

# IN THE SUPREME COURT OF THE STATE OF NEVADA

RICHARD LEE MITCHELL,  
Appellant(s),

vs.

THE STATE OF NEVADA,  
Respondent(s),

Electronically Filed  
Sep 01 2021 09:10 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

Case No: C-18-332717-1  
*Related Case A-21-830001-W*  
Docket No: 83390

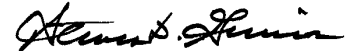
## RECORD ON APPEAL

**ATTORNEY FOR APPELLANT**  
RICHARD MITCHELL # 1209011,  
PROPER PERSON  
P.O. BOX 208  
INDIAN SPRINGS, NV 89070

**ATTORNEY FOR RESPONDENT**  
STEVEN B. WOLFSON,  
DISTRICT ATTORNEY  
200 LEWIS AVE.  
LAS VEGAS, NV 89155-2212

**I N D E X**

<b><u>VOL</u></b>	<b><u>DATE</u></b>	<b><u>PLEADING</u></b>	<b><u>PAGE NUMBER:</u></b>
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CLERK OF THE COURT

**JUSTICE COURT, NORTH LAS VEGAS TOWNSHIP**

**CLARK COUNTY, NEVADA**

STATE OF NEVADA,	)	C-18-332717-1
	)	Dept. III
Plaintiff	)	
	)	
-vs-	)	CASE NO. 17CRN002485-0000
	)	17FN2665X
RICHARD L MITCHELL,	)	
ID #: 7763112	)	
Defendant(s)	)	
_____	)	

I hereby certify the above and foregoing to be a full, true and correct copy of the proceedings as the same appear in the above entitled matter.

**WITNESS MY HAND** this date: June 11, 2018.



\_\_\_\_\_  
**JUSTICE OF THE PEACE  
NORTH LAS VEGAS TOWNSHIP**

**JUSTICE COURT, NORTH LAS VEGAS TOWNSHIP**

**CLARK COUNTY, NEVADA**

CASE NO. 17CRN002485-0000  
17FN2665X

STATE OF NEVADA,

Plaintiff

-vs-

RICHARD L MITCHELL,  
ID #: 7763112

Defendant(s)

COMMITMENT

and

ORDER TO APPEAR

An Order having been made this day by me, that RICHARD L MITCHELL be held to  
answer upon the charge(s) of:

BURGLARY, 1ST  
ROBBERY

committed in said County, on or about the 8th day of December, 2017.

IT IS FURTHER ORDERED that unless the Defendant(s) have/has been previously released  
on bail or by order of the Court, that the Sheriff of the County of Clark receive the above named  
Defendant(s) into custody, and detain such Defendant(s) until such Defendant(s) be legally  
discharged, and that such Defendant(s) be admitted to bail in the sum of \$30,000 Cash or Surety  
Bond; and

IT IS FURTHER ORDERED that said Defendant(s) is/are commanded to appear in the  
Eighth Judicial District Court, Clark County Courthouse, Las Vegas, Nevada at 8:30 am on the  
20th day of June, 2018 for arraignment and further proceedings on the within charge.

Dated: June 11, 2018



**JUSTICE OF THE PEACE FOR NORTH LAS VEGAS TOWNSHIP**

**JUSTICE COURT. NORTH LAS VEGAS TOWNSHIP**  
**CLARK COUNTY, NEVADA**  
**DOCKET SHEET...CRIMINAL**

CASE #    17CRN002485-0000    17FN2665X  
 State    MITCHELL, RICHARD L    7763112 (SCOPE)

DATE, JUDGE, OFFICERS OF COURT PRESENT	PROCEEDINGS APPEARANCES - HEARING	EVENTS
June 11, 2018 C. Lee, JP C. Pandelis, DDA A. Gregory, ESQ Bar #11107 M. Howard, CLK JAVS Recording  TRACK 11	THIS IS THE TIME SET FOR PRELIMINARY HEARING DEFENDANT PRESENT IN CCDC CUSTODY DEFENSE MOTION TO EXCLUDE WITNESSES GRANTED STATE'S WITNESSES: 1. MELANIE AOUDÉ - IDENTIFIED DEFT EVIDENCE: 1. PHOTO - OFFERED/NO OBJECTION/ADMITTED 2. PHOTO - OFFERED/NO OBJECTION/ADMITTED STATE RESTS DEFENDANT WAIVES RIGHT TO TESTIFY/PRESENT EVIDENCE DEFENSE RESTS STATE WAIVES OPENING ARGUMENT SUBMITTED BY DEFENSE THEREUPON THE COURT ORDERED DEFENDANT HELD TO ANSWER TO SAID CHARGES IN THE EIGHTH JUDICIAL DISTRICT COURT CCDC/\$30,000 TOTAL BAIL SET FOR COURT APPEARANCE Event: DISTRICT COURT ARRAIGNMENT NLV Date: 06/20/2018    Time: 10:00 am Judge:    Location: DISTRICT COURT ARRAIGNMENT CASE CLOSED	DISTRICT COURT ARRAIGNMENT NLV Date:    June 20, 2018 Time:    10:00 am Location: DISTRICT COURT ARRAIGNMENT

**JUSTICE COURT. NORTH LAS VEGAS TOWNSHIP**  
**CLARK COUNTY, NEVADA**  
**DOCKET SHEET...CRIMINAL**

CASE # 17CRN002485-0000 17FN2665X

State MITCHELL, RICHARD L

7763112 (SCOPE)

DATE, JUDGE, OFFICERS OF COURT PRESENT	PROCEEDINGS APPEARANCES - HEARING	EVENTS
April 10, 2018 C. Lee, JP C. Pandelis, DDA J. Waldo for A. Gregory, ESQ R. Mayo, CLK JAVS Recording	PRELIMINARY HEARING CONTINUED - DEFENSE ESQ REQUEST  THIS IS THE TIME SET FOR PRELIMINARY HEARING Defendant PRESENT in CCDC custody Defense Motion to Withdraw Due to Conflict. Motion GRANTED Jennifer Waldo confirms for Amanda Gregory as contract counsel Received discovery PRELIMINARY HEARING DATE RESET CCDC/TOTAL \$30,000 <hr/> SET FOR COURT APPEARANCE Event: PRELIMINARY HEARING NLV Date: 04/30/2018 Time: 9:00 am Judge: LEE, CHRIS Location: DEPARTMENT 3	
April 30, 2018 C. Lee, JP C. Pandelis, DDA A. Gregory, ESQ M. Howard, CLK JAVS Recording	HEARING HELD  THIS IS THE TIME SET FOR PRELIMINARY HEARING Defendant PRESENT in CCDC custody Preliminary hearing was called off Per Defense, the Defendant is facing a lot of jail time (habitual). PRELIMINARY HEARING DATE RESET CCDC/\$30,000 total bail <hr/> SET FOR COURT APPEARANCE Event: PRELIMINARY HEARING NLV Date: 06/11/2018 Time: 9:00 am Judge: LEE, CHRIS Location: DEPARTMENT 3	

**JUSTICE COURT. NORTH LAS VEGAS TOWNSHIP**  
**CLARK COUNTY, NEVADA**  
**DOCKET SHEET...CRIMINAL**

CASE # 17CRN002485-0000 17FN2665X

State MITCHELL, RICHARD L

7763112 (SCOPE)

DATE, JUDGE, OFFICERS OF COURT PRESENT	PROCEEDINGS APPEARANCES - HEARING	EVENTS
January 30, 2018 C. Lee, JP Christopher Pandelis, DDA Rafael Nones, DPD M. Howard, CLK JAVS Recording	STATUS CHECK - HELD  Defendant PRESENT in CCDC custody Defense did received some additional discovery PASSED for status check negotiations CCDC/\$30,000 total bail <hr/> SET FOR COURT APPEARANCE Event: STATUS CHECK NLV Date: 02/13/2018 Time: 8:30 am Judge: LEE, CHRIS Location: DEPARTMENT 3	
February 13, 2018 C. Lee, JP Victoria Villegas, DDA Rafael Nones, DPD M. Howard, CLK JAVS Recording	STATUS CHECK - HELD  Defendant PRESENT in CCDC custody PASSED for status check negotiations CCDC/\$30,000 total bail <hr/> SET FOR COURT APPEARANCE Event: STATUS CHECK NLV Date: 02/20/2018 Time: 8:30 am Judge: LEE, CHRIS Location: DEPARTMENT 3	
February 20, 2018 C. Lee, JP Christopher Pandelis, DDA Rafael Nones, DPD M. Howard, CLK JAVS Recording	STATUS CHECK - HELD  Defendant PRESENT in CCDC custody Per Defense, the Defendant was advised of the State's offer. Defendant has rejected the offer. Per State, the offer has now been revoked. Defendant states the Public Defender only spoke with him one time and told him he will definitely lose his case because he is a black man. Defense makes a record of all the dates and discussions he had with the Defendant (as noted in his file). Court admonishes the Defendant that Defense counsel would never had made the statements the Defendant is accusing him of making. PRELIMINARY HEARING DATE RESET CCDC/\$30,000 total bail <hr/> SET FOR COURT APPEARANCE Event: PRELIMINARY HEARING NLV Date: 04/10/2018 Time: 9:00 am Judge: LEE, CHRIS Location: DEPARTMENT 3	

**JUSTICE COURT. NORTH LAS VEGAS TOWNSHIP**  
**CLARK COUNTY, NEVADA**  
**DOCKET SHEET...CRIMINAL**

CASE # 17CRN002485-0000 17FN2665X

State **MITCHELL, RICHARD L**

7763112 (SCOPE)

DATE, JUDGE, OFFICERS OF COURT PRESENT	PROCEEDINGS APPEARANCES - HEARING	EVENTS
December 28, 2017 C. Lee, JP V. Villegas, DDA R. Mayo, CLK JAVS Recording	COMPLAINT SWORN TO AND FILED: HEARING HELD  INITIAL ARRAIGNMENT Defendant NOT PRESENT in CCDC custody. Defendant transported to Justice Court Department 8. PASSED for Defendant presence and initial arraignment CCDC/ TOTAL \$30,000 SET FOR COURT APPEARANCE Event: FELONY ARRAIGNMENT NLV Date: 01/02/2018 Time: 8:30 am Judge: LEE, CHRIS Location: DEPARTMENT 3	
January 02, 2018 C. Lee, JP Christopher Pandelis, DDA Rafael Nones, DPD M. Howard, CLK JAVS Recording	ARRAIGNMENT HEARING HELD  INITIAL ARRAIGNMENT Defendant PRESENT in CCDC custody Complaint presented, advised, waives reading Public Defender appointed PRELIMINARY HEARING DATE SET CCDC/\$30,000 total bail SET FOR COURT APPEARANCE Event: PRELIMINARY HEARING NLV Date: 01/16/2018 Time: 9:00 am Judge: LEE, CHRIS Location: DEPARTMENT 3	
January 16, 2018 C. Lee, JP T. Carroll, DDA Rafael Nones, DPD M. Howard, CLK JAVS Recording	HEARING HELD  THIS IS THE TIME SET FOR PRELIMINARY HEARING Defendant PRESENT in CCDC custody Preliminary hearing was called off Defense is waiting for additional discovery PASSED for status check on additional discovery or negotiations CCDC/\$30,000 total bail SET FOR COURT APPEARANCE Event: STATUS CHECK NLV Date: 01/30/2018 Time: 8:30 am Judge: LEE, CHRIS Location: DEPARTMENT 3	



**JUSTICE COURT. NORTH LAS VEGAS TOWNSHIP**  
**CLARK COUNTY, NEVADA**  
**DOCKET SHEET...CRIMINAL**

CASE # 17CRN002485-0000 17FN2665X  
 State MITCHELL, RICHARD L 7763112 (SCOPE)  
 Charge(s) ROBBERY BOUND OVER  
BURGLARY, 1ST BOUND OVER

**Conditions**

<u>Description</u>	<u>Required Amount</u>	<u>Bal Due</u>	<u>Due Dt</u>	<u>Notes</u>

**LINKED CASES FOR: 17CRN002485-0000**

<u>CASE #</u>	<u>STATUS</u>	<u>EVENT DATE</u>	<u>EVENT DESCRIPTION</u>
17PCN002534-0000	CRIMINAL COMPLAINT FIL	NO FUTURE EVENTS	72 HOUR HEARING (VIDEO) NLV

**DATE, JUDGE, OFFICERS  
OF COURT PRESENT**

**PROCEEDINGS  
APPEARANCES - HEARING**

**EVENTS**

December 22, 2017	BAIL AMOUNT Charge #2: BURGLARY, 1ST BAIL AMOUNT Charge #1: ROBBERY SET FOR FIRST APPEARANCE Event: 72 HOUR HEARING (VIDEO) NLV Date: 12/26/2017 Time: 9:30 am Judge: TYRRELL, NATALIE L Location: DEPARTMENT 2 Result: FIRST APPEARANCE HELD	
December 26, 2017	FIRST APPEARANCE HELD <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> PRE ARRAIGNMENT DELAY DATE 1-2-2018 TOTAL BAIL \$30,000 (20,000, 10,000) <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> The following event: 72 HOUR HEARING (VIDEO) NLV scheduled for 12/26/2017 at 9:30 am has been resulted as follows: Result: FIRST APPEARANCE HELD Judge: TYRRELL, NATALIE L Location: DEPARTMENT 2	
December 27, 2017	SET FOR COURT APPEARANCE Event: FELONY ARRAIGNMENT NLV Date: 12/28/2017 Time: 8:30 am Judge: LEE, CHRIS Location: DEPARTMENT 3 Result: CRIMINAL HEARING HELD	

JUSTICE COURT, NORTH LAS VEGAS TOWNSHIP  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

RICHARD LEE MITCHELL #7763112,

Defendant.

CASE NO: 17FN2665X

DEPT NO: 3

CRIMINAL COMPLAINT

The Defendant above named having committed the crimes of BURGLARY (Category B Felony - NRS 205.060 - NOC 50424) and ROBBERY (Category B Felony - NRS 200.380 - NOC 50137), in the manner following, to-wit: That the said Defendant, on or about the 8th day of December, 2017, at and within the County of Clark, State of Nevada,

COUNT 1 - BURGLARY

did willfully, unlawfully, and feloniously enter, with intent to commit a felony, to wit: robbery, that certain building occupied by CVS PHARMACY, located at 1408 West Craig Road, North Las Vegas, Clark County, Nevada.

COUNT 2 - ROBBERY

did willfully, unlawfully, and feloniously take personal property, to wit: U.S. Currency, from the person of MELANIE AOUDE, or in her presence, by means of force or violence, or fear of injury to, and without the consent and against the will of MELANIE AOUDE.

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

17FN2665X/lal  
NLVPD EV# 1721388  
(TK)

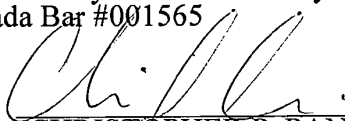
THIS SEALED  
DOCUMENT,  
NUMBERED PAGE(S)  
9 - 29  
WILL FOLLOW VIA  
U.S. MAIL

1 COUNT 2 - ROBBERY

2 did willfully, unlawfully, and feloniously take personal property, to wit: U.S.  
3 Currency, from the person of MELANIE AOUE, or in her presence, by means of force or  
4 violence, or fear of injury to, and without the consent and against the will of MELANIE  
5 AOUE.

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

9 BY

  
10 CHRISTOPHER P. PANDELIS  
11 Chief Deputy District Attorney  
12 Nevada Bar #009143

13 These witnesses are in addition to those witnesses endorsed on the Information or  
14 Indictment and any other witness for which a separate Notice of Witnesses and/or Expert  
15 Witnesses has been filed.

16 <u>NAME</u>	<u>ADDRESS</u>
17 AOUE, MELANIE	613 Bright Lights Ave., NLV, NV
18 CUSTODIAN OF RECORDS	CCDC COMMUNICATIONS
19 CUSTODIAN OF RECORDS	CCDC RECORDS
20 CUSTODIAN OF RECORDS	Las Vegas City Detention Center Communications
21 CUSTODIAN OF RECORDS	Las Vegas City Detention Center Records
22 CUSTODIAN OF RECORDS	NLVPD COMMUNICATIONS
23 CUSTODIAN OF RECORDS	NLVPD RECORDS
24 SMIRGA, P.	NLVPD P# 1689
25 VITAL, M.	NLVPD P# 1923
26 VONG, LAN	1408 W. Craig Rd., NLV, NV

27 17FN2665X/erg/L-5  
28 NLVPD EV#1721388  
(TK)



1 **NNEW**  
2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 CHRISTOPHER P. PANDELIS  
6 Chief Deputy District Attorney  
7 Nevada Bar #009143  
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 Plaintiff,

11 -vs-

12 RICHARD LEE MITCHELL,  
13 #7763112

14 Defendant.

CASE NO: C-18-332717-1

DEPT NO: III

15 **STATE'S NOTICE OF WITNESSES**  
16 **[NRS 174.234(1)(a)]**

17 TO: RICHARD LEE MITCHELL, Defendant; and

18 TO: AMANDA GREGORY, ESQ., Counsel of Record:

19 YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF  
20 NEVADA intends to call the following witnesses in its case in chief:

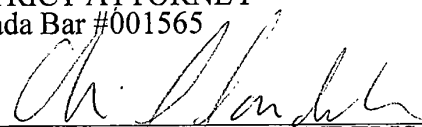
21 <u>NAME</u>	<u>ADDRESS</u>
22 AOUDE, MELANIE	613 Bright Lights Ave., NLV, NV
23 CUSTODIAN OF RECORDS	CCDC COMMUNICATIONS
24 CUSTODIAN OF RECORDS	CCDC RECORDS
25 CUSTODIAN OF RECORDS	Las Vegas City Detention Center Communications
26 CUSTODIAN OF RECORDS	Las Vegas City Detention Center Records
27 CUSTODIAN OF RECORDS	NLVPD COMMUNICATIONS
28 CUSTODIAN OF RECORDS	NLVPD RECORDS

1 GLORIA, ELSA 1408 W. Craig Rd., NLV, NV  
2 JEGGE, A. LVMPD P# 16432  
3 JORDAN, E. NLVPD P# 1385  
4 MAC DONALD, J. LVMPD P# 4660  
5 MIRAMONTES, M. LVMP 9813  
6 RUEDA, NANCY 1408 W. Craig Rd., NLV, NV  
7 SMIRGA, P. NLVPD P# 1689  
8 VITAL, M. NLVPD P# 1923  
9 VONG, LAN 1408 W. Craig Rd., NLV, NV  
10 WATTS, J. C/O CCDA'S OFFICE

11 These witnesses are in addition to those witnesses endorsed on the Information or  
12 Indictment and any other witness for which a separate Notice of Witnesses and/or Expert  
13 Witnesses has been filed.

14 STEVEN B. WOLFSON  
15 DISTRICT ATTORNEY  
16 Nevada Bar #001565

17 BY

  
18 CHRISTOPHER P. PANDELIS  
19 Chief Deputy District Attorney  
20 Nevada Bar #009143

21 **CERTIFICATE OF FACSIMILE TRANSMISSION**

22 I hereby certify that service of the above and foregoing was made this 22<sup>nd</sup> day of June,  
23 2018 by facsimile transmission to:

24 AMANDA GREGORY, ESQ.  
25 (702) 294-0231

26 BY /s/ E. Goddard

27 E. Goddard  
28 Secretary for the District Attorney's Office

17FN2665X/erg/L-5

Sent Successfully To: AMANDA GREGORY, ESQ. at 702-294-0231

06/22/2018 09:23AM \* Pg 1/1

User ID: GODDARE

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TO: Name: AMANDA GREGORY, ESQ.

Company:

Fax Phone Number: 702-294-0231

Contact Phone Number:

Info Code 1: C332717

Info Code 2: RICHARDMITCHELL

Sent to remote ID:

Sent at: Fri Jun 22 09:23:39 2018

Sent on channel 7

Elapsed Time: 1 minute, 34 seconds

Transmission Status (0/339;0/0): Successful Send

Page Record: 1 - 2.

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1 **NOTC**  
2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 CHRISTOPHER P. PANDELIS  
6 Chief Deputy District Attorney  
7 Nevada Bar #009143  
8 200 Lewis Avenue  
9 Las Vegas, Nevada 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

7 DISTRICT COURT  
8 CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,  
10 Plaintiff,

11 -vs-

12 RICHARD LEE MITCHELL,  
13 #7763112

14 Defendant.

CASE NO: C-18-332717-1

DEPT NO: III

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

17 TO: RICHARD LEE MITCHELL, Defendant; and

18 TO: AMANDA GREGORY, ESQ., Counsel of Record:

19 YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that pursuant to NRS  
20 207.010, the STATE OF NEVADA will seek punishment of Defendant RICHARD LEE  
21 MITCHELL, as a habitual criminal in the event of a felony conviction in the above-entitled  
22 action.

23 That in the event of a felony conviction in the above-entitled action, the STATE OF  
24 NEVADA will ask the court to sentence Defendant RICHARD LEE MITCHELL as a habitual  
25 criminal based upon the following felony convictions, to-wit:

26 1. That on or about 2007, the Defendant was convicted in the State of  
27 California, for the crime of Force / Assault with Deadly Weapon Not Firearm: GBI Likely  
28 Use Deadly/Dangerous Weapon (2 Counts) (felonies).



1           2.     That on or about 2005, the Defendant was convicted in the State of  
2 California, for the crime of Possession Controlled Substance (felony).

3           3.     That on or about 1995, the Defendant was convicted in the State of  
4 California, for the crime of Grand Theft w/ Prior (felony).

5           4.     That on or about 1992, the Defendant was convicted in the State of  
6 California, for the crime of Receiving Stolen Property (felony).


7           5.     That on or about 1991, the Defendant was convicted in the State of  
8 California, for the crime of Possession Drugs, etc., in Prison/Jail/etc. (felony).

9           6.     That on or about 1990, the Defendant was convicted in the State of  
10 California, for the crime of Grand Theft from Person (felony).

11          7.     That on or about 1986, the Defendant was convicted in the State of  
12 California, for the crime of Robbery with Weapon (felony).

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

16           BY

  
17           CHRISTOPHER P. PANDELIS  
18           Chief Deputy District Attorney  
19           Nevada Bar #009143

20                   **CERTIFICATE OF FACSIMILE TRANSMISSION**

21           I hereby certify that service of the above and foregoing was made this 22<sup>nd</sup> day of June,  
22 2018 by facsimile transmission to:

23                   AMANDA GREGORY, ESQ.  
24                   (702) 294-0231

25           BY     /s/ E. Goddard

26                   E. Goddard  
27                   Secretary for the District Attorney's Office

28           17FN2665X/erg/L-5

Sent Successfully To: AMANDA GREGORY, ESQ. at 702-294-0231

06/22/2018 09:30AM \* Pg 1/1

User ID: GODDARE

=====

TO: Name: AMANDA GREGORY, ESQ.

Company:

Fax Phone Number: 702-294-0231

Contact Phone Number:

Info Code 1: C332717

Info Code 2: RICHARDMITCHELL

Sent to remote ID:

Sent at: Fri Jun 22 09:30:06 2018

Sent on channel 4

Elapsed Time: 1 minute, 38 seconds

Transmission Status (0/339;0/0): Successful Send

Page Record: 1 - 2.

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Sent to remote ID:

Sent at: Fri Jun 22 09:24:19 2018

Sent on channel 0

Elapsed Time: 0 minutes, 45 seconds

Transmission Status (0/328;0/0): No energy detected on line; possible dead line

Page Record: NONE SENT.

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DISTRICT COURT NO. C-18-332717-1

IN THE JUSTICE COURT OF NORTH LAS VEGAS TOWNSHIP  
COUNTY OF CLARK, STATE OF NEVADA

\* \* \* \* \*

THE STATE OF NEVADA,

Plaintiff,

vs.

RICHARD L. MITCHELL,

Defendant.

DEPARTMENT 3

CASE NO. 17CRN002485-0000

17FN2655X

**RECORDED TRANSCRIPT  
OF  
PRELIMINARY HEARING**

BEFORE THE HONORABLE CHRISTOPHER K. LEE  
JUSTICE OF THE PEACE  
JUNE 11, 2018, 9:00 A.M.

**APPEARANCES:**

For the Plaintiff:

CHRISTOPHER PANDELIS, ESQ.  
Deputy District Attorney

For the Defendant:

AMANDA GREGORY, ESQ.  
Deputy Public Defender

TRANSCRIBED BY: SHARON EULIANO, COURT RECORDER-TRANSCRIBER

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I N D E X

<u>WITNESSES FOR THE STATE:</u>	<u>PAGE</u>
<b>MELANIE AOUDE</b>	
Direct Examination by Mr. Pandelis	4
Cross-Examination by Ms. Gregory	9
Redirect Examination by Mr. Pandelis	11

<u>WITNESSES FOR THE DEFENDANT:</u>	
None	

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NORTH LAS VEGAS, CLARK COUNTY, NEVADA

JUNE 11, 2018, 9:00 A.M.

P R O C E E D I N G S

THE COURT: State vs. Richard Lee Mitchell, 17FN2665X. This is the time, date, and place set for the preliminary hearing in this matter.

Let's see. Ms. Gregory, are you prepared to go forward this morning on this case?

MS. GREGORY: Yeah.

THE COURT: And, State, you are obviously as well?

MR. PANDELIS: Yeah.

THE COURT: Okay. Then we'll have Mr. Mitchell come down to sit next to his attorney.

And, let's see, are there any matter prior to calling witnesses that we need to take up at this time?

MR. PANDELIS: No, your Honor.

THE COURT: All right. And it looks like the State -- all right, we'll note that the exclusionary rule is in effect, but, I guess, the State only has one witness today.

MR. PANDELIS: Your Honor, there's no other witnesses and, quite frankly, no other party is present other than court staff and attorneys, your Honor.

THE COURT: All right, perfect. In that case then, State, please call your first witness.

MR. PANDELIS: Melanie Aoude.

1 THE COURT: Ma'am, thank you for your patience this morning. If  
2 you could make your way up towards the witness stand over here all the way  
3 around over here. Okay, perfect. Thank you, ma'am.

4 If you could remain standing, just briefly raise your right hand for  
5 our bailiff here, please.

6

7 **MELANIE AOUE,**

8 having been first duly sworn

9 was examined and testified as follows:

10

11 THE BAILIFF: Go ahead and have a seat.

12 State your name and spell it for the record, please.

13 THE WITNESS: Melanie Aoude, M-e-l-a-n-i-e, A-o-u-d-e.

14 THE COURT: All right. Good morning, ma'am.

15 Mr. Pandelis.

16 MR. PANDELIS: Thank you, your Honor. And, your Honor, I did  
17 provide two proposed exhibits to your clerk that I need to have marked.

18 THE COURT: Okay, great

19

20 **DIRECT EXAMINATION**

21 BY MR. PANDELIS:

22 Q. Ma'am, where do you work?

23 A. CVS pharmacy.

24 Q. And where is that CVS located?

25 A. 1408 West Craig Road.

1 Q. Is that in North Las Vegas, Clark County, Nevada?

2 A. Yes.

3 Q. Were you working at that CVS on December 8, 2017?

4 A. Yeah.

5 Q. Were you working on that particular day?

6 A. Yes.

7 Q. At about two in the afternoon on that day did something unusual  
8 happen to you while you were working?

9 A. Yes.

10 Q. Can you describe in your own words what happened that day?

11 A. I was robbed.

12 Q. Can you describe what exactly happened?

13 A. Yes. The gentleman walked up to my register counter, laid down a  
14 white note and a black bag and I read it and I did what it said and he left.

15 MS. GREGORY: Your Honor, I'm having a little issue hearing.

16 THE COURT: Okay, sure. We'll try getting that microphone --  
17 there you go. Perfect.

18 MS. GREGORY: Thank you.

19 BY MR. PANDELIS:

20 Q. If you could just speak into that. If you could just restate what  
21 exactly happened to you when you were working on December 8<sup>th</sup> so Counsel  
22 can hear you.

23 A. Mm-hmm. I was robbed at the counter. A gentleman walked in,  
24 laid down a note and a black bag on the counter and I read it, did what it said  
25 and he walked out.

1 Q. So you were working at the front counter at the CVS?

2 A. Yes.

3 Q. All right. You indicated a gentleman came into the store and  
4 produced a white note?

5 A. Yes.

6 Q. Do you see the person here in the courtroom today that you came  
7 into contact with that day?

8 A. Yes.

9 Q. Could you please point to where that person's seated today and  
10 describe something that they're wearing today.

11 A. Yes. He's right there wearing glasses and blue.

12 Q. And you just pointed to your left?

13 A. Yes.

14 Q. And you indicated he was wearing glasses and a blue outfit?

15 A. Yes.

16 MR. PANDELIS: Your Honor, may the record reflect she's identified  
17 the defendant, Mr. Mitchell.

18 THE COURT: The record will so reflect.

19 MR. PANDELIS: Thank you.

20 Q. Ma'am, what did the note say that Mr. Mitchell placed in front of  
21 you?

22 A. "Put all the money in the bag."

23 Q. What did you do at that point?

24 A. I opened my register and put all the money in the bag and he kept  
25 saying, "Hurry. Hurry. And give me the money in the black box," which is



1 locked. We don't have access to it.

2 Q. Was he saying this before or after he put the note in front of you?

3 A. After.

4 Q. And what did you do after he produced the note and was making  
5 these demands to you?

6 A. I said, "No. Leave."

7 Q. Did he leave at that point?

8 A. Yes. He ran out.

9 Q. Did he leave before or after you gave him the money, however?

10 A. After.

11 Q. Do you recall how much money you gave him?

12 A. No.

13 Q. Were you able to see his hands while he was in front of you?

14 A. No, I did not see his hands. He had on a hoody and one of his  
15 hands was inside the front pocket of his hoody, and it looked like there was a  
16 gun in the pocket --

17 Q. You couldn't see --

18 A. -- by the way he was actually going like this.

19 Q. How did this make you feel?

20 A. Very uncomfortable.

21 Q. Now I may have missed it. When you took the money out of the  
22 register, where did you put it?

23 A. Inside the bag that he had laid on the counter.

24 MR. PANDELIS: I'm going to approach the clerk, your Honor.

25 THE COURT: All right, sure.

1 BY MR. PANDELIS:

2 Q. You indicated just a moment ago there was a note the person that  
3 you came into contact with that you identified as Mr. Mitchell put a note in  
4 front of you?

5 A. Yes.

6 Q. I'm showing you what's been marked as State's Proposed Exhibit  
7 Number 2. Do you recognize this?

8 A. Yes. That's the note.

9 Q. That's the note that Mr. Mitchell put right in front of you?

10 A. Yes.

11 MR. PANDELIS: Your Honor, at this point I move the admission of  
12 State's Proposed 2.

13 THE COURT: Any objection?

14 MS. GREGORY: No.

15 THE COURT: All right. State's Proposed 2 will be admitted.

16 (State's Exhibit 2 admitted)

17 BY MR. PANDELIS:

18 Q. And I'm now showing you what's been marked as State's Proposed  
19 1. Do you recognize what's depicted in that photograph?

20 A. Yes. You can see the note, the bag, and the man that was robbing  
21 me.

22 Q. Do you see yourself in that photograph?

23 A. Yes.

24 Q. Where are you in that photograph?

25 A. I'm behind the counter.

1 Q. Are you the individual at the bottom of that photograph?

2 A. Yes, right there in --

3 Q. Are you sure?

4 A. Yes, sir.

5 Q. Does that appear to be a surveillance -- a surveillance shot of the  
6 incident you just described?

7 A. Yeah.

8 MR. PANDELIS: Your Honor, at this point I move for the admission  
9 of State's 1.

10 THE COURT: Any objection to State's 1?

11 MS. GREGORY: No.

12 THE COURT: All right. State's 1 will be also admitted.

13 (State's Exhibit 1 admitted)

14 MR. PANDELIS: Your Honor, at this point I'd pass the witness.

15 THE COURT: All right. Ms. Gregory, cross.

16

17 **CROSS-EXAMINATION**

18 BY MS. GREGORY:

19 Q. Good morning, ma'am.

20 So you testified that you were working at the CVS when you say  
21 that the defendant came in and put a note on the counter, correct?

22 A. Yes.

23 Q. And the note said, "Put the money in the bag," correct?

24 A. Yes.

25 Q. At no point did he verbally ask you to put the money in the bag, did

1 he?

2 A. No. He didn't speak at all.

3 Q. So he never said anything to you?

4 A. He just laid the note down on the counter.

5 Q. And he never threatened you, correct?

6 A. I'm sorry?

7 Q. He never threatened you?

8 A. No.

9 Q. He never said he was going to harm you in any way, correct?

10 A. No.

11 Q. You testified that you felt uncomfortable when this happened. You

12 weren't in fear of your life, correct?

13 A. Yes, I was.

14 Q. You were?

15 A. I was very uncomfortable.

16 Q. When you told him to leave, however, he left, correct?

17 A. Yes.

18 Q. After this happened did you call the police?

19 A. I didn't call the police. My supervisor did.

20 Q. Okay. And did you report straight to your supervisor that this had

21 happened?

22 A. Yes.

23 Q. Immediately?

24 A. Yes.

25 Q. Okay. Did you finish out your shift at work that day?

1 A. I was off at two.

2 Q. Okay. So you were off early after this happened anyway?

3 A. Well, I wasn't clocked out, but my shift ended at two, so after that  
4 happened, I left.

5 MS. GREGORY: Okay. I have nothing further, your Honor.

6 THE COURT: All right, thank you.

7 Any redirect based on that?

8

9 **REDIRECT EXAMINATION**

10 BY MR. PANDELIS:

11 Q. Ma'am, just a moment ago you indicated that he didn't say  
12 anything to you during this entire encounter?

13 A. He did. He just said, "Hurry up. Hurry up."

14 Q. So he did, in fact, say that to you?

15 A. Oh, yes.

16 Q. Okay. And do you recall writing out a voluntary statement to the  
17 police after this thing occurred?

18 A. Yes, I do.

19 Q. And do you remember, in fact, stating that in your written voluntary  
20 statement?

21 A. Yes.

22 Q. Okay. So just to be clear, he did, in fact, speak to you during this  
23 encounter?

24 A. Yes.

25 Q. And he was telling you to hurry?

1           A.    Yes.

2           MR. PANDELIS: Okay. No further questions, your Honor.

3           THE COURT: All right, thank you.

4           Any additional cross based on that?

5           MS. GREGORY: No, your Honor.

6           THE COURT: All right. Ma'am, thanks again for your patience this

7 morning and your testimony. You are excused.

8           THE WITNESS: (Indiscernible).

9           THE COURT: Yes, you can leave. You're good.

10          MR. PANDELIS: She's free to go.

11          THE COURT: Okay, great.

12          All right, State, any additional witnesses or evidence at this time?

13          MR. PANDELIS: No, your Honor. The State rests.

14          THE COURT: All right. The State has rested.

15          Ms. Gregory, any witnesses or evidence this morning?

16          MS. GREGORY: If I could have a brief moment, your Honor.

17          THE COURT: Sure.

18          MS. GREGORY: No witnesses, your Honor, and I did inform my

19 client of his right to testify and he does not want to.

20          THE COURT: Okay, great. So the defense has rested as well.

21          Mr. Pandelis, waive for rebuttal?

22          MR. PANDELIS: Yes, your Honor.

23          THE COURT: Any argument this morning, Ms. Gregory?

24          MS. GREGORY: I'll submit, your Honor.

25          THE COURT: All right. Mr. Mitchell, please stand.

1           It appears to me from the complaint on file herein and from the  
2 testimony adduced at this preliminary examination that the crimes  
3 of Count 1, burglary; Count 2, robbery have been committed and that there is  
4 sufficient evidence to believe the defendant has committed the said crimes.

5           I hereby order the defendant be bound over to the Eighth Judicial  
6 District Court, State of Nevada, County of Clark on . . .

7           THE CLERK: June 20<sup>th</sup> at 10 a.m.

8           THE COURT: All right, great. Thank you.

9           Court is adjourned.

10          MS. GREGORY: Thank you, your Honor.

11  
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13                                   \* \* \* \* \*

14          ATTEST: I do hereby certify that I have truly and correctly transcribed the audio-  
15 video recording of this proceeding in the above-entitled case to the best of my  
16 ability.

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18                                   \_\_\_\_\_  
19                                   SHARON EULIANO  
20                                   Court Recorder/Transcriber  
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DISTRICT COURT NO. C-18-332717-1

IN THE JUSTICE COURT OF NORTH LAS VEGAS TOWNSHIP  
COUNTY OF CLARK, STATE OF NEVADA

\* \* \* \* \*

THE STATE OF NEVADA,

Plaintiff,

vs.

RICHARD L. MITCHELL,

Defendant.

DEPARTMENT 3

CASE NO. 17CRN002485-0000

17FN2655X

**RECORDED TRANSCRIPT  
OF  
PRELIMINARY HEARING**

BEFORE THE HONORABLE CHRISTOPHER K. LEE  
JUSTICE OF THE PEACE  
JUNE 11, 2018, 9:00 A.M.

**APPEARANCES:**

For the Plaintiff:

CHRISTOPHER PANDELIS, ESQ.  
Deputy District Attorney

For the Defendant:

AMANDA GREGORY, ESQ.  
Deputy Public Defender

TRANSCRIBED BY: SHARON EULIANO, COURT RECORDER-TRANSCRIBER



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I N D E X

<u>WITNESSES FOR THE STATE:</u>	<u>PAGE</u>
<b>MELANIE AOUDE</b>	
Direct Examination by Mr. Pandelis	4
Cross-Examination by Ms. Gregory	9
Redirect Examination by Mr. Pandelis	11

WITNESSES FOR THE DEFENDANT:

None

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NORTH LAS VEGAS, CLARK COUNTY, NEVADA

JUNE 11, 2018, 9:00 A.M.

P R O C E E D I N G S

THE COURT: State vs. Richard Lee Mitchell, 17FN2665X. This is the time, date, and place set for the preliminary hearing in this matter.

Let's see. Ms. Gregory, are you prepared to go forward this morning on this case?

MS. GREGORY: Yeah.

THE COURT: And, State, you are obviously as well?

MR. PANDELIS: Yeah.

THE COURT: Okay. Then we'll have Mr. Mitchell come down to sit next to his attorney.

And, let's see, are there any matter prior to calling witnesses that we need to take up at this time?

MR. PANDELIS: No, your Honor.

THE COURT: All right. And it looks like the State -- all right, we'll note that the exclusionary rule is in effect, but, I guess, the State only has one witness today.

MR. PANDELIS: Your Honor, there's no other witnesses and, quite frankly, no other party is present other than court staff and attorneys, your Honor.

THE COURT: All right, perfect. In that case then, State, please call your first witness.

MR. PANDELIS: Melanie Aoude.

1 THE COURT: Ma'am, thank you for your patience this morning. If  
2 you could make your way up towards the witness stand over here all the way  
3 around over here. Okay, perfect. Thank you, ma'am.

4 If you could remain standing, just briefly raise your right hand for  
5 our bailiff here, please.

6  
7 **MELANIE AOUDE,**

8 having been first duly sworn  
9 was examined and testified as follows:

10  
11 THE BAILIFF: Go ahead and have a seat.

12 State your name and spell it for the record, please.

13 THE WITNESS: Melanie Aoude, M-e-l-a-n-i-e, A-o-u-d-e.

14 THE COURT: All right. Good morning, ma'am.

15 Mr. Pandelis.

16 MR. PANDELIS: Thank you, your Honor. And, your Honor, I did  
17 provide two proposed exhibits to your clerk that I need to have marked.

18 THE COURT: Okay, great

19  
20 **DIRECT EXAMINATION**

21 BY MR. PANDELIS:

22 Q. Ma'am, where do you work?

23 A. CVS pharmacy.

24 Q. And where is that CVS located?

25 A. 1408 West Craig Road.

1 Q. Is that in North Las Vegas, Clark County, Nevada?

2 A. Yes.

3 Q. Were you working at that CVS on December 8, 2017?

4 A. Yeah.

5 Q. Were you working on that particular day?

6 A. Yes.

7 Q. At about two in the afternoon on that day did something unusual  
8 happen to you while you were working?

9 A. Yes.

10 Q. Can you describe in your own words what happened that day?

11 A. I was robbed.

12 Q. Can you describe what exactly happened?

13 A. Yes. The gentleman walked up to my register counter, laid down a  
14 white note and a black bag and I read it and I did what it said and he left.

15 MS. GREGORY: Your Honor, I'm having a little issue hearing.

16 THE COURT: Okay, sure. We'll try getting that microphone --  
17 there you go. Perfect.

18 MS. GREGORY: Thank you.

19 BY MR. PANDELIS:

20 Q. If you could just speak into that. If you could just restate what  
21 exactly happened to you when you were working on December 8<sup>th</sup> so Counsel  
22 can hear you.

23 A. Mm-hmm. I was robbed at the counter. A gentleman walked in,  
24 laid down a note and a black bag on the counter and I read it, did what it said  
25 and he walked out.

1 Q. So you were working at the front counter at the CVS?

2 A. Yes.

3 Q. All right. You indicated a gentleman came into the store and  
4 produced a white note?

5 A. Yes.

6 Q. Do you see the person here in the courtroom today that you came  
7 into contact with that day?

8 A. Yes.

9 Q. Could you please point to where that person's seated today and  
10 describe something that they're wearing today.

11 A. Yes. He's right there wearing glasses and blue.

12 Q. And you just pointed to your left?

13 A. Yes.

14 Q. And you indicated he was wearing glasses and a blue outfit?

15 A. Yes.

16 MR. PANDELIS: Your Honor, may the record reflect she's identified  
17 the defendant, Mr. Mitchell.

18 THE COURT: The record will so reflect.

19 MR. PANDELIS: Thank you.

20 Q. Ma'am, what did the note say that Mr. Mitchell placed in front of  
21 you?

22 A. "Put all the money in the bag."

23 Q. What did you do at that point?

24 A. I opened my register and put all the money in the bag and he kept  
25 saying, "Hurry. Hurry. And give me the money in the black box," which is

1 locked. We don't have access to it.

2 Q. Was he saying this before or after he put the note in front of you?

3 A. After.

4 Q. And what did you do after he produced the note and was making  
5 these demands to you?

6 A. I said, "No. Leave."

7 Q. Did he leave at that point?

8 A. Yes. He ran out.

9 Q. Did he leave before or after you gave him the money, however?

10 A. After.

11 Q. Do you recall how much money you gave him?

12 A. No.

13 Q. Were you able to see his hands while he was in front of you?

14 A. No, I did not see his hands. He had on a hoody and one of his  
15 hands was inside the front pocket of his hoody, and it looked like there was a  
16 gun in the pocket --

17 Q. You couldn't see --

18 A. -- by the way he was actually going like this.

19 Q. How did this make you feel?

20 A. Very uncomfortable.

21 Q. Now I may have missed it. When you took the money out of the  
22 register, where did you put it?

23 A. Inside the bag that he had laid on the counter.

24 MR. PANDELIS: I'm going to approach the clerk, your Honor.

25 THE COURT: All right, sure.

1 BY MR. PANDELIS:

2 Q. You indicated just a moment ago there was a note the person that  
3 you came into contact with that you identified as Mr. Mitchell put a note in  
4 front of you?

5 A. Yes.

6 Q. I'm showing you what's been marked as State's Proposed Exhibit  
7 Number 2. Do you recognize this?

8 A. Yes. That's the note.

9 Q. That's the note that Mr. Mitchell put right in front of you?

10 A. Yes.

11 MR. PANDELIS: Your Honor, at this point I move the admission of  
12 State's Proposed 2.

13 THE COURT: Any objection?

14 MS. GREGORY: No.

15 THE COURT: All right. State's Proposed 2 will be admitted.

16 (State's Exhibit 2 admitted)

17 BY MR. PANDELIS:

18 Q. And I'm now showing you what's been marked as State's Proposed  
19 1. Do you recognize what's depicted in that photograph?

20 A. Yes. You can see the note, the bag, and the man that was robbing  
21 me.

22 Q. Do you see yourself in that photograph?

23 A. Yes.

24 Q. Where are you in that photograph?

25 A. I'm behind the counter.

1 Q. Are you the individual at the bottom of that photograph?

2 A. Yes, right there in --

3 Q. Are you sure?

4 A. Yes, sir.

5 Q. Does that appear to be a surveillance -- a surveillance shot of the  
6 incident you just described?

7 A. Yeah.

8 MR. PANDELIS: Your Honor, at this point I move for the admission  
9 of State's 1.

10 THE COURT: Any objection to State's 1?

11 MS. GREGORY: No.

12 THE COURT: All right. State's 1 will be also admitted.

13 (State's Exhibit 1 admitted)

14 MR. PANDELIS: Your Honor, at this point I'd pass the witness.

15 THE COURT: All right. Ms. Gregory, cross.

16

17 **CROSS-EXAMINATION**

18 BY MS. GREGORY:

19 Q. Good morning, ma'am.

20 So you testified that you were working at the CVS when you say  
21 that the defendant came in and put a note on the counter, correct?

22 A. Yes.

23 Q. And the note said, "Put the money in the bag," correct?

24 A. Yes.

25 Q. At no point did he verbally ask you to put the money in the bag, did



1 he?

2 A. No. He didn't speak at all.

3 Q. So he never said anything to you?

4 A. He just laid the note down on the counter.

5 Q. And he never threatened you, correct?

6 A. I'm sorry?

7 Q. He never threatened you?

8 A. No.

9 Q. He never said he was going to harm you in any way, correct?

10 A. No.

11 Q. You testified that you felt uncomfortable when this happened. You

12 weren't in fear of your life, correct?

13 A. Yes, I was.

14 Q. You were?

15 A. I was very uncomfortable.

16 Q. When you told him to leave, however, he left, correct?

17 A. Yes.

18 Q. After this happened did you call the police?

19 A. I didn't call the police. My supervisor did.

20 Q. Okay. And did you report straight to your supervisor that this had

21 happened?

22 A. Yes.

23 Q. Immediately?

24 A. Yes.

25 Q. Okay. Did you finish out your shift at work that day?

1 A. I was off at two.

2 Q. Okay. So you were off early after this happened anyway?

3 A. Well, I wasn't clocked out, but my shift ended at two, so after that  
4 happened, I left.

5 MS. GREGORY: Okay. I have nothing further, your Honor.

6 THE COURT: All right, thank you.

7 Any redirect based on that?

8

9

**REDIRECT EXAMINATION**

10 BY MR. PANDELIS:

11 Q. Ma'am, just a moment ago you indicated that he didn't say  
12 anything to you during this entire encounter?

13 A. He did. He just said, "Hurry up. Hurry up."

14 Q. So he did, in fact, say that to you?

15 A. Oh, yes.

16 Q. Okay. And do you recall writing out a voluntary statement to the  
17 police after this thing occurred?

18 A. Yes, I do.

19 Q. And do you remember, in fact, stating that in your written voluntary  
20 statement?

21 A. Yes.

22 Q. Okay. So just to be clear, he did, in fact, speak to you during this  
23 encounter?

24 A. Yes.

25 Q. And he was telling you to hurry?

1           A.    Yes.

2           MR. PANDELIS: Okay. No further questions, your Honor.

3           THE COURT: All right, thank you.

4           Any additional cross based on that?

5           MS. GREGORY: No, your Honor.

6           THE COURT: All right. Ma'am, thanks again for your patience this

7 morning and your testimony. You are excused.

8           THE WITNESS: (Indiscernible).

9           THE COURT: Yes, you can leave. You're good.

10          MR. PANDELIS: She's free to go.

11          THE COURT: Okay, great.

12          All right, State, any additional witnesses or evidence at this time?

13          MR. PANDELIS: No, your Honor. The State rests.

14          THE COURT: All right. The State has rested.

15          Ms. Gregory, any witnesses or evidence this morning?

16          MS. GREGORY: If I could have a brief moment, your Honor.

17          THE COURT: Sure.

18          MS. GREGORY: No witnesses, your Honor, and I did inform my

19 client of his right to testify and he does not want to.

20          THE COURT: Okay, great. So the defense has rested as well.

21          Mr. Pandelis, waive for rebuttal?

22          MR. PANDELIS: Yes, your Honor.

23          THE COURT: Any argument this morning, Ms. Gregory?

24          MS. GREGORY: I'll submit, your Honor.

25          THE COURT: All right. Mr. Mitchell, please stand.

1           It appears to me from the complaint on file herein and from the  
2 testimony adduced at this preliminary examination that the crimes  
3 of Count 1, burglary; Count 2, robbery have been committed and that there is  
4 sufficient evidence to believe the defendant has committed the said crimes.

5           I hereby order the defendant be bound over to the Eighth Judicial  
6 District Court, State of Nevada, County of Clark on . . .

7           THE CLERK: June 20<sup>th</sup> at 10 a.m.

8           THE COURT: All right, great. Thank you.

9           Court is adjourned.

10          MS. GREGORY: Thank you, your Honor.

11  
12  
13                                   \* \* \* \* \*

14          ATTEST: I do hereby certify that I have truly and correctly transcribed the audio-  
15 video recording of this proceeding in the above-entitled case to the best of my  
16 ability.

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19                                   SHARON EULIANO  
20                                   Court Recorder/Transcriber  
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DISTRICT COURT NO. C-18-332717-1

AMENDED  PAGE

IN THE JUSTICE COURT OF NORTH LAS VEGAS TOWNSHIP  
COUNTY OF CLARK, STATE OF NEVADA

\* \* \* \* \*

THE STATE OF NEVADA,

Plaintiff,

vs.

RICHARD L. MITCHELL,

Defendant.

DEPARTMENT 3

CASE NO. 17CRN002485-0000

17FN2655X

**RECORDED TRANSCRIPT  
OF  
PRELIMINARY HEARING**

BEFORE THE HONORABLE CHRISTOPHER K. LEE  
JUSTICE OF THE PEACE  
JUNE 11, 2018, 9:00 A.M.

**APPEARANCES:**

For the Plaintiff:

CHRISTOPHER PANDELIS, ESQ.  
Deputy District Attorney

For the Defendant:

AMANDA GREGORY, ESQ.

TRANSCRIBED BY: SHARON EULIANO, COURT RECORDER-TRANSCRIBER

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I N D E X

WITNESSES FOR THE STATE: PAGE

**MELANIE AOUDE**

Direct Examination by Mr. Pandelis	4
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WITNESSES FOR THE DEFENDANT:

None

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NORTH LAS VEGAS, CLARK COUNTY, NEVADA

JUNE 11, 2018, 9:00 A.M.

P R O C E E D I N G S

THE COURT: State vs. Richard Lee Mitchell, 17FN2665X. This is the time, date, and place set for the preliminary hearing in this matter.

Let's see. Ms. Gregory, are you prepared to go forward this morning on this case?

MS. GREGORY: Yeah.

THE COURT: And, State, you are obviously as well?

MR. PANDELIS: Yeah.

THE COURT: Okay. Then we'll have Mr. Mitchell come down to sit next to his attorney.

And, let's see, are there any matter prior to calling witnesses that we need to take up at this time?

MR. PANDELIS: No, your Honor.

THE COURT: All right. And it looks like the State -- all right, we'll note that the exclusionary rule is in effect, but, I guess, the State only has one witness today.

MR. PANDELIS: Your Honor, there's no other witnesses and, quite frankly, no other party is present other than court staff and attorneys, your Honor.

THE COURT: All right, perfect. In that case then, State, please call your first witness.

MR. PANDELIS: Melanie Aoude.

1 THE COURT: Ma'am, thank you for your patience this morning. If  
2 you could make your way up towards the witness stand over here all the way  
3 around over here. Okay, perfect. Thank you, ma'am.

4 If you could remain standing, just briefly raise your right hand for  
5 our bailiff here, please.

6

7 **MELANIE AOUE,**

8 having been first duly sworn

9 was examined and testified as follows:

10

11 THE BAILIFF: Go ahead and have a seat.

12 State your name and spell it for the record, please.

13 THE WITNESS: Melanie Aoude, M-e-l-a-n-i-e, A-o-u-d-e.

14 THE COURT: All right. Good morning, ma'am.

15 Mr. Pandelis.

16 MR. PANDELIS: Thank you, your Honor. And, your Honor, I did  
17 provide two proposed exhibits to your clerk that I need to have marked.

18 THE COURT: Okay, great

19

20 **DIRECT EXAMINATION**

21 BY MR. PANDELIS:

22 Q. Ma'am, where do you work?

23 A. CVS pharmacy.

24 Q. And where is that CVS located?

25 A. 1408 West Craig Road.



1 Q. Is that in North Las Vegas, Clark County, Nevada?

2 A. Yes.

3 Q. Were you working at that CVS on December 8, 2017?

4 A. Yeah.

5 Q. Were you working on that particular day?

6 A. Yes.

7 Q. At about two in the afternoon on that day did something unusual  
8 happen to you while you were working?

9 A. Yes.

10 Q. Can you describe in your own words what happened that day?

11 A. I was robbed.

12 Q. Can you describe what exactly happened?

13 A. Yes. The gentleman walked up to my register counter, laid down a  
14 white note and a black bag and I read it and I did what it said and he left.

15 MS. GREGORY: Your Honor, I'm having a little issue hearing.

16 THE COURT: Okay, sure. We'll try getting that microphone --  
17 there you go. Perfect.

18 MS. GREGORY: Thank you.

19 BY MR. PANDELIS:

20 Q. If you could just speak into that. If you could just restate what  
21 exactly happened to you when you were working on December 8<sup>th</sup> so Counsel  
22 can hear you.

23 A. Mm-hmm. I was robbed at the counter. A gentleman walked in,  
24 laid down a note and a black bag on the counter and I read it, did what it said  
25 and he walked out.

1 Q. So you were working at the front counter at the CVS?

2 A. Yes.

3 Q. All right. You indicated a gentleman came into the store and  
4 produced a white note?

5 A. Yes.

6 Q. Do you see the person here in the courtroom today that you came  
7 into contact with that day?

8 A. Yes.

9 Q. Could you please point to where that person's seated today and  
10 describe something that they're wearing today.

11 A. Yes. He's right there wearing glasses and blue.

12 Q. And you just pointed to your left?

13 A. Yes.

14 Q. And you indicated he was wearing glasses and a blue outfit?

15 A. Yes.

16 MR. PANDELIS: Your Honor, may the record reflect she's identified  
17 the defendant, Mr. Mitchell.

18 THE COURT: The record will so reflect.

19 MR. PANDELIS: Thank you.

20 Q. Ma'am, what did the note say that Mr. Mitchell placed in front of  
21 you?

22 A. "Put all the money in the bag."

23 Q. What did you do at that point?

24 A. I opened my register and put all the money in the bag and he kept  
25 saying, "Hurry. Hurry. And give me the money in the black box," which is

1 locked. We don't have access to it.

2 Q. Was he saying this before or after he put the note in front of you?

3 A. After.

4 Q. And what did you do after he produced the note and was making  
5 these demands to you?

6 A. I said, "No. Leave."

7 Q. Did he leave at that point?

8 A. Yes. He ran out.

9 Q. Did he leave before or after you gave him the money, however?

10 A. After.

11 Q. Do you recall how much money you gave him?

12 A. No.

13 Q. Were you able to see his hands while he was in front of you?

14 A. No, I did not see his hands. He had on a hoody and one of his  
15 hands was inside the front pocket of his hoody, and it looked like there was a  
16 gun in the pocket --

17 Q. You couldn't see --

18 A. -- by the way he was actually going like this.

19 Q. How did this make you feel?

20 A. Very uncomfortable.

21 Q. Now I may have missed it. When you took the money out of the  
22 register, where did you put it?

23 A. Inside the bag that he had laid on the counter.

24 MR. PANDELIS: I'm going to approach the clerk, your Honor.

25 THE COURT: All right, sure.

1 BY MR. PANDELIS:

2 Q. You indicated just a moment ago there was a note the person that  
3 you came into contact with that you identified as Mr. Mitchell put a note in  
4 front of you?

5 A. Yes.

6 Q. I'm showing you what's been marked as State's Proposed Exhibit  
7 Number 2. Do you recognize this?

8 A. Yes. That's the note.

9 Q. That's the note that Mr. Mitchell put right in front of you?

10 A. Yes.

11 MR. PANDELIS: Your Honor, at this point I move the admission of  
12 State's Proposed 2.

13 THE COURT: Any objection?

14 MS. GREGORY: No.

15 THE COURT: All right. State's Proposed 2 will be admitted.

16 (State's Exhibit 2 admitted)

17 BY MR. PANDELIS:

18 Q. And I'm now showing you what's been marked as State's Proposed  
19 1. Do you recognize what's depicted in that photograph?

20 A. Yes. You can see the note, the bag, and the man that was robbing  
21 me.

22 Q. Do you see yourself in that photograph?

23 A. Yes.

24 Q. Where are you in that photograph?

25 A. I'm behind the counter.

1 Q. Are you the individual at the bottom of that photograph?

2 A. Yes, right there in --

3 Q. Are you sure?

4 A. Yes, sir.

5 Q. Does that appear to be a surveillance -- a surveillance shot of the  
6 incident you just described?

7 A. Yeah.

8 MR. PANDELIS: Your Honor, at this point I move for the admission  
9 of State's 1.

10 THE COURT: Any objection to State's 1?

11 MS. GREGORY: No.

12 THE COURT: All right. State's 1 will be also admitted.

13 (State's Exhibit 1 admitted)

14 MR. PANDELIS: Your Honor, at this point I'd pass the witness.

15 THE COURT: All right. Ms. Gregory, cross.

16

17 **CROSS-EXAMINATION**

18 BY MS. GREGORY:

19 Q. Good morning, ma'am.

20 So you testified that you were working at the CVS when you say  
21 that the defendant came in and put a note on the counter, correct?

22 A. Yes.

23 Q. And the note said, "Put the money in the bag," correct?

24 A. Yes.

25 Q. At no point did he verbally ask you to put the money in the bag, did

1 he?

2 A. No. He didn't speak at all.

3 Q. So he never said anything to you?

4 A. He just laid the note down on the counter.

5 Q. And he never threatened you, correct?

6 A. I'm sorry?

7 Q. He never threatened you?

8 A. No.

9 Q. He never said he was going to harm you in any way, correct?

10 A. No.

11 Q. You testified that you felt uncomfortable when this happened. You

12 weren't in fear of your life, correct?

13 A. Yes, I was.

14 Q. You were?

15 A. I was very uncomfortable.

16 Q. When you told him to leave, however, he left, correct?

17 A. Yes.

18 Q. After this happened did you call the police?

19 A. I didn't call the police. My supervisor did.

20 Q. Okay. And did you report straight to your supervisor that this had

21 happened?

22 A. Yes.

23 Q. Immediately?

24 A. Yes.

25 Q. Okay. Did you finish out your shift at work that day?

1 A. I was off at two.

2 Q. Okay. So you were off early after this happened anyway?

3 A. Well, I wasn't clocked out, but my shift ended at two, so after that  
4 happened, I left.

5 MS. GREGORY: Okay. I have nothing further, your Honor.

6 THE COURT: All right, thank you.

7 Any redirect based on that?

8

9 **REDIRECT EXAMINATION**

10 BY MR. PANDELIS:

11 Q. Ma'am, just a moment ago you indicated that he didn't say  
12 anything to you during this entire encounter?

13 A. He did. He just said, "Hurry up. Hurry up."

14 Q. So he did, in fact, say that to you?

15 A. Oh, yes.

16 Q. Okay. And do you recall writing out a voluntary statement to the  
17 police after this thing occurred?

18 A. Yes, I do.

19 Q. And do you remember, in fact, stating that in your written voluntary  
20 statement?

21 A. Yes.

22 Q. Okay. So just to be clear, he did, in fact, speak to you during this  
23 encounter?

24 A. Yes.

25 Q. And he was telling you to hurry?

1           A.    Yes.

2           MR. PANDELIS: Okay. No further questions, your Honor.

3           THE COURT: All right, thank you.

4           Any additional cross based on that?

5           MS. GREGORY: No, your Honor.

6           THE COURT: All right. Ma'am, thanks again for your patience this

7 morning and your testimony. You are excused.

8           THE WITNESS: (Indiscernible).

9           THE COURT: Yes, you can leave. You're good.

10          MR. PANDELIS: She's free to go.

11          THE COURT: Okay, great.

12          All right, State, any additional witnesses or evidence at this time?

13          MR. PANDELIS: No, your Honor. The State rests.

14          THE COURT: All right. The State has rested.

15          Ms. Gregory, any witnesses or evidence this morning?

16          MS. GREGORY: If I could have a brief moment, your Honor.

17          THE COURT: Sure.

18          MS. GREGORY: No witnesses, your Honor, and I did inform my

19 client of his right to testify and he does not want to.

20          THE COURT: Okay, great. So the defense has rested as well.

21          Mr. Pandelis, waive for rebuttal?

22          MR. PANDELIS: Yes, your Honor.

23          THE COURT: Any argument this morning, Ms. Gregory?

24          MS. GREGORY: I'll submit, your Honor.

25          THE COURT: All right. Mr. Mitchell, please stand.



1           It appears to me from the complaint on file herein and from the  
2 testimony adduced at this preliminary examination that the crimes  
3 of Count 1, burglary; Count 2, robbery have been committed and that there is  
4 sufficient evidence to believe the defendant has committed the said crimes.

5           I hereby order the defendant be bound over to the Eighth Judicial  
6 District Court, State of Nevada, County of Clark on . . .

7           THE CLERK: June 20<sup>th</sup> at 10 a.m.

8           THE COURT: All right, great. Thank you.

9           Court is adjourned.

10          MS. GREGORY: Thank you, your Honor.

11  
12  
13                                   \* \* \* \* \*

14          ATTEST: I do hereby certify that I have truly and correctly transcribed the audio-  
15 video recording of this proceeding in the above-entitled case to the best of my  
16 ability.

17                                     
18                                   \_\_\_\_\_  
19                                   SHARON EULIANO  
20                                   Court Recorder/Transcriber  
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**OPI**  
**STEVEN B. WOLFSON**  
Clark County District Attorney  
Nevada Bar #001565  
**CHRISTOPHER P. PANDELIS**  
Chief Deputy District Attorney  
Nevada Bar #009143  
200 Lewis Avenue  
Las Vegas, Nevada 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,  
Plaintiff,

-vs-

RICHARD LEE MITCHELL,  
#7763112

Defendant.

CASE NO: C-18-332717-1

DEPT NO: III

**ORDER FOR PRODUCTION OF INMATE  
RICHARD LEE MITCHELL, BAC #1209011**

DATE OF HEARING: JANUARY 10, 2019

TIME OF HEARING: 9:00 A.M.

TO: BRIAN WILLIAMS, Warden of the High Desert State Prison;

TO: JOSEPH LOMBARDO, Sheriff of Clark County, Nevada

Upon the ex parte application of THE STATE OF NEVADA, Plaintiff, by STEVEN B. WOLFSON, Clark County District Attorney, through CHRISTOPHER P. PANDELIS, Chief Deputy District Attorney, and good cause appearing therefor,

IT IS HEREBY ORDERED that BRIAN WILLIAMS, Warden of the High Desert State Prison shall be, and is, hereby directed to produce RICHARD LEE MITCHELL, in Case Number C-18-332717-1, wherein THE STATE OF NEVADA is the Plaintiff, inasmuch as the said RICHARD LEE MITCHELL is currently incarcerated in the High Desert State Prison

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1 located in Indian Springs, Nevada and his presence will be required in Las Vegas, Nevada  
2 commencing on JANUARY 10, 2019, at the hour of 9:00 o'clock A.M. and continuing until  
3 completion of the prosecution's case against the said Defendant.


4 IT IS FURTHER ORDERED that JOSEPH LOMBARDO, Sheriff of Clark County,  
5 Nevada, shall accept and retain custody of the said RICHARD LEE MITCHELL in the Clark  
6 County Detention Center, Las Vegas, Nevada, pending completion of said matter in Clark  
7 County, or until the further Order of this Court; or in the alternative shall make all  
8 arrangements for the transportation of the said RICHARD LEE MITCHELL to and from the  
9 Nevada State Prison facility which are necessary to insure the RICHARD LEE MITCHELL'S  
10 appearance in Clark County pending completion of said matter, or until further Order of this  
11 Court.

12 DATED this 17<sup>th</sup> day of December, 2018.

13  
14   
15 DISTRICT JUDGE

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

19 BY

  
20 CHRISTOPHER P. PANDELIS  
21 Chief Deputy District Attorney  
22 Nevada Bar #009143  
23  
24  
25  
26

27 17FN2665X/erg/L-5  
28

ORIGINAL

1 **GPA**

2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 NOREEN DEMONTE  
6 Chief Deputy District Attorney  
7 Nevada Bar #8213  
8 200 Lewis Avenue  
9 Las Vegas, NV 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

**FILED IN OPEN COURT**

STEVEN D. GRIERSON  
CLERK OF THE COURT

JAN 10 2019

BY Kory Schlitz  
KORY SCHLITZ, DEPUTY

DISTRICT COURT  
CLARK COUNTY, NEVADA

C-18-332717-1  
GPA  
Guilty Plea Agreement  
4807978



9 THE STATE OF NEVADA,  
10 Plaintiff,

11 -vs-

CASE NO: C-18-332717-1

12 RICHARD LEE MITCHELL,  
13 #7763112

DEPT NO: III

14 Defendant.

15 **GUILTY PLEA AGREEMENT**

16 I hereby agree to plead guilty to: **ROBBERY (Category B Felony - NRS 200.380 -**  
17 **NOC 50137)**, as more fully alleged in the charging document attached hereto as Exhibit "1".

18 I hereby also agree to plead guilty to: **ATTEMPT ROBBERY (Category B Felony -**  
19 **NRS 200.380, 193.330 - NOC 50144)** and **RESISTING PUBLIC OFFICER WITH USE OF**  
20 **A DANGEROUS WEAPON (Category D Felony - NRS 199.280 - NOC 55106)** in Case No.  
21 **C328865.**

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

24 The State will make no recommendation at rendition of sentence. The State agrees not  
25 to seek habitual criminal treatment in the instant case. Lastly, the State has no opposition to  
26 concurrent time with Case No. C328865.

27 I agree to the forfeiture of any and all weapons or any interest in any weapons seized  
28 and/or impounded in connection with the instant case and/or any other case negotiated in

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1 whole or in part in conjunction with this plea agreement.

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

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

#### 13 CONSEQUENCES OF THE PLEA

14 I understand that by pleading guilty I admit the facts which support all the elements of  
15 the offense(s) to which I now plead as set forth in Exhibit "1".

16 I understand that as a consequence of my plea of guilty The Court must sentence me to  
17 imprisonment in the Nevada Department of Corrections for a minimum term of not less than  
18 TWO (2) years and a maximum term of not more than FIFTEEN (15) years. The minimum  
19 term of imprisonment may not exceed forty percent (40%) of the maximum term of  
20 imprisonment. I understand that I may also be fined up to \$10,000.00.

21 Further, I understand that if I am sentenced under the under the "small" habitual  
22 criminal enhancement, the Court must sentence me to a term not less than five (5) years and a  
23 maximum of twenty (20) years in the Nevada Department of Corrections (NDC). I understand  
24 that if I am sentenced under the "large" habitual criminal enhancement the Court must sentence  
25 me to Life without the possibility of parole; Life with the possibility of parole, parole eligibility  
26 begins after a minimum term of ten (10) years has been served; or a definite term of twenty-  
27 five (25) years, parole eligibility begins after a minimum of ten (10) years has been served. I  
28 understand that the law requires me to pay an Administrative Assessment Fee.

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

5 I understand that I am eligible for probation for the offense to which I am pleading  
6 guilty. I understand that, except as otherwise provided by statute, the question of whether I  
7 receive probation is in the discretion of the sentencing judge.

8 I further understand that if I am pleading guilty to charges of Burglary, Invasion of the  
9 Home, Possession of a Controlled Substance with Intent to Sell, Sale of a Controlled  
10 Substance, or Gaming Crimes, for which I have prior felony conviction(s), I will not be eligible  
11 for probation and may receive a higher sentencing range.

12 I understand that if more than one (1) sentence of imprisonment is imposed and I am  
13 eligible to serve the sentences concurrently, the sentencing judge has the discretion to order  
14 the sentences served concurrently or consecutively.

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

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

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

22 I understand that if the State of Nevada has agreed to recommend or stipulate a  
23 particular sentence or has agreed not to present argument regarding the sentence, or agreed not  
24 to oppose a particular sentence, or has agreed to disposition as a gross misdemeanor when the  
25 offense could have been treated as a felony, such agreement is contingent upon my appearance  
26 in court on the initial sentencing date (and any subsequent dates if the sentencing is continued).  
27 I understand that if I fail to appear for the scheduled sentencing date or I commit a new criminal  
28 offense prior to sentencing the State of Nevada would regain the full right to argue for any

1 lawful sentence.

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

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

- 7 1. The removal from the United States through deportation;
- 8 2. An inability to reenter the United States;
- 9 3. The inability to gain United States citizenship or legal residency;
- 10 4. An inability to renew and/or retain any legal residency status; and/or
- 11 5. An indeterminate term of confinement, with the United States Federal  
12 Government based on my conviction and immigration status.

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

16 I understand that P&P will prepare a report for the sentencing judge prior to sentencing.  
17 This report will include matters relevant to the issue of sentencing, including my criminal  
18 history. This report may contain hearsay information regarding my background and criminal  
19 history. My attorney and I will each have the opportunity to comment on the information  
20 contained in the report at the time of sentencing. Unless the District Attorney has specifically  
21 agreed otherwise, then the District Attorney may also comment on this report.

#### 22 WAIVER OF RIGHTS

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

- 25 1. The constitutional privilege against self-incrimination, including the right  
26 to refuse to testify at trial, in which event the prosecution would not be  
allowed to comment to the jury about my refusal to testify.
- 27 2. The constitutional right to a speedy and public trial by an impartial jury,  
28 free of excessive pretrial publicity prejudicial to the defense, at which  
trial I would be entitled to the assistance of an attorney, either appointed



or retained. At trial the State would bear the burden of proving beyond a reasonable doubt each element of the offense(s) charged.

3. The constitutional right to confront and cross-examine any witnesses who would testify against me.
4. The constitutional right to subpoena witnesses to testify on my behalf.
5. The constitutional right to testify in my own defense.
6. The right to appeal the conviction with the assistance of an attorney, either appointed or retained, unless specifically reserved in writing and agreed upon as provided in NRS 174.035(3). I understand this means I am unconditionally waiving my right to a direct appeal of this conviction, including any challenge based upon reasonable constitutional, jurisdictional or other grounds that challenge the legality of the proceedings as stated in NRS 177.015(4). However, I remain free to challenge my conviction through other post-conviction remedies including a habeas corpus petition pursuant to NRS Chapter 34.

#### VOLUNTARINESS OF PLEA

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

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

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

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

I believe that pleading guilty and accepting this plea bargain is in my best interest, and that a trial would be contrary to my best interest.

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

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

///

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

3 DATED this 10 day of ~~October, 2018.~~

4 January 2019

5 R. Mitchell  
RICHARD LEE MITCHELL  
Defendant

6 AGREED TO BY:

7  
8 N. Demonte  
NOREEN DEMONTE  
9 Chief Deputy District Attorney  
Nevada Bar #8213  
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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 10 day of October, 2018.

  
\_\_\_\_\_  
ATTORNEY FOR DEFENDANT

jm/L2

1 **AINF**  
STEVEN B. WOLFSON  
2 Clark County District Attorney  
Nevada Bar #001565  
3 NOREEN DEMONTE  
Chief Deputy District Attorney  
4 Nevada Bar #008213  
200 Lewis Avenue  
5 Las Vegas, Nevada 89155-2212  
(702) 671-2500  
6 Attorney for Plaintiff

7 DISTRICT COURT  
CLARK COUNTY, NEVADA  
8

9 THE STATE OF NEVADA,  
10 Plaintiff,

CASE NO: C-18-332717-1

11 -vs-

DEPT NO: III

12 RICHARD LEE MITCHELL,  
13 #7763112  
14 Defendant.

AMENDED  
INFORMATION

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

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

19 That RICHARD LEE MITCHELL, the Defendant(s) above named, having committed  
20 the crime of **ROBBERY (Category B Felony - NRS 200.380 - NOC 50137)**, on or about the  
21 8th day of December, 2017, within the County of Clark, State of Nevada, contrary to the form,  
22 force and effect of statutes in such cases made and provided, and against the peace and dignity  
23 of the State of Nevada, did willfully, unlawfully, and feloniously take personal property, to  
24 wit: U.S. Currency, from the person of MELANIE AOUDE, or in her presence, by means of

25 ///

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27 ///

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W:\2017\2017FN2665\17FN2665-AINF-(MITCHELL\_RICHARD)-001.DOCX

EXHIBIT " 1 "

1 force or violence, or fear of injury to, and without the consent and against the will of  
2 MELANIE AOUBE.

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

5  
6 BY

  
NOREEN DEMONTE  
Chief Deputy District Attorney  
Nevada Bar #008213

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NLVPD EV#1721388

ORIGINAL

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1 AINF  
2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 NOREEN DEMONTE  
6 Chief Deputy District Attorney  
7 Nevada Bar #008213  
8 200 Lewis Avenue  
9 Las Vegas, Nevada 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

FILED IN OPEN COURT  
STEVEN D. GRIERSON  
CLERK OF THE COURT

JAN 10 2019

BY Kory Schlitz  
KORY SCHLITZ, DEPUTY

DISTRICT COURT  
CLARK COUNTY, NEVADA

C-18-332717-1  
AINF  
Amended Information  
4807998



9 THE STATE OF NEVADA,  
10 Plaintiff,

CASE NO: C-18-332717-1

11 -vs-

DEPT NO: III

12 RICHARD LEE MITCHELL,  
13 #7763112  
14 Defendant.

AMENDED  
INFORMATION

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22 force and effect of statutes in such cases made and provided, and against the peace and dignity  
23 of the State of Nevada, did willfully, unlawfully, and feloniously take personal property, to  
24 wit: U.S. Currency, from the person of MELANIE AOUDE, or in her presence, by means of

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1 force or violence, or fear of injury to, and without the consent and against the will of  
2 MELANIE AOUDE.

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

5  
6 BY

  
NOREEN DEMONTE  
Chief Deputy District Attorney  
Nevada Bar #008213

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28 NLVPD EV#1721388



1 JOCP

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4 THE STATE OF NEVADA,

5 *Plaintiff,*

6 -vs-

CASE NO: C-18-332717-1

7 RICHARD LEE MITCHELL  
8 #7763112

DEPT NO: III

9 *Defendant.*

10 JUDGMENT OF CONVICTION  
11 (PLEA OF GUILTY)

12 The Defendant previously appeared before the Court with counsel and entered a plea of  
13 guilty to the crime of ROBBERY (Category B Felony) in violation of NRS 200.380; thereafter, on  
14 the 10<sup>th</sup> day of January, 2019, the Defendant was present in court for sentencing with counsel  
15 AMANDA S. GREGORY, ESQ., thereupon using the presentence report from C328865, and good  
16 cause appearing,

17 THE DEFENDANT IS HEREBY ADJUDGED guilty of said offense and, in addition to  
18 \$25.00 Administrative Assessment Fee, \$250.00 Fine, \$250.00 Indigent Defense Civil Assessment  
19 Fee, \$108.00 Restitution to CVS and \$150.00 DNA Analysis Fee including testing to determine  
20 genetic markers (waived if previously collected) plus the \$3.00 DNA Collection Fee, the Defendant  
21 is sentenced to a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS and a MINIMUM of  
22 FORTY-EIGHT (48) MONTHS in the Nevada Department of Corrections (NDC), CONCURRENT  
23 with C328865; with THREE HUNDRED SIXTY-TWO (362) DAYS credit for time served.

24 DATED this 16<sup>th</sup> day of January, 2019.

25  
26   
DOUGLAS W. HERNDON  
27 DISTRICT COURT JUDGE  
28



*Steven D. Grierson*

COSCC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

\*\*\*

STATE OF NEVADA

CASE NO.: C-18-332717-1

VS

DEPARTMENT 3

RICHARD MITCHELL

**CRIMINAL ORDER TO STATISTICALLY CLOSE CASE**

Upon review of this matter and good cause appearing,

IT IS HEREBY ORDERED that the Clerk of the Court is hereby directed to  
statistically close this case for the following reason:

**DISPOSITIONS:**

- ☐ Nolle Prosequi (before trial)
- ☐ Dismissed (after diversion)
- ☐ Dismissed (before trial)
- ☒ Guilty Plea with Sentence (before trial)
- ☐ Transferred (before/during trial)
- ☐ Bench (Non-Jury) Trial
  - ☐ Dismissed (during trial)
  - ☐ Acquittal
  - ☐ Guilty Plea with Sentence (during trial)
  - ☐ Conviction
- ☐ Jury Trial
  - ☐ Dismissed (during trial)
  - ☐ Acquittal
  - ☐ Guilty Plea with Sentence (during trial)
  - ☐ Conviction
- ☐ Other Manner of Disposition

DATED this 22nd day of January, 2019.

*Douglas W. Herndon*  
DOUGLAS W. HERNDON  
DISTRICT COURT JUDGE

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**June 20, 2018**

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C-18-332717-1      State of Nevada  
                                 vs  
                                 Richard Mitchell

---

**June 20, 2018      10:00 AM      Initial Arraignment**

**HEARD BY:** De La Garza, Melisa; Hillman, Roger      **COURTROOM:** RJC Courtroom 14A

**COURT CLERK:**  
                         Shannon Emmons

**RECORDER:** Kiara Schmidt

**REPORTER:**

**PARTIES**

**PRESENT:** Gregory, Amanda S.      Attorney  
                 Mitchell, Richard Lee      Defendant

**JOURNAL ENTRIES**

- Deputized Law Clerk, Ann Dunn, appearing for the State.

DEFT. MITCHELL ARRAIGNED, PLED NOT GUILTY, and INVOKED the 60-DAY RULE. COURT ORDERED, matter set for trial. COURT ORDERED, pursuant to Statute, Counsel has 21 days from today for the filing of any Writs; if the Preliminary Hearing Transcript has not been filed as of today, Counsel has 21 days from the filing of the Transcript. COURT FURTHER ORDERED, Deft's request for discovery and State's request for reciprocal discovery pursuant to Statute and E.D.C.R. is GRANTED.

CUSTODY (COC)

7/19/18 9:00 A.M. CALENDAR CALL (DEPT 3)

7/23/18 10:00 A.M. JURY TRIAL (DEPT. 3)

PRINT DATE: 09/01/2021

Page 1 of 5

Minutes Date: June 20, 2018

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**July 19, 2018**

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C-18-332717-1      State of Nevada  
                                 vs  
                                 Richard Mitchell

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**July 19, 2018                      9:00 AM                      Calendar Call**

**HEARD BY:** Smith, Douglas E.

**COURTROOM:** RJC Courtroom 16C

**COURT CLERK:** Deborah Miller

**RECORDER:** Sara Richardson

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Chen, Alexander G.	Attorney
	Gregory, Amanda S.	Attorney
	Mitchell, Richard Lee	Defendant
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Ms. Gregory requested a continuance, noting defendant has indicated that he would like to represent himself. Additionally, counsel stated defendant has another case that is set for trial in October. Upon Court's inquiry, defendant concurred with counsel's representations. COURT ORDERED, Faretta Canvass SET, Court provided the defendant with a copy of the Faretta Canvass documents to review. COURT FURTHER ORDERED, trial VACATED. Court requested Ms. Gregory bring any discovery to the next hearing should the Court grant defendant's request.

CUSTODY (COC)

8/02/18 9:00 AM FARETTA CANVASS

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**August 07, 2018**

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C-18-332717-1      State of Nevada  
                                 vs  
                                 Richard Mitchell

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**August 07, 2018      9:00 AM      Faretta Canvass**

**HEARD BY:** Herndon, Douglas W.      **COURTROOM:** RJC Courtroom 16C

**COURT CLERK:** Deborah Miller

**RECORDER:** Sara Richardson

**REPORTER:**

**PARTIES**

**PRESENT:**      Chen, Alexander G.      Attorney  
                                 Gregory, Amanda S.      Attorney  
                                 Mitchell, Richard Lee      Defendant  
                                 State of Nevada      Plaintiff

**JOURNAL ENTRIES**

- Defendant stated he would like to have Ms. Gregory remain on the case. Ms. Gregory stated she spoke to the defendant and they are on the same page, noting defendant has another trial set in October and requested the instant matter be set thereafter. COURT ORDERED, defendant's request to represent himself WITHDRAWN. Upon Court's inquiry, defendant WAIVED his right to a speedy trial. COURT ORDERED, matter SET for trial. Ms. Gregory stated she will place back on calendar if resolved.

CUSTODY (COC)

2/07/19 9:00 AM CALENDAR CALL

2/11/19 10:00 AM JURY TRIAL

PRINT DATE: 09/01/2021

Page 3 of 5

Minutes Date: June 20, 2018

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 10, 2019

C-18-332717-1      State of Nevada  
                                 vs  
                                 Richard Mitchell

January 10, 2019

11:00 AM

Request

**DA Request Re:  
Entry of Plea**

HEARD BY: Herndon, Douglas W.

COURTROOM: RJC Courtroom 16C

COURT CLERK: Kory Schlitz

RECORDER: Sara Richardson

REPORTER:

**PARTIES****PRESENT:**

Gregory, Amanda S.	Attorney
Lamanna, Brianna K.	Attorney
Mitchell, Richard Lee	Defendant
State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Amended Information FILED IN OPEN COURT...

CONFERENCE AT BENCH. NEGOTIATIONS are as contained in the Guilty Plea Agreement FILED IN OPEN COURT. DEFENDANT MITCHELL ARRAIGNED AND PLED GUILTY TO ROBBERY (F). Court ACCEPTED plea, and, ORDERED, trial dates VACATED. Ms. Lamanna requested Restitution. Ms. Gregory submitted. Using the PSI from C328865, DEFENDANT \* ADJUDGED GUILTY of ROBBERY (F). COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, a \$150.00 DNA analysis fee, including testing to determine genetic markers, waived if previously ordered or taken, \$3.00 DNA Collection fee, and \$250.00 Indigent Defense Civil Assessment fee, and a \$250.00 Fine, Restitution in the amount of \$108.00 payable to CVS, Defendant SENTENCED to a MINIMUM of FORTY-EIGHT (48) MONTHS and a MAXIMUM of ONE HUNDRED TWENTY (12) MONTHS in the Nevada Department of Corrections (NDC), CONCURRENT WITH C328865, WITH THREE HUNDRED SIXTY-TWO (362) DAYS credit for time served. BOND, if any, EXONERATED.

PRINT DATE: 09/01/2021

Page 4 of 5

Minutes Date: June 20, 2018

**C-18-332717-1**

NDC (COC)

# Certification of Copy and Transmittal of Record

State of Nevada }  
County of Clark } SS:

Pursuant to the Supreme Court order dated August 24, 2021, I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, do hereby certify that the foregoing is a true, full and correct copy of the complete trial court record for the case referenced below. The record comprises one volume with pages numbered 1 through 108.

STATE OF NEVADA,

Plaintiff(s),

vs.

RICHARD LEE MITCHELL,

Defendant(s),

Case No: C-18-332717-1

*Related Case A-21-830001-W*

Dept. No: XXIII

now on file and of record in this office.

**IN WITNESS THEREOF**, I have hereunto  
Set my hand and Affixed the seal of the  
Court at my office, Las Vegas, Nevada  
This 1 day of September 2021.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk