v. State, 109 Nev. 137, 848 P.2d 1060, 1061 62 (1993).

28 Defendant fully understood the consequences of his guilty plea. Defendant voluntarily

1 signed a Guilty Plea Agreement on July 1, 2021. The Guilty Plea Agreement was filed in open
2 court on that date, and after orally canvassing Defendant, the Court accepted Defendant's
3 guilty plea. (A copy of the Guilty Plea Agreement, "GPA", is attached hereto as State's Exhibit
4 "1"). The Guilty Plea Agreement extensively lists the consequences of the plea. *See Taylor*
5 *v. Warden*, 96 Nev. 272, 275, 607 P.2d 587, 589 (1980) (Court held factor in determining
6 voluntariness of plea is whether defendant understood consequences of his plea).

7 In addition, the Guilty Plea Agreement states that Defendant discussed with his attorney
8 any possible defenses, defense strategies and circumstances which might be in his favor and
9 that all of the foregoing elements, consequences, rights and waiver of rights have been
10 thoroughly explained to him by his attorney. (See State's Exhibit "1", pp. 5-6).

11 Defendant also fully understood the nature of the charge against him. Attached to the
12 Guilty Plea Agreement is Exhibit "1", which is a copy of the Third Amended Information
13 listing the crime that Defendant pled guilty to committing. The Information lists all of the
14 elements of the crime. Moreover, Defendant's counsel swore, under penalty of perjury and
15 the threat of sanctions from the State Bar Association of Nevada, that he fully explained to
16 Defendant the allegations contained in the charge to which the guilty plea is being entered. (See
17 State's Exhibit "1", p. 7).

18 The transcript of the entry of plea in this matter, which is attached hereto as State's
19 Exhibit "2", does not contain any information which would lead this Court to the conclusion
20 that the Defendant did not enter into his plea freely and voluntarily, and with a complete
21 understanding of what he was doing.

22 In *Stevenson v. State*, 354 P.3d 1277, 131 Nev. Adv. Rep. 61 (2015), the Nevada
23 Supreme Court determined that district court must consider the totality of the circumstances
24 to determine whether permitting withdrawal of a guilty plea before sentencing would be fair
25 and just. In that case, the Court affirmed the Judgment pursuant to a guilty plea of two
26 counts of attempt sexual assault finding the following:

27 Having determined that a district court may grant a defendant's
28 motion to withdraw his guilty plea before sentencing for any
reason where permitting withdrawal would be fair and just, we

1 turn now to the reasons Stevenson has given as to why withdrawal
2 was warranted. The crux of Stevenson's argument below as to why
3 he should be allowed to withdraw his plea was that the members
4 of his defense team lied about the existence of the video in order
5 to induce him to plead guilty. The district court considered this
6 contention and gave Stevenson considerable leeway to
7 demonstrate how he was lied to or misled. Stevenson struggled to
8 articulate a cohesive response, pointing instead to circumstances
9 which, viewed in context, were neither inconsistent nor
10 suspicious. After considering Stevenson's arguments, as well as
11 the testimony presented at the multiple evidentiary hearings, the
12 district court found that no one lied to Stevenson about the time it
13 would take to determine whether the video could be extracted or
14 otherwise misled him in any way. The district court also found that
15 Stevenson's testimony in this regard was not credible. We must
16 give deference to these findings so long as they are supported by
17 the record, *see Little v. Warden*, 117 Nev. 845, 854, 34 P.3d 540,
18 546 (2001) (giving deference to factual findings made by the
19 district court in the course of a motion to withdraw a guilty plea),
20 which they are. Based on these findings, withdrawal was not
21 warranted on this ground.

22 Id., 354 P.3d 1277 at 1281.

23 The Court went on to state:

24 Similarly, unconvincing is Stevenson's contention that he was
25 coerced into pleading guilty based on the compounded pressures
26 of the district court's "erroneous" evidentiary ruling regarding his
27 motion to suppress the video, standby counsel's pressure to
28 negotiate a plea, and time constraints. We need not consider
whether the lower court's ruling regarding the video was correct,
because even assuming it was not, undue coercion occurs when "a
defendant is induced by promises or threats which deprive the plea
of the nature of a voluntary act," *Doe v. Woodford*, 508 F.3d 563,
570 (9th Cir. 2007) (internal quotation marks omitted), not where
a court makes a ruling later determined to be incorrect, *see*
generally Brady v. United States, 397 U.S. 742, 757, 90 S.Ct.
1463, 25 L. Ed. 2d 747 (1970)("[A] voluntary plea of guilty
intelligently made in the light of the then applicable law does not
become vulnerable because later judicial decisions indicate that
the plea rested on a faulty premise."). **Moreover, time constraints
and pressure from interested parties exist in every criminal
case, and there is no indication in the record that their
presence here prevented Stevenson from making a voluntary**

1 and intelligent choice among the options available. See Doe,
2 508 F.3d at 570 ("The test for determining whether a plea is
3 valid is whether the plea represents a voluntary and intelligent
4 choice among the alternative courses of action open to the
5 defendant." (internal quotation marks omitted)); Miles v.
6 Dorsey, 61 F.3d 1459, 1470 (10th Cir. 1995). "Although
7 deadlines, mental anguish, depression, and stress are
8 inevitable hallmarks of pretrial plea discussions, such factors
9 considered individually or in aggregate do not establish that [a
10 defendant's] plea was involuntary.").

11 Id., 354 P.3d 1277 at 1281. (Emphasis added)

12 The Court concluded:

13 Finally, we reject Stevenson's implied contention that withdrawal
14 was warranted because he made an impulsive decision to plead
15 guilty without knowing, definitively, whether the video could be
16 viewed. Stevenson did not move to withdraw his plea for several
17 months, which contradicts his suggestion that he entered his plea
18 in a state of temporary confusion while in the throes of discovering
19 that the video was not easily accessible. See United States v.
20 Alexander, 948 F.2d 1002, 1004 (6th Cir. 1991) (explaining that
21 one of the goals of the fair and just analysis "is to allow a
22 hastily entered plea made with unsure heart and confused
23 mind to be undone, not to allow a defendant to make a tactical
24 decision to enter a plea, wait several weeks, and then obtain a
25 withdrawal if he believes that he made a bad choice in pleading
26 guilty" (internal quotation marks omitted)); United States v.
27 Barker, 514 F.2d 208, 222, 168 U.S. App. D.C. 312 (DC Cir.
28 1975). "A swift change of heart is itself strong indication that the
plea was entered in haste and confusion[.]". Most importantly,
Stevenson relied upon the uncertainty surrounding the video as
leverage to negotiate an extremely favorable plea despite the
apparently strong evidence against him. See United States v.
Ensminger, 567 F.3d 587, 593 (9th Cir. 2009)("The guilty plea is
not a placeholder that reserves [a defendant's] right to our
criminal system's incentives for acceptance of responsibility
unless or until a preferable alternative later arises. Rather, it
is a grave and solemn act, which is accepted only with care and
discernment." (internal quotation marks omitted)).

Considering the totality of the circumstances, we have no
difficulty in concluding that Stevenson failed to present a

1 sufficient reason to permit withdrawal of his plea. Permitting him
2 to withdraw his plea under the circumstances would allow the
3 solemn entry of a guilty plea to "become a mere gesture, a
4 temporary and meaningless formality reversible at the
5 defendant's whim." Barker, 514, F.2d at 221. This we cannot
6 allow.

7 Id., 354 P.3d 1277 at 1281-1282.

8 A plea wherein the Defendant does not admit to the specific elements of the crime, like
9 the one involved in this case, is acceptable when a defendant intelligently concludes that his
10 interests require entry of a guilty plea and the record before the judge contains strong evidence
11 of guilt. North Carolina v. Alford, 400 U.S. 25, 91 S.Ct 160, (1970). Consistent with this
12 decision the Supreme Court of Nevada has held that a judgment of conviction entered pursuant
13 to a plea is constitutionally infirm when there is no evidence of actual guilt. Lyons v. State,
14 105 Nev. 317, 775 P.2d 219 (1989).

15 The trial court, "in accepting the plea, must determine that there is a factual basis for
16 the plea, and he must further inquire into and seek to resolve the conflict between the waiver
17 of trial and the claim of innocence." Tiger v. State, 98 Nev. 555, 654 P.2d 1031 (1982) (citing
18 Alford, *supra*). In Tiger, the court found that the defendant did not admit facts constituting
19 necessary elements of any crime that would support conviction. Tiger, 654 P.2d at 1033.
20 There, the defendant admitted that he was present at the scene of the crime; that he voluntarily
21 entered the residence; that he knew that a shooting had occurred, and that he ran away. The
22 court held that he did not admit facts constituting the necessary elements of first degree
23 murder. Consequently, the court set the defendant's guilty plea agreement aside. Id. at 1033.

24 The record in the instant case contains a guilty plea agreement, discussed *supra*,
25 pursuant to Alford decision which is signed by Defendant and indicates the rights waived by
26 Defendant, as well as the consequences of entering a guilty plea. The agreement in
27 cooperation with the canvassing, discussed *supra*, further provides that Defendant's plea was
28 clearly authorized and constitutional. All three of the requirements for a valid Alford plea
were met when Defendant entered his plea. A sufficient factual basis existed, Defendant
understood the charges against him, and the district court resolved the apparent conflict

1 between his Defendant's plea and his claim of innocence.

2 Based on the totality of the circumstances, there was a sufficient factual basis for
3 Defendant's plea. Moreover, there is no need for the Defendant himself to make or adopt the
4 State's facts in order for an Alford plea to be valid. The court need only elicit a factual basis
5 for the plea indicating strong evidence of Defendant's guilt. Here, the Defendant did not
6 make a factual allegation of guilt. However, there was a detailed factual representation of the
7 evidence the State would be able to prove if it were to take Defendant's case to trial. The plea
8 clearly represents a voluntary and intelligent choice among the alternative courses of action
9 open to the defendant. North Carolina v. Alford, 400 U.S. 25, 31, 91 S.Ct. 160, 164 (1970).

10 In the Motion to Withdraw Guilty Plea, Defendant asserts that he wishes to withdraw
11 his plea for the following reasons: (1) He took medication the night before his plea and felt
12 drowsy, confused, and generally didn't understand what was going on. See Defendant's
13 Motion to Withdraw Guilty Plea, p. 4; (2) It was Defendant's understanding of the guilty plea
14 that he was stipulating to probation. Id.; and, (3) Defendant never received a physical copy of
15 the GPA, so he didn't have a chance to review the document in its entirety prior to the plea
16 canvass. Id.

17 Contrary to Defendant's assertion, the record reflects that Defendant was thoroughly
18 canvassed by this Court at the time he entered his guilty plea and had ample opportunity to
19 speak up about the issues he now raises in his motion, yet he did not do so. Defendant was
20 specifically asked if he was under the influence of anything that would affect his plea, to which
21 he responded, no.

22 Additionally, there is NO WAY Defendant thought he was getting probation as there
23 had never been a probation offer in this matter and prior Defense counsel made Defendant
24 well aware that after the Frank's hearing allowed the state to admit prior bad acts for propensity
25 purposes, a resolution was in Defendant's best interest. This is especially true as the prior bad
26 act evidence was not only attested to by the victim but was CAUGHT ON VIDEO. The reality
27 is that this Defendant is suffering from buyer's remorse and nothing more. Defendant's Motion
28 to Withdraw Plea is without any legal or factual support, and the record is devoid of any

1 evidence in support of Defendant's bare allegations.

2 **CONCLUSION**

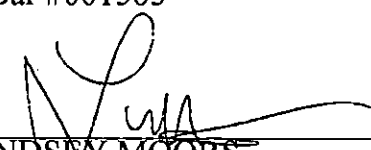
3 Based upon the above, the State respectfully requests Defendant's Motion to Withdraw
4 Guilty Plea be DENIED.

5 DATED this 24th day of August, 2021.

6 Respectfully submitted,

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

10 BY

11 
12 LINDSEY MOORS
13 Chief Deputy District Attorney
14 Nevada Bar #012232

15 **CERTIFICATE OF SERVICE**

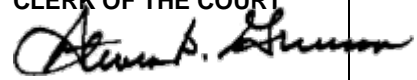
16 I hereby certify that service of the above and foregoing was made this 24th day of
17 August, 2021, to:

18 JESS Y. MATSUDA, ESQ.
19 Email Address: jess@jesslaw.com

20 BY

21 
22 Secretary for the District Attorney's Office
23 Special Victims Unit
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28 19F23502X/LM/mlb/SVU



1 **RTRAN**

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4 **DISTRICT COURT**
5 **CLARK COUNTY, NEVADA**

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7 THE STATE OF NEVADA,)
8)
9 Plaintiff,) CASE NO. C-20-348230-1
10) DEPT. NO. 1
11 vs.)
12)
13 ISIAH TAYLOR,)
14)
15 Defendant.)

16
17 BEFORE THE HONORABLE CRISTINA D. SILVA FOR THE HONORABLE
18 BITA YEAGER, DISTRICT JUDGE
19 WEDNESDAY, JANUARY 6, 2021 AT 8:52 A.M.

20 **RECORDER'S TRANSCRIPT RE:**
21 **MOTION TO DISMISS COUNSEL AND APPOINT ALTERNATE COUNSEL**

22 **APPEARANCES:**

23 FOR THE STATE: GENEVIEVE C. CRAGGS, ESQ.
24 Deputy District Attorney

25 FOR THE DEFENDANT: JORDAN S. SAVAGE, ESQ.
Deputy Special Public Defender

Recorded by: LISA A. LIZOTTE, COURT RECORDER

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(WEDNESDAY, JANUARY 6, 2021 AT 8:52 A.M.)

THE COURT: All right. Let's call Page 6, C348230, State of Nevada versus Isiah Taylor.

MS. CRAGGS: Your Honor, Genevieve Craggs for the State on this one as well.

MR. SAVAGE: Jordan Savage, Special Public Defender's office, on behalf of Mr. Taylor.

THE COURT: Okay. And good morning.

MR. SAVAGE: Good morning.

THE COURT: Good morning, Mr. Taylor. How are you?

THE DEFENDANT: I'm fine. And you?

THE COURT: I'm doing well, thank you. I'm Judge Silva. I'm filling in for Judge Yeager this morning who's in another courtroom, and I see that we're on for a motion to dismiss counsel and appoint alternate counsel; is that correct?

THE DEFENDANT: Yes.

THE COURT: And I understand you're feeling frustrated with counsel currently, is that correct, if I read the motion correctly?

THE DEFENDANT: Yeah. I'm just frustrated, going through a lot, got a lot going on in my life right now, my situation.

THE COURT: Well, that's certainly fair in light of everything that's going on and not only with you personally but in the world.

THE DEFENDANT: Yes, ma'am.

1 THE COURT: I know contact is incredibly difficult right now
2 because of the pandemic and the limitations on contact, so I'm sure that's adding
3 to some of your frustrations; is that fair to say?

4 THE DEFENDANT: Yes, ma'am.

5 THE COURT: All right. Have you had any recent contact with Mr.
6 Savage?

7 THE DEFENDANT: Yes. We talked, and I feel like me and him can
8 go forward.

9 THE COURT: Okay. All right.

10 THE DEFENDANT: Once he talked to me, I feel like we can go
11 forward.

12 THE COURT: All right. Good. I'm glad to hear that. He's a very
13 experienced attorney, and, again, your feelings and frustration are justified, that's
14 currently not lost on me. What I'm going to do is I'm going to deny this motion
15 without prejudice so you can -- you know, if things fall apart in the future you can
16 refile it, I certainly hope that isn't the case and you can continue to move forward
17 on your case. Okay?

18 THE DEFENDANT: Yes, ma'am.

19 THE COURT: Do you have any questions for me?

20 THE DEFENDANT: No, ma'am. Thank you.

21 THE COURT: All right. You take care.

22 THE DEFENDANT: You too.

23 MR. SAVAGE: Thank you, Your Honor.


24 THE COURT: Thank you.

25 (Whereupon, the proceedings concluded.)

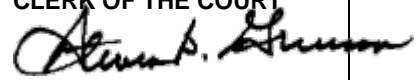
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ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/visual proceedings in the above-entitled case to the best of my ability.

A handwritten signature in cursive script, reading "Lisa A. Lizotte", followed by a horizontal line.

LISA A. LIZOTTE
Court Recorder



1 **RTRAN**

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4 **DISTRICT COURT**
5 **CLARK COUNTY, NEVADA**

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7 THE STATE OF NEVADA,)
8)
9 Plaintiff,) **CASE NO. C-20-348230-1**
10) **DEPT. NO. 1**
11 vs.)
12 ISIAH TAYLOR,)
13)
14 Defendant.)

15 **BEFORE THE HONORABLE BITA YEAGER, DISTRICT JUDGE**
16 **MONDAY, AUGUST 30, 2021 AT 8:33 A.M.**

17 **RECORDER'S TRANSCRIPT RE:**
18 **MOTION TO DISMISS COUNSEL AND APPOINT ALTERNATE COUNSEL**
19 **STATUS CHECK: WITHDRAWAL OF PLEA**

20 **APPEARANCES:**

21 **FOR THE STATE: BRANDON ALBRIGHT, ESQ.**
22 **Deputy District Attorney**

23 **FOR THE DEFENDANT: JESS Y. MATSUDA, ESQ.**

24
25 **Recorded by: LISA A. LIZOTTE, COURT RECORDER**

1 (MONDAY, AUGUST 30, 2021 AT 8:33 A.M.)

2 THE COURT: Okay. So this is on State of Nevada versus Isiah
3 Taylor, C-20-348230-1. Mr. Smith, are you handling this or is someone else from
4 your office handling this case?

5 MR. SMITH: I'm not handling it. It looks like Ms. Moors or Mr.
6 Albritton (sic) will be handling it.

7 THE COURT: Okay. Do you know what time they will be showing
8 up?

9 MR. SMITH: I do not. I can send them a text.

10 THE COURT: Okay. All right. So we'll just trail this as well. Are
11 those the only two that you have, Mr. Matsuda? Oh, I couldn't hear you.

12 Yes? Okay.

13 MR. MATSUDA: Yes, it is.

14 THE COURT: Okay. So my apologies. We'll just be trailing those
15 two for a minute while we wait. Thank you.

16 MR. MATSUDA: No problem. Thank you, Your Honor.

17 (Whereupon, the matter was trailed and then recalled at 8:41 a.m.)

18 THE COURT: All right. So this is on for State of Nevada versus
19 Isiah Taylor, C-20-348230-1. This is on the motion to withdraw plea. There's
20 also the motion to dismiss counsel and appoint counsel. So I was looking at the
21 pleadings, I also went through the canvass and if there's anything that either side
22 would like to highlight I can certainly take that into account, but I will tell you that
23 it does look like there was a thorough canvass and it does -- you know, looking at
24 the factors under *Stevenson v State*, I don't find that it has been met. So, but,
25 you know, I'll certainly allow -- Mr. Matsuda, you can certainly argue.

1 MR. MATSUDA: And, Your Honor, I was going to submit on my
2 motion.

3 THE COURT: Okay. All right. So let me just go through exactly the
4 wording that I looked at as far as the canvass, and I took this directly from the
5 transcript. I note that Judge Silva said, the parties are stipulating to a 4 to 20
6 year sentence in the Nevada Department of Corrections. Is that your
7 understanding of the negotiations. To which Mr. Taylor replied, yes, ma'am. She
8 also asked, are you currently under the influence of any drug, medication or
9 alcoholic beverage. Mr. Taylor replied, no. She also asked, are you making this
10 plea both freely and voluntarily. He replied, yes.

11 She asked, has anyone forced or threatened you or has
12 anyone close to you been forced or threatened -- or has anyone close to you
13 forced or threatened you to get you to take this plea. Mr. Taylor replied, no. She
14 asked, has anyone made any promises to you outside the terms of this written
15 guilty plea agreement in order for you to take this plea. Mr. Taylor replied, no.
16 Before you signed it, did you read it. Mr. Taylor replied, yes. And do you feel
17 that you had sufficient time to review the agreement and talk to your attorney
18 about it. To which Mr. Taylor said, did I have time. She said, did you have
19 sufficient time, enough time. He replied, yes.

20 Also she asked specifically, do you also understand that you
21 are agreeing to a term of 4 to 20 years in the Nevada Department of Corrections.
22 To which he replied, yes. So I do find that the transcript belies the assertions
23 that were made by Mr. Taylor, so I'm going to deny the motion to withdraw plea.
24 I'm also --

25 THE DEFENDANT: Your Honor -- Your Honor --

1 THE COURT: Yes, sir.

2 THE DEFENDANT: I was under the influence. I didn't want to say
3 anything because I was afraid. I did -- I did take meds that I shouldn't had took
4 due to -- I didn't know that I was going to see my Public Defender or whatever. I
5 was not coherent to anything that was going on. The only thing I know was to
6 just go with what was said, and I --

7 THE COURT: So, Mr. Taylor, I --

8 THE DEFENDANT: -- do -- I did --

9 THE COURT: Mr. Taylor, I understand that you're -- those are your
10 allegations and those are your assertions, but the transcript, the record
11 completely does not show that. So that is the reason why I am denying the
12 motion regarding the withdrawal of plea, and I'm also going to deny the motion to
13 dismiss counsel and appoint new counsel. So, Mr. Albright, could you prepare
14 the order on that?

15 MR. ALBRIGHT: Yes. Do you want one on both motions or just the
16 motion to withdraw plea?

17 THE COURT: On both, please.

18 MR. ALBRIGHT: On both. Okay.

19 THE COURT: Thank you.

20 MR. ALBRIGHT: Thank you, Your Honor.

21 MR. MATSUDA: Thank you, Your Honor.

22 (Whereupon, the proceedings concluded.)

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

 —
LISA A. LIZOTTE
Court Recorder

ORDR
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
BRANDON ALBRIGHT
Deputy District Attorney
Nevada Bar #014158
200 Lewis Avenue
Las Vegas, NV 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

-vs-

ISIAH TAYLOR,
#2889160

Defendant.

CASE NO: C-20-348230-1

DEPT NO: I

**ORDER DENYING DEFENDANT'S MOTION TO DISMISS COUNSEL AND
APPOINT COUNSEL AND MOTION TO WITHDRAW GUILTY PLEA**

DATE OF HEARING: 08/30/2021
TIME OF HEARING: 8:30 A.M.

THIS MATTER having come on for hearing before the above entitled Court on the 30th day of August, 2021, the Defendant being present, Represented by JESS MATSUDA, ESQ., the Plaintiff being represented by STEVEN B. WOLFSON, District Attorney, through BRANDON ALBRIGHT, Deputy District Attorney, and the Court having heard the arguments of counsel and good cause appearing therefor,

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1 IT IS HEREBY ORDERED that the Defendant's motions, shall be, and it is DENIED.

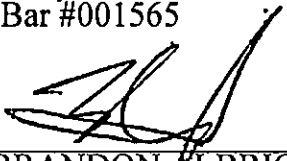
2 DATED this _____ day of September, 2021. Dated this 3rd day of September, 2021

3 *Brita Yeager*

4
5 STEVEN B. WOLFSON
6 Clark County District Attorney
7 Nevada Bar #001565

D49 E9B 888D 8E43
Brita Yeager
District Court Judge

8 BY


9 BRANDON ALBRIGHT
10 Deputy District Attorney
11 Nevada Bar #014158
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1 **CSERV**

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3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

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6 State of Nevada

CASE NO: C-20-348230-1

7 vs

DEPT. NO. Department 1

8 Isaih Taylor
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10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 9/3/2021

15 Melissa Oliver

MOliver@clarkcountynv.gov

16 Jordan Savage

jordan.savage@clarkcountynv.gov

17 Shadonna Scurry

shadonna.scurry@clarkcountynv.gov

18 Office of the Special Public Defender

SpecialPDdocs@clarkcountynv.gov

19 Clark County District Attorney

motions@clarkcountyda.com

20 DA SVU

DASVUTeam@clarkcountyda.com

21 DEPT LAW CLERK

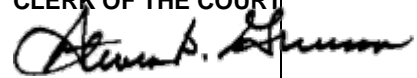
DEPT01LC@CLARKCOUNTYCOURTS.US

22 Lindsey Moors

lindsey.moors@clarkcountyda.com

23 jess esq.

jess@jesslaw.com



RTRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

STATE OF NEVADA,
Plaintiff,

vs.

ISIAH TAYLOR,
Defendant.

CASE NO: C-20-348230-1
DEPT. XXIII

BEFORE THE HONORABLE JASMIN LILLY-SPILLS, DISTRICT COURT JUDGE
WEDNESDAY, SEPTEMBER 22, 2021

**RECORDER'S TRANSCRIPT OF PROCEEDINGS:
SENTENCING**

APPEARANCES:

For the State:

LINDSEY D. MOORS, ESQ.
Chief Deputy District Attorney

For the Defendant:

JORDAN S. SAVAGE, ESQ.
Special Public Defender

RECORDED BY: MARIA GARIBAY, COURT RECORDER

1 Las Vegas, Nevada; Wednesday, September 22, 2021

2
3 [Proceeding commenced at 12:02 p.m.]

4 THE COURT: Page 13, State of Nevada versus Isaih Taylor,
5 that's C348230. Good morning, Mr. [indiscernible] is in custody, time set
6 for sentencing. Any legal reason or cause that we can't move forward.

7 MR. SAVAGE: No, Your Honor, we're ready to proceed.

8 MS. MOORS: None from the State, Your Honor. Lindsey
9 Moors on behalf of the State. And I do have a victim speaker. I would
10 request that she go last pursuant to statute.

11 THE COURT: I did not know that you had a victim speaker.
12 I'm going to trail you just briefly, so I can try to get some of the --

13 MS. MOORS: I promise it will be brief. I just know that she's
14 been here since --

15 THE COURT: Yeah, I had a -- we had a child sentencing that
16 I wasn't handling that went substantially long. So, just one moment, and
17 I will call you back up.

18 [Matter trailed at 12:02 p.m.]

19 [Matter recalled at 12:36 p.m.]

20 THE COURT: Page 13, State of Nevada versus Isaih Taylor,
21 that's C348230. While counsels are coming up, I just want to quickly
22 inquire with the officers. Officers, after Mr. Taylor, are there any other
23 individuals who you show to be in custody who I have not yet called?

24 THE CORRECTIONS OFFICER: No, Your Honor. That's the
25 last one.

1 THE COURT: Okay, thank you.

2 MR. SAVAGE: Jordan Savage on behalf of Isaih Taylor,
3 Special Public Defender's Office. We are ready to proceed.

4 MS. MOORS: Lindsey Moors on behalf of the State.

5 THE COURT: Time set for sentencing. Any legal reason or
6 cause that we can't move forward?

7 MR. SAVAGE: No, we're ready.

8 MS. MOORS: No, Your Honor.

9 THE COURT: Thank you. Ms. Moors, do you wish to be
10 heard?

11 MS. MOORS: Your Honor, we would stand by the
12 negotiations, whereby it was a stipulated sentence of 4 to 20 years in
13 the Nevada Department of Corrections.

14 THE COURT: I do have one question. Did these two
15 individuals know each other? It reads as if they're strangers.

16 MR. SAVAGE: They know each other.

17 MS. MOORS: In -- they did know each other, yes.

18 THE COURT: Okay, so prior to the events, they knew each
19 other?

20 MS. MOORS: Correct, yes.

21 THE COURT: And what was their relationship, if any?

22 MS. MOORS: I believe he was an ex-boyfriend of her friend.

23 THE COURT: Ex-boyfriend of --

24 THE DEFENDANT: Her cousin.

25 MR. SAVAGE: Her cousin.

1 MS. MOORS: They knew each other tangentially through
2 that.

3 THE COURT: Okay. So, ex-boyfriend of her cousin. Okay,
4 thank you.

5 Mr. Taylor, is there anything you'd like to tell me prior to
6 sentencing, sir?

7 THE DEFENDANT: Yes, ma'am.

8 THE COURT: Go ahead.

9 THE DEFENDANT: I'm really not guilty of this at all. I'm not
10 guilty of it at all. Only reason why I even took a deal was because my
11 representation was not -- he was not trying to represent me in any way,
12 shape, form, or fashion. And if I wanted to go to trial -- with everything in
13 me, I wanted to go to trial. But that man is not trying to help me.

14 And from when we talked in the room, I did have a
15 understanding of taking a plea to something probationable. And now I'm
16 sitting up here looking at prison time. I don't understand. For something
17 they don't have evidence on that I have done -- don't have no evidence
18 to say I've done anything to this woman at all. And I'm finna' [sic] sit up
19 here and go to prison for something that I didn't even do. Although I
20 know it may look bad, but when you break it down to the evidence of
21 what was said that I have done to this lady, I -- there was no evidence
22 shown that I've done anything to this lady.

23 That man is -- he violated my Sixth Amendment right. He
24 waived my fast and speedy trial, and I did not tell him to. Only thing I
25 knew is I came to court and my fast and speedy trial was waived. This

1 man has not been trying to help me. I've been trying to get him off my
2 case. And he -- they denied it.

3 THE COURT: Okay, sir, one moment, okay?

4 THE DEFENDANT: And he tells me that -- yes, ma'am.

5 THE COURT: I'm not familiar with the record of your
6 arraignment with regard to invoking or waiving, but I can tell you that
7 most Courts are not going to allow an attorney to waive without a
8 statement from the Defendants.

9 THE DEFENDANT: Ma'am when I tried to -- when I tried to
10 speak --

11 THE COURT: One moment, sir. I'm just trying to look at one
12 thing.

13 THE DEFENDANT: Okay, I'm sorry.

14 THE COURT: This was an *Alford* plea, so when you entered
15 your plea, you indicated that you do not admit the elements of the
16 offense, but you recognize that trial would be more risky. This appears
17 to be signed by yourself. Mr. Taylor, did you sign this Guilty Plea
18 Agreement?

19 THE DEFENDANT: Yes, ma'am, I did. But I did not get a
20 copy of the plea agreement at all. I didn't get it until after I put in a
21 motion to either --

22 THE COURT: Okay.

23 THE DEFENDANT: -- read or see what was being said to me.
24 Because when he was in front of me, I did not understand anything he
25 was saying.

1 THE COURT: Okay. Mr. Taylor, is your request today that
2 the Court -- are you asking to explore -- both of you are waiving your
3 head no.

4 MR. SAVAGE: Your Honor, if it please the Court, Judge
5 Yeager already heard this issue. Attorney Matsuda was appointed for
6 the purpose --

7 THE COURT: I do recall that, and she denied it.

8 MR. SAVAGE: -- of reviewing the plea.

9 MS. MOORS: Yes.

10 MR. SAVAGE: So, this -- I think this issue has already been
11 litigated.

12 MS. MOORS: It has been litigated, Your Honor.

13 THE COURT: Thank you. I do recall that. I received a email
14 correspondence.

15 THE DEFENDANT: Every time I come to court, I don't be
16 able to talk.

17 THE COURT: So --

18 THE DEFENDANT: Every time I come to court, I'm not able
19 to talk.

20 THE COURT: Well, Mr. Taylor, I've let you speak this
21 morning.

22 THE DEFENDANT: Yes, ma'am, you did, and I appreciate
23 that. And I'm just -- I'm putting it out there as far as what this man has
24 been doing. I did not waive my fast and speedy trial not one time. I was
25 -- he asked me about a settlement conference. I looked into it. If I

1 would have known that -- he didn't tell me at all that looking into a
2 settlement conference that waives your fast and speedy trial. That's not
3 even how it's supposed to go.

4 He never told me that, so I know I went -- supposed to been
5 going for a settlement conference and I come to court and next thing you
6 know, they saying I waived. And I didn't know nothing about it. Prior to
7 me talking to this man -- before -- the day before we even came into
8 court, he didn't even -- he agreed with me that, no, my stuff wouldn't
9 have been waived. And then I come to court and it's waived.

10 THE COURT: Mr. Taylor, I definitely appreciate your
11 statements, and I recognize that you are frustrated. But as both counsel
12 reminded me, this issue as to withdrawing the plea has already been
13 litigated. There is a Court Order denying that motion. So, we do have to
14 move forward to sentencing.

15 You are eligible to explore what other options you have after
16 sentencing. With regard to --

17 THE DEFENDANT: What option?

18 THE COURT: One moment, let me finish, right?

19 With regard to what's before me today, which is sentencing
20 you, there is an agreement for this sentence. I did advise Judge
21 Yeager, as well as the parties, that my understanding was that there had
22 been some communication that the Court said that it would follow the
23 stipulated agreement.

24 In reviewing the facts of it, albeit you indicate that you did not
25 commit this offense, that's what you've told me this morning, and it is an

1 *Alford* plea, I think the stipulated sentence is a little low. However, I do
2 believe that it is significant when parties go into something having an
3 understanding. And so, I did agree that I would go ahead and follow that
4 stipulated sentence.

5 That being said, is there anything that you'd like to tell me with
6 regard to sentencing? Because we're past the arguments that you have
7 right now. Those are not anything that this Court can do anything about
8 today. You have to look into your options to see whether you have any
9 available options after today.

10 Is there anything you want to tell me about sentencing?

11 THE DEFENDANT: No.

12 THE COURT: Okay. Thank you very much for speaking
13 today. Okay? And I hope that in time you will be less frustrated with
14 regard to this situation.

15 MR. SAVAGE: Your Honor --

16 THE COURT: Mr. Savage.

17 MR. SAVAGE: -- just briefly. He obviously pled out for his
18 maintaining his innocence. And of course, the case has had a tortured
19 history, our relationship has had a tortured history as well. But we did
20 do the stipulation, and we plan to abide by it and would submit it on the
21 4 to 20-year aggregate sentence that has been agreed to.

22 THE COURT: Thank you. And --

23 MS. MOORS: Yes, Your Honor. I would just be -- I would just
24 ask that our victim be allowed to speak as well.

25 THE COURT: Oh, yes. Please go ahead and have her come

1 up. And thank you, Miss, I appreciate your patience this morning.

2 MS. MOORS: Where do you want her? At the podium or do
3 you want her --

4 THE COURT: If she can stand next to you. Miss, do you feel
5 more comfortable standing next to Ms. Moors, or do you want to come
6 up to the witness stand? Whatever your preference is.

7 MS. MOORS: You can just stand there.

8 THE COURT: Okay. Go ahead and raise your right hand,
9 please. We'll have you sworn in.

10 **FELITA BURTON**

11 [having been called as a victim impact speaker and being first duly
12 sworn, testified as follows:]

13 THE COURT CLERK: Thank you.

14 THE COURT: Thank you.

15 THE COURT CLERK: And can you please state and spell
16 your first and last names for the record?

17 VICTIM IMPACT SPEAKER: Felita Burton, F-E-L-I-T-A, B-U-
18 R-T-O-N.

19 THE COURT: Thank you.

20 THE COURT CLERK: Thank you.

21 THE COURT: Miss, are you more comfortable seated or
22 standing?

23 VICTIM IMPACT SPEAKER: Standing.

24 THE COURT: Okay. Just go ahead and pull that mic a little
25 bit closer to you. With the masks, it's a little bit difficult to hear. Make

1 sure that you -- we want to make sure we're picking up everything.
2 Please tell me how this has affected you and anything else you'd like me
3 to know and consider with regard to the sentencing here.

4 VICTIM IMPACT SPEAKER: It affected me because it's hard
5 for me to make contact with guys. I'm very leery about who I talk to and
6 who I'm with. I went through a phase where my family didn't believe
7 what happened, and it was so many times I wanted to give up on the
8 case just to like let it go because it went on so long.

9 THE COURT: Mm-hmm. How are you doing now?

10 VICTIM IMPACT SPEAKER: I'm nervous. I'm very upset
11 about it.

12 THE COURT: You're still very upset about it?

13 VICTIM IMPACT SPEAKER: Mm-hmm.

14 THE COURT: Have you had the ability to seek any
15 counseling? Have you had the ability to seek any counseling and talk to
16 someone about this offense?

17 VICTIM IMPACT SPEAKER: No.

18 THE COURT: Okay. Is that something that you think would
19 be helpful to you?

20 VICTIM IMPACT SPEAKER: Yeah.

21 THE COURT: And you think that's something you'd want to
22 do?

23 VICTIM IMPACT SPEAKER: Yes.

24 THE COURT: Okay. And has anyone from the District
25 Attorney's Office or the Victim Witness Advocacy Office, have they

1 spoken to you?

2 You can't hear me, very well?

3 Is there something wrong with our mics today because I am
4 like screaming?

5 THE COURT RECORDER: I can hear very well, Judge, but
6 we have some headphones.

7 THE COURT: Okay.

8 THE COURT RECORDER: Does she want a headset,
9 Judge? I can give her headphones.

10 THE COURT: No, it's not just her. Everyone has had
11 difficulty hearing me. It's obviously me. Okay.

12 Has anyone from the District Attorney's Office from their
13 Victim Witness Advocacy Office, have they contacted you?

14 VICTIM IMPACT SPEAKER: Not as I know of.

15 THE COURT: Okay.

16 MS. MOORS: And Your Honor, actually one of our advocates
17 is here with her today. So, we can certainly have that discussion. I think
18 it has been had before with regards to counseling.

19 THE COURT: Okay, so there is an advocate here present in
20 the courtroom who you can discuss maybe some options for treatment
21 moving forward.

22 VICTIM IMPACT SPEAKER: Yeah, I just want to move
23 forward with my life.

24 THE COURT: Okay.

25 VICTIM IMPACT SPEAKER: And I forgive him for what

1 happened. It took me a long time to get to that point. But he did climb
2 through my window. And I told, you know, after the assault that I was
3 going to call the police. He told me, I bet you are. And I did it anyway.

4 THE COURT: Mm-hmm.

5 VICTIM IMPACT SPEAKER: So -- and I went through a
6 phase with him when he was with my cousin, and he beat my -- he beat
7 up on my cousin. I had to call the police for her. And I been extremely
8 kind to him. When I lived in Columbus, Ohio, I let him stay in the same
9 house with me and my cousin and had fun and whatever. They stayed
10 too -- in my apartment in Las Vegas, they stayed two times. I been
11 extremely kind to him. He hasn't been kind to me. He didn't pay any
12 rent or anything. Nobody helped me out or nothing.

13 So, like I said, it's hard for me to speak about it.

14 THE COURT: Okay, that's completely understandable. If it's
15 too difficult to speak, you don't have to tell me anything else. If you have
16 something else you want to say, just let me know.

17 VICTIM IMPACT SPEAKER: And I remember after the
18 assault, I kept telling him to stop, you know, stop, I don't want you
19 touching me. And I already told you he climbed in my window. He was
20 banging at my door and I asked him to go away.

21 THE COURT: Mm-hmm.

22 VICTIM IMPACT SPEAKER: But instead, he climbed through
23 my window. His fingerprints were on my window -- on my window.

24 THE COURT: Okay. I'm terribly sorry that you had to
25 experience this. I can see you're shaking today. And there is someone

1 in the courtroom who you can talk to about your different options, so
2 hopefully you can get maybe some help that you need to be able to
3 move forward. Okay?

4 VICTIM IMPACT SPEAKER: Okay.

5 THE COURT: Thank you very much for coming into court and
6 letting me know how you feel today.

7 VICTIM IMPACT SPEAKER: Okay.

8 THE COURT: Okay, thank you.

9 MS. MOORS: Thank you, Your Honor.

10 THE COURT: Anything from either counsel based upon that
11 statement?

12 MS. MOORS: Nothing further from the State, Your Honor.

13 THE COURT: In accordance with the laws of the State of
14 Nevada, Mr. Taylor, you're hereby adjudged guilty of attempt sexual
15 assault, a felony, two counts. As to Count 1, you're sentenced to a
16 minimum term of 48 months, a maximum term of 240 months in the
17 Nevada Department of Corrections. As to Count 2, you're sentenced to
18 a minimum term of 48 months, a maximum term of 240 months in the
19 Nevada Department of Corrections. Count 2 will run concurrent to
20 Count 1.

21 Pursuant to NRS 179D.460, you shall register as a sex
22 offender within 48 hours of any release from custody. Additionally, you
23 are subject to lifetime supervision pursuant to this conviction. You have
24 extradition costs in the amounts of \$2,446.05. There's a \$25
25 Administrative Assessment Fee, a \$3 DNA Administrative Assessment

1 Fee, a \$150 DNA Fee. You're required to submit to the test for genetic
2 markers.

3 Towards this sentence, you have -- that's incorrect. How
4 many days --

5 MS. MOORS: I show it as 606, Your Honor.

6 THE COURT: 606 days credit for time served.

7 THE DEFENDANT: How long?

8 THE COURT: I didn't hear you, sir.

9 THE DEFENDANT: How long do I have credit?

10 THE COURT: 606 days. Thank you.

11 THE DEFENDANT: How long is it?

12 MR. SAVAGE: Thank you.

13 MS. MOORS: Thank you.

14 THE COURT: Thank you, you guys have a great day. Thank
15 you for your patience.

16 MS. MOORS: You, too.

17 [Proceeding concluded at 12:51 p.m.]

18 * * * * *

19
20
21 ATTEST: I do hereby certify that I have truly and correctly transcribed
22 the audio/video proceedings in the above-entitled case to the best of my
23 ability.

24 

25 Kaihla Berndt
Court Recorder/Transcriber

JOCP

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

ISIAH TAYLOR
#2889160

Defendant.

CASE NO. C-20-348230-1

DEPT. NO. XXIII

JUDGMENT OF CONVICTION
(PLEA OF GUILTY)

The Defendant previously appeared before the Court with counsel and entered a plea of guilty to the crime of COUNT 1 – ATTEMPT SEXUAL ASSAULT (Category B Felony) in violation of NRS 200.364, 200.366, 193.330; and COUNT 2 – ATTEMPT SEXUAL ASSAULT (Category B Felony) in violation of NRS 200.364, 200.366, 193.330; thereafter, on the 22nd day of September, 2021, the Defendant was present in court for sentencing with counsel JORDAN S. SAVAGE, Chief Deputy Special Public Defender, and good cause appearing,

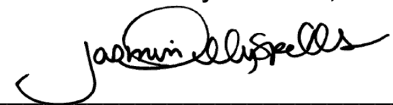
THE DEFENDANT IS HEREBY ADJUDGED guilty of said offenses and, in addition to the \$25.00 Administrative Assessment Fee, \$2,446.05 Extradition Cost and \$150.00 DNA Analysis Fee including testing to determine genetic markers plus \$3.00 DNA Collection Fee,

1 the Defendant is sentenced to the Nevada Department of Corrections (NDC) as follows:
2 COUNT 1 - a MAXIMUM of TWO HUNDRED FORTY (240) MONTHS with a MINIMUM
3 Parole Eligibility of FORTY-EIGHT (48) MONTHS; and COUNT 2 – a MAXIMUM of TWO
4 HUNDRED FORTY (240) MONTHS with a MINIMUM Parole Eligibility of FORTY-EIGHT
5 (48) MONTHS, CONCURRENT with COUNT 1; with SIX HUNDRED SIX (606) DAYS
6 credit for time served.
7

8 FURTHER ORDERED, a SPECIAL SENTENCE of LIFETIME SUPERVISION is
9 imposed to commence upon release from any term of imprisonment, probation or parole. In
10 addition, before the Defendant is eligible for parole, a panel consisting of the Administrator of
11 the Mental Health and Development Services of the Department of Human Resources or his
12 designee; the Director of the Department of Corrections or his designee; and a psychologist
13 licensed to practice in this state; or a psychiatrist licensed to practice medicine in Nevada must
14 certify that the Defendant does not represent a high risk to re-offend based on current accepted
15 standards of assessment.
16
17

18 ADDITIONALLY, the Defendant is ORDERED to REGISTER as a sex offender in
19 accordance with NRS 179D.460 within FORTY-EIGHT (48) HOURS after any release from
20 custody.
21
22

23 Dated this 12th day of October, 2021

24 
25

26 **4C9 00A 567E 676F**
27 **Jasmin Lilly-Spells**
28 **District Court Judge**

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 State of Nevada

CASE NO: C-20-348230-1

7 vs

DEPT. NO. Department 23

8 Isaih Taylor
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 10/12/2021

15 Melissa Oliver

MOliver@clarkcountynv.gov

16 Jordan Savage

jordan.savage@clarkcountynv.gov

17 Shadonna Scurry

shadonna.scurry@clarkcountynv.gov

18 Office of the Special Public Defender

SpecialPDdocs@clarkcountynv.gov

19 Clark County District Attorney

motions@clarkcountyda.com

20 DA SVU

DASVUTeam@clarkcountyda.com

21 DEPT LAW CLERK

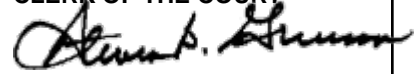
DEPT01LC@CLARKCOUNTYCOURTS.US

22 Lindsey Moors

lindsey.moors@clarkcountyda.com

23 jess esq.

jess@jesslaw.com



NOASC
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Tel: (702) 497-9734
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DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA)	CASE NO: C-20-348230-1
)	
Plaintiff,)	DEPT. NO: XXIII
)	
vs.)	
)	
ISAIH TAYLOR,)	
)	
Defendant.)	

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that Defendant, ISAIH TAYLOR, appeals to the Supreme Court of Nevada from the judgment entered against said Defendant on October 12 2021 whereby he was convicted of Count 1: Attempt Sexual Assault and Count 2: Attempt Sexual Assault.

DATED this 25th day of October, 2021.

By: /s/ Monique McNeill
MONIQUE A. MCNEILL, ESQ.
Nevada Bar No. 009862
P.O. Box 2451
Las Vegas, Nevada 89125
Phone: (702) 497-9734
Email: monique.mcneill@yahoo.com

1
2 **CERTIFICATE OF SERVICE**

3 **IT IS HEREBY CERTIFIED** by the undersigned that on 25th day of October, 2021,
4 I served a true and correct copy of the foregoing **Notice of Appeal** on the parties listed on the
5 attached service list via one or more of the methods of service described below as indicated
6 next to the name of the served individual or entity by a checked box:
7

8 **VIA U.S. MAIL:** by placing a true copy thereof enclosed in a sealed envelope with postage
thereon fully prepaid, in the United States mail at Las Vegas, Nevada.

9 **VIA FACSIMILE:** by transmitting to a facsimile machine maintained by the attorney or the
10 party who has filed a written consent for such manner of service.

11 **BY PERSONAL SERVICE:** by personally hand-delivering or causing to be hand delivered
12 by such designated individual whose particular duties include delivery of such on behalf of
the firm, addressed to the individual(s) listed, signed by such individual or
13 his/her representative accepting on his/her behalf. A receipt of copy signed and dated by such
an individual confirming delivery of the document will be maintained with the document and
is attached.
14

15 **BY E-MAIL:** by transmitting a copy of the document in the format to be used for attachments
16 to the electronic-mail address designated by the attorney or the party who has filed a written
consent for such manner of service.
17

18 DATED this 25th day of October, 2021.
19

20 By: /s/ Monique McNeill
21 MONIQUE A. MCNEILL, ESQ.
Nevada Bar No. 009862
22 P.O. Box 2451
Las Vegas, Nevada 89125
23 Phone: (702) 497-9734
24 Email: monique.mcneill@yahoo.com
25
26
27
28

SERVICE LIST

ATTORNEYS OF RECORD	PARTIES REPRESENTED	METHOD OF SERVICE
CLARK COUNTY DISTRICT ATTORNEY'S OFFICE 200 E. Lewis Ave Las Vegas, NV 89101 pdmotions@clarkcountynv.com	State of Nevada	<input type="checkbox"/> Personal service <input checked="" type="checkbox"/> Email service <input type="checkbox"/> Fax service <input type="checkbox"/> Mail service