

1 NOASC

Electronically Filed
Mar 17 2021 03:12 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

2
3
4
5
6 **IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE**
7 **STATE OF NEVADA IN AND FOR**
8 **THE COUNTY OF CLARK**

9 THE STATE OF NEVADA,

10 Plaintiff,

11 vs.

12 TOYER EDWARDS
13 aka TOYER FIDEL EDWARDS,

14 Defendant,

Case No: C-17-324805-1
Related Case A-19-793729-W
Dept No: II

15
16
17 **NOTICE OF APPEAL**

18
19 Notice is hereby given that the Defendant above named, hereby appeals to the Supreme
20 Court of Nevada from the Judgment of Conviction (Jury Trial) entered in this action on May 22,
21 2018.

22 STEVEN D. GRIERSON, CLERK OF THE COURT

23 /s/ Heather Ungermann

24 Heather Ungermann, Deputy Clerk

25
26 CERTIFICATE OF E-SERVICE / MAILING

27 I hereby certify that on this 17 day of March 2021, I served a copy of this Notice of Entry on the following:

28 ☒ By e-mail:

Clark County District Attorney's Office

Attorney General's Office – Appellate Division-

- ☒ The United States mail addressed as follows:

Toyer Edwards # 61957	Jessie L. Fokestad, Esq.
P.O. Box 208	520 S. 4 th St., Second Floor
Indian Springs, NV 89070	Las Vegas, NV 89101

- ☒ This appeal was electronically submitted to the Clerk of the Supreme Court.

/s/ Heather Ungermann

Heather Ungermann, Deputy Clerk



1 ASTA

2
3
4
5
6 **IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE**
7 **STATE OF NEVADA IN AND FOR**
8 **THE COUNTY OF CLARK**
9

10 STATE OF NEVADA,

11 Plaintiff(s),

12 vs.

13 TOYER EDWARDS
14 aka TOYER FIDEL EDWARDS,

15 Defendant(s),

Case No: C-17-324805-1

Related Case A-19-793729-W

Dept No: II

16
17 **CASE APPEAL STATEMENT**
18

19 1. Appellant(s): Toyer Edwards

20 2. Judge: Mark B. Bailus

21 3. Appellant(s): Toyer Edwards

22 Counsel:

23 Jessie L. Folkestad, Esq.
24 520 S. 4th St., Second Floor
Las Vegas, NV 89101

25 4. Respondent: The State of Nevada

26 Counsel:

27 Steven B. Wolfson, District Attorney
28 200 Lewis Ave.

Las Vegas, NV 89101
(702) 671-2700

5. Appellant(s)'s Attorney Licensed in Nevada: Yes
Permission Granted: N/A

Respondent(s)'s Attorney Licensed in Nevada: Yes
Permission Granted: N/A

6. Has Appellant Ever Been Represented by Appointed Counsel In District Court: Yes

7. Appellant Represented by Appointed Counsel On Appeal: Yes

8. Appellant Granted Leave to Proceed in Forma Pauperis: N/A

9. Date Commenced in District Court: July 5, 2017

10. Brief Description of the Nature of the Action: Criminal

Type of Judgment or Order Being Appealed: Judgment of Conviction

11. Previous Appeal: Yes

Supreme Court Docket Number(s): 77334

12. Child Custody or Visitation: N/A

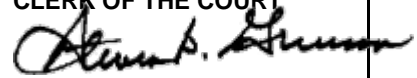
Dated This 17 day of March 2021.

Steven D. Grierson, Clerk of the Court

/s/ Heather Ungermann

Heather Ungermann, Deputy Clerk
200 Lewis Ave
PO Box 551601
Las Vegas, Nevada 89155-1601
(702) 671-0512

cc: Toyer Edwards
Jessie L. Folkestad, Esq.



0026
JESSIE L. FOLKESTAD, ESQ.
Nevada State Bar No. 14518
LAW OFFICE OF CHRISTOPHER R. ORAM
520 S. Fourth Street, 2nd Floor
Las Vegas, Nevada 89101
(702) 384-5563

Attorney for Defendant
TOYER EDWARDS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

* * * * *

STATE OF NEVADA,
Plaintiff,

vs.

TOYER EDWARDS,
Defendant.

CASE NO.: A-19-793729-W
DEPT. NO.: 2 Related Case
C-17-324805-1

REQUEST FOR TRANSCRIPT OF PROCEEDINGS

TO: Court Reporter, DC Dept. 2

Defendant requests preparation of a transcript of the proceedings before the
district court, as follows:

JUDGE: Hon. Mark B. Bailus

DATES AND PORTIONS REQUESTED:

- 1). November 21, 2017, 9:00 a.m Defendant's Motion to Suppress and for
Evidentiary Hearing
- 2). February 13, 2018, 9:00 a.m. Defendant's Motion to Compel Production
of Discovery and Brady Material

- 3). February 22, 2018, 9:00 a.m. Calendar Call
- 4). February 20, 2018, 9:00 a.m. State's Notice of Motion and Motion to Strike
- 5). February 20, 2018, 9:00 a.m. All Pending Motions
- 6). February 26, 2018, 1:00 p.m. Jury Trial
- 7). February 27, 2018, 1:00 p.m. Jury Trial
- 8). February 28, 2018, 1:00 p.m. Jury Trial
- 9). March 01, 2018, 1:00 p.m. Jury Trial
- 10). March 02. 2018, 10:30 a.m. Jury Trial
- 11). May 10, 2018, 9:00 a.m. Sentencing

NUMBER OF COPIES REQUESTED: Original

I hereby certify that on this date I ordered this transcript from the court reporter named above, and hereby certify that defendant is indigent and exempt from paying the required deposit pursuant to this Court's March 12, 2021 Order.

DATED this 15th day of March, 2021.

Respectfully submitted by:

By /s/ Jessie L. Folkestad, Esq.
JESSIE L. FOLKESTAD, ESQ.
Nevada State Bar No. 14518
LAW OFFICE OF CHRISTOPHER R. ORAM
520 S. Fourth Street, 2nd Floor
Las Vegas, Nevada 89101
(702) 384-5563

Attorney for Defendant
TOYER EDWARDS

CERTIFICATE OF MAILING

I hereby certify that I am an employee of CHRISTOPHER R. ORAM, ESQ., and that on the 15th day of March, 2021, I did deposit in the United States Post Office, at Las Vegas, Nevada, in a sealed envelope with postage fully pre-paid thereon, a true and correct copy of the above and foregoing **REQUEST FOR TRANSCRIPT OF PROCEEDINGS**, addressed to:

CLARK COUNTY DISTRICT ATTORNEY
200 Lewis Avenue
Third Floor
Las Vegas, Nevada 89101

Court Reporter, DC Dept. 2
200 Lewis Avenue
Las Vegas, Nevada 89101

BY: /s/ Nancy Medina
An employee of Christopher R. Oram, Esq.

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. C-17-324805-1

State of Nevada
vs
Toyer Edwards

§ Location: **Department 2**
§ Judicial Officer: **Kierny, Carli**
§ Filed on: **07/05/2017**
§ Case Number History:
§ Cross-Reference Case **C324805**
§ Number:
§ Defendant's Scope ID #: **878456**
§ ITAG Booking Number: **1700158883**
§ ITAG Case ID: **1890590**
§ Lower Court Case # Root: **17F11042**
§ Lower Court Case Number: **17F11042X**
§ Metro Event Number: **1706181158**
§ Supreme Court No.: **77334**

CASE INFORMATION

Offense	Statute	Deg	Date	Case Type:	Felony/Gross Misdemeanor
Jurisdiction: District Court					
1. BATTERY WITH USE OF A DEADLY WEAPON, RESULTING IN SUBSTANTIAL BODILY HARM PCN: 0025692224 ACN: 1706181158 Arrest: 06/18/2017 MET - Metro	200.481.2e2	F	06/18/2017	Case Status:	05/22/2018 Closed
2. BATTERY WITH USE OF A DEADLY WEAPON, RESULTING IN SUBSTANTIAL BODILY HARM	200.481.2e2	F	06/18/2017		

Related Cases

A-19-793729-W (Writ Related Case)

Statistical Closures

05/22/2018 Jury Trial - Conviction - Criminal

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number	C-17-324805-1
Court	Department 2
Date Assigned	01/04/2021
Judicial Officer	Kierny, Carli

PARTY INFORMATION

		Lead Attorneys
Defendant	Edwards, Toyer	Folkestad, Jessie Lee <i>Retained</i> 702-384-5563(W)
Plaintiff	State of Nevada	Wolfson, Steven B 702-671-2700(W)

DATE

EVENTS & ORDERS OF THE COURT







INDEX

EVENTS

















07/05/2017	Criminal Bindover Packet Justice Court
07/05/2017	Criminal Bindover - Confidential
07/06/2017	Information

CASE SUMMARY
CASE NO. C-17-324805-1

Information









08/02/2017	 Notice Filed By: Plaintiff State of Nevada <i>State's Notice of Intent to Seek Punishment as a Habitual Criminal</i>
08/09/2017	 Reporters Transcript <i>Reporter's Transcript of Preliminary Hearing 7/5/17</i>
08/21/2017	Case Reassigned to Department 18 <i>Criminal Case Reassignment to Judge Mark B. Bailus</i>
10/24/2017	 Motion to Suppress Filed By: Defendant Edwards, Toyer <i>Defendant Toyer Edwards' Motion To Suppress And For Evidentiary Hearing</i>
11/01/2017	 Notice of Witnesses and/or Expert Witnesses <i>state's notice of witnesses and/or expert witnesses</i>
11/02/2017	 Supplemental Filed by: Defendant Edwards, Toyer <i>Supplemental Defendant Toyer Edwards's Motion To Suppress And For Evidentiary Hearing</i>
11/06/2017	 Opposition to Motion <i>State s Opposition to Defendant s Motion to Suppress</i>
11/17/2017	 Ex Parte Motion <i>Ex Parte Motion and Order for Release of Medical Records</i>
11/17/2017	 Ex Parte Motion <i>Ex Parte Motion and Order for Release of Medical Records</i>
11/20/2017	 Supplemental Witness List <i>state's supplemental notice of witnesses and/or expert witnesses</i>
11/20/2017	 Reply in Support Filed By: Defendant Edwards, Toyer <i>Defendant's Reply In Support Of Motion To Suppress Statements</i>
11/29/2017	 Notice of Motion <i>state's notice of motion and motion to continue</i>
02/01/2018	 Motion Filed By: Defendant Edwards, Toyer <i>Motion To Compel Production Of Discovery & Brady Material</i>
02/06/2018	 Opposition to Motion <i>State s Opposition to Defendant's Motion to Compel Discovery and Brady Material</i>
02/15/2018	Notice of Witnesses Party: Defendant Edwards, Toyer <i>Defendant's Notice of Witnesses, Pursuant to NRS 174.234</i>
02/16/2018	

CASE SUMMARY
CASE NO. C-17-324805-1

	 Notice of Motion Filed By: Plaintiff State of Nevada <i>State s Notice of Motion and Motion to Strike Witnesses</i>
02/20/2018	 Order Filed By: Defendant Edwards, Toyer <i>Order</i>
02/20/2018	 Amended Notice Filed By: Defendant Edwards, Toyer <i>Amended Notice Of Witnesses, Pursuant to NRS 174.234</i>
02/20/2018	 Opposition to Motion <i>Defendant's Opposition to State's Motion to Strike Defendant's Witnesses</i>
02/22/2018	 Request Filed by: Defendant Edwards, Toyer <i>Request To Correct Witness List</i>
02/23/2018	 Proposed Jury Instructions Not Used At Trial Party: Defendant Edwards, Toyer <i>Defendant's Proposed Jury Instruction</i>
02/26/2018	 Stipulation and Order
02/27/2018	 Jury List
03/02/2018	 Supplemental Filed by: Defendant Edwards, Toyer <i>Defendant's Supplemental Proposed Jury Instructions</i>
03/02/2018	 Proposed Jury Instructions Not Used At Trial Party: Defendant Edwards, Toyer <i>Defendant's Supplemental Proposed Jury Instructions</i>
03/02/2018	 Verdict
03/02/2018	 Instructions to the Jury
04/11/2018	 PSI
04/24/2018	 Memorandum <i>State's Sentencing Memorandum</i>
05/04/2018	 Memorandum Filed By: Defendant Edwards, Toyer <i>Defendant's Sentencing Memorandum</i>
05/10/2018	 Document Filed <i>Certified Copies (4) of Judgments of Conviction</i>
05/16/2018	Judgment of Conviction Prepared by Clerk

CASE SUMMARY
CASE NO. C-17-324805-1

(JURY TRIAL)

05/22/2018	 Judgment of Conviction <i>JUDGMENT OF CONVICTION (JURY TRIAL)</i>
07/02/2018	Case Reassigned to Department 29 <i>Reassigned From Judge Bailus - Dept 18</i>
10/29/2018	 Notice of Appeal (criminal) <i>Notice of Appeal</i>
10/31/2018	 Case Appeal Statement Filed By: Defendant Edwards, Toyer <i>Case Appeal Statement</i>
12/14/2018	 NV Supreme Court Clerks Certificate/Judgment - Dismissed <i>Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Dismissed</i>
02/11/2019	 Motion Filed By: Defendant Edwards, Toyer <i>Motion to Withdraw Counsel</i>
01/04/2021	Case Reassigned to Department 2 <i>Judicial Reassignment to Judge Carli Kierny</i>
03/12/2021	 Amended Order <i>Amended Order Granting Petitioner's Writ of Habeas Corpus</i>
03/16/2021	 Request <i>Request for Transcript of Proceedings</i>
03/17/2021	 Notice of Entry of Order Filed By: Defendant Edwards, Toyer <i>Notice of Entry of Order</i>
03/17/2021	 Notice of Appeal (criminal) Party: Defendant Edwards, Toyer <i>Notice of Appeal</i>
03/17/2021	 Case Appeal Statement Filed By: Defendant Edwards, Toyer <i>Case Appeal Statement</i>
<u>DISPOSITIONS</u>	
03/02/2018	Plea (Judicial Officer: Bailus, Mark B) 1. BATTERY WITH USE OF A DEADLY WEAPON, RESULTING IN SUBSTANTIAL BODILY HARM Guilty PCN: 0025692224 Sequence: 2. BATTERY WITH USE OF A DEADLY WEAPON, RESULTING IN SUBSTANTIAL BODILY HARM Guilty PCN: Sequence:
05/10/2018	Disposition (Judicial Officer: Bailus, Mark B) 1. BATTERY WITH USE OF A DEADLY WEAPON, RESULTING IN SUBSTANTIAL BODILY HARM

CASE SUMMARY
CASE NO. C-17-324805-1

Guilty

PCN: 0025692224 Sequence:

2. BATTERY WITH USE OF A DEADLY WEAPON, RESULTING IN SUBSTANTIAL BODILY HARM

Guilty

PCN: Sequence:

05/10/2018 **Adult Adjudication** (Judicial Officer: Bailus, Mark B)

1. BATTERY WITH USE OF A DEADLY WEAPON, RESULTING IN SUBSTANTIAL BODILY HARM

06/18/2017 (F) 200.481.2e2 (DC50226)

PCN: 0025692224 Sequence:

Sentenced to Nevada Dept. of Corrections

Term: Minimum:10 Years, Maximum:25 Years

Comments: Defendant adjudicated as a LARGE HABITUAL CRIMINAL

05/10/2018 **Adult Adjudication** (Judicial Officer: Bailus, Mark B)

2. BATTERY WITH USE OF A DEADLY WEAPON, RESULTING IN SUBSTANTIAL BODILY HARM

06/18/2017 (F) 200.481.2e2 (DC50226)

PCN: Sequence:

Sentenced to Nevada Dept. of Corrections

Term: Minimum:10 Years, Maximum:25 Years

Concurrent: Charge 1

Credit for Time Served: 315 Days

Comments: Defendant adjudicated as a LARGE HABITUAL CRIMINAL


Fee Totals:

Administrative	
Assessment Fee	25.00
\$25	
Genetic Marker	
Analysis AA Fee	3.00
\$3	

Fee Totals \$	28.00
---------------	-------

Comment (DNA fee WAIVED)

HEARINGS

07/07/2017  **Initial Arraignment** (10:00 AM) (Judicial Officer: Henry, Jennifer)


Plea Entered;

Journal Entry Details:

Deputized Law Clerk, Alexander Robbins, present on behalf of the State. DEFT. EDWARDS ARRAIGNED, PLED NOT GUILTY, and WAIVED the 60-DAY RULE. COURT ORDERED, matter set for trial. COURT FURTHER 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; further, Counsel has an obligation under statute and rules regarding discovery. CUSTODY (COC) 12/5/17 9:00 AM CALENDAR CALL (DEPT 2) 12/11/17 10:00 AM JURY TRIAL (DEPT 2);

10/03/2017 **CANCELED Pre Trial Conference** (9:00 AM) (Judicial Officer: Bailus, Mark B)

Vacated - No Service

11/09/2017  **Motion** (9:00 AM) (Judicial Officer: Bailus, Mark B)

Defendant Toyer Edwards' Motion to Suppress and for Evidentiary Hearing

MINUTES

Continued; Defendant Toyer Edwards' Motion to Suppress and for Evidentiary Hearing

Journal Entry Details:

COURT ORDERED, CONTINUED for Defendant's reply. CUSTODY CONTINUED TO: 11/21/17 9:00 a.m.;



SCHEDULED HEARINGS

 **Motion** (11/21/2017 at 9:00 AM) (Judicial Officer: Bailus, Mark B)

CASE SUMMARY

CASE NO. C-17-324805-1

Defendant Toyer Edwards' Motion to Suppress and for Evidentiary Hearing

11/21/2017	 Motion (9:00 AM) (Judicial Officer: Bailus, Mark B) <i>Defendant Toyer Edwards' Motion to Suppress and for Evidentiary Hearing</i> Withdrawn; Defendant Toyer Edwards' Motion to Suppress and for Evidentiary Hearing Journal Entry Details: <i>Pursuant to Stipulation of parties, COURT FINDS MOTION WITHDRAWN. Court directed Defense counsel to get a formal written Stipulation on file. CUSTODY;</i>
12/05/2017	Calendar Call (9:00 AM) (Judicial Officer: Bailus, Mark B) Reset;
12/05/2017	Motion to Continue Trial (9:00 AM) (Judicial Officer: Bailus, Mark B) <i>State's Notice of Motion and Motion to Continue Trial</i> MINUTES Granted; State's Motion to Continue Trial SCHEDULED HEARINGS CANCELED Jury Trial (12/11/2017 at 10:00 AM) (Judicial Officer: Bailus, Mark B) <i>Vacated - per Judge</i>  All Pending Motions (12/05/2017 at 9:00 AM) (Judicial Officer: Bailus, Mark B)
12/05/2017	 All Pending Motions (9:00 AM) (Judicial Officer: Bailus, Mark B) MINUTES Matter Heard; Journal Entry Details: <i>State's Motion to Continue Trial ... Calendar Call There being no opposition at the request of State, COURT ORDERED, motion GRANTED; TRIAL VACATED & RESET. CUSTODY 02/20/18 9:00 a.m. Calendar Call 02/26/18 11:00 a.m. Jury Trial;</i> SCHEDULED HEARINGS  Calendar Call (02/20/2018 at 9:00 AM) (Judicial Officer: Bailus, Mark B) 02/20/2018, 02/22/2018  Jury Trial (02/26/2018 at 1:00 PM) (Judicial Officer: Bailus, Mark B) 02/26/2018-03/02/2018
12/11/2017	CANCELED Jury Trial (10:00 AM) (Judicial Officer: Bailus, Mark B) <i>Vacated - per Judge</i>
02/13/2018	 Motion to Compel (9:00 AM) (Judicial Officer: Bailus, Mark B) <i>Defendant's Motion to Compel Production of Discovery & Brady Material</i> Decision Made; Defendant's Motion to Compel Production of Discovery & Brady Material Journal Entry Details: <i>Additional arguments by counsel regarding specific request number 17. Matter submitted. COURT stated its Findings and ORDERED, specific requests numbers 1, 2, 5 through 8, 11 13, 15, and 17 through 21 are GRANTED. FURTHER ORDERED, request numbers 3 and 9 are DENIED Without Prejudice. State will be under a continuing obligation, if the State, in their good faith and due diligence determine anything further is appropriately discoverable. Regarding specific request number 70, Contacting Other Agencies, State will be required to be duly diligent in their prosecution, but will NOT be required to meet an unrealistic, unfair or impossible burden and are only expected to perform a duly diligent investigation with regard to those agencies which, in this specific case, are considered to be part of the arm of the prosecution. ALL parties are ORDERED, comply with NRS 174.234, timely and reciprocal discovery. Specific requests number 17, COURT FINDS based on the recent "Bradley" case, personnel files are determined by the State not to be 'Brady' material in their constructive possession, however, if it is determined it is 'Brady' material, then is needs to be turned over.;</i>
02/20/2018	 Calendar Call (9:00 AM) (Judicial Officer: Bailus, Mark B) 02/20/2018, 02/22/2018 Matter Continued;

CASE SUMMARY

CASE NO. C-17-324805-1

Matter Heard;

Journal Entry Details:

Parties announced ready for trial. Ms. Derjavina informed the court an offer was made to Deft which was rejected. The State has now revoked the offer. COURT ORDERED, TRIAL TO START MONDAY. CUSTODY 2-26-18 1:00 PM JURY TRIAL (DEPT. XVIII);


Matter Continued;

Matter Heard;

02/20/2018 **Motion to Strike** (9:00 AM) (Judicial Officer: Bailus, Mark B)

State s Notice of Motion and Motion to Strike Witnesses

Granted;

02/20/2018  **All Pending Motions** (9:00 AM) (Judicial Officer: Bailus, Mark B)

Matter Heard;

Journal Entry Details:

STATE'S MOTION TO STRIKE WITNESSES....CALENDAR CALL AS TO THE MOTION: Ms. Odeh FILED IN OPEN COURT Defendant's Opposition to State's Motion to Strike Defendant's Witnesses. Court noted that the State wants the Defense to amend their Notice of Witnesses and deleting the Social Security numbers. Ms. Odeh advised it is her understanding it has already been done. Ms. Derjavina advised there is a second part to the Motion in that she feels that the Defense is going to go into a self defense theory which she feels is improper. Court noted that would be an evidentiary issue and feels it is premature. Continued statements by Ms. Derjavina in support of her position. Following, COURT ORDERED, State's Motion is GRANTED in that an Amended Notice of Witnesses without the personal identifiers will need to be filed and without the Police Report. AS TO TRIAL: Ms. Odeh and Ms. Derjavina both announced ready for trial. Court noted a 3 week trial is set to start tomorrow, however, it may resolve. Therefore, COURT ORDERED, matter CONTINUED to Thursday and advised if the first trial does not resolve, this matter will be sent to Overflow; if it does, Court expects Jury Instructions by 4:00 PM on Friday. CUSTODY 2/22/18 9:00 AM CALENDAR CALL;

02/26/2018  **Jury Trial** (1:00 PM) (Judicial Officer: Bailus, Mark B)

02/26/2018-03/02/2018

MINUTES

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Verdict;

Verdict Reached

Journal Entry Details:

OUTSIDE THE PRESENCE OF THE JURY Counsel settled Jury instructions. 12:57 p.m. JURY PRESENT. Court instructed the Jury. Closing arguments by counsel. 2:20 p.m. Marshall and Matron sworn and given charge of the Jury. AT THE HOUR OF 2:21 P.M. THE JURY RETIRED TO DELIBERATE. 2:49 p.m. Jury question received OUTSIDE THE PRESENCE OF THE JURY response submitted to the Jury. AT THE HOUR OF 2:42 P.M. THE JURY RETURNED WITH VERDICTS OF COUNT 1 - GUILTY OF BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM (F); and, COUNT 2 - GUILTY OF BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM (F). Jury polled. Court Thanked and excused the Jury. OUTSIDE THE PRESENCE OF THE JURY Court ORDERED, DEFENDANT REMANDED Without bail and matter referred to the Division of Parole and Probation (P & P) and set for sentencing. CUSTODY 04/26/18 9:00 a.m. Sentencing;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Verdict;

Verdict Reached

Journal Entry Details:

JURY PRESENT. Further testimony and exhibits presented. (See worksheets) 3:41 p.m. OUTSIDE THE PRESENCE OF THE JURY. Defendant admonished of his right not to testify. 3:45 p.m. JURY PRESENT. State rested. Defense rested. Jury admonished and excused for the day. 3:47 p.m. OUTSIDE THE PRESENCE OF THE JURY. Counsel settled proposed Jury Instructions. Evening recess. Trial continued. CUSTODY CONTINUED TO: 03/02/18 10:00 a.m.;

Trial Continues;

CASE SUMMARY

CASE NO. C-17-324805-1

Trial Continues;
Trial Continues;
Trial Continues;
Verdict;
Verdict Reached
Journal Entry Details:
EXCLUSIONARY RULE INVOKED. JURY PRESENT. Opening statements by counsel. Testimony and exhibits presented. (See worksheets) CUSTODY CONTINUED TO: 03/01/18 1:00 p.m.;

Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Verdict;
Verdict Reached
Journal Entry Details:
OUTSIDE THE PRESENCE OF PROSPECTIVE JURY PANEL. Colloquy regarding admission of video cam. Representations by Ms. Odeh regarding Deft's clothing for trial. PROSPECTIVE JURY PANEL PRESENT. Voir dire continued. CONFERENCE AT BENCH. OUTSIDE THE PRESENCE OF PROSPECTIVE JURY PANEL. Peremptory challenges exercised. Twelve Jurors and two alternates selected and sworn. Clerk read the indictment to the Jury and stated Deft's plea thereto. COURT ORDERED, matter CONTINUED. CONTINUED TO: 2/28/18 1:00 PM ;

Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Verdict;
Verdict Reached
Journal Entry Details:
Jury Venire present. Roll taken and panel sworn. Prospective Jury panel admonished and excused for the day. Trial Continues CUSTODY CONTINUED TO: 02/27/18 1:00 p.m.;

SCHEDULED HEARINGS

 **Sentencing** (04/26/2018 at 9:00 AM) (Judicial Officer: Bailus, Mark B)

04/26/2018  **Sentencing** (9:00 AM) (Judicial Officer: Bailus, Mark B)

MINUTES


Continued;
Journal Entry Details:
COURT ORDERED, sentencing is CONTINUED. CUSTODY CONTINUED TO: 05/10/18 9:00 a.m.;

SCHEDULED HEARINGS

 **Sentencing** (05/10/2018 at 9:00 AM) (Judicial Officer: Bailus, Mark B)

05/10/2018  **Sentencing** (9:00 AM) (Judicial Officer: Bailus, Mark B)

Defendant Sentenced;
Journal Entry Details:
By virtue of Defendant's Jury Verdict and pursuant to Statute, DEFT EDWARDS ADJUDGED GUILTY of COUNTS 1 & 2 - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM (F). Certified copies of prior Judgments of Conviction FILED IN OPEN COURT. Arguments in mitigation of sentence. DEFENDANT ADJUDICATED AS A LARGE HABITUAL CRIMINAL. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, DNA Analysis fee WAIVED, and \$3.00 DNA Collection fee, Deft. SENTENCED as to COUNT 1 to a MAXIMUM of TWENTY FIVE (25) YEARS and MINIMUM of TEN (10) YEARS in the Nevada Department of Corrections (NDC); and SENTENCED as to COUNT 2 to a MAXIMUM of TWENTY FIVE (25) YEARS and MINIMUM of TEN (10) YEARS in NDC, CONCURRENT with Count 1 with 315 DAYS credit for time served. CASE CLOSED. NDC;

03/05/2019  **Motion** (8:30 AM) (Judicial Officer: Jones, David M)

Defendant's Pro Per Motion to Withdraw Counsel
Granted;
Journal Entry Details:
State had no objections. COURT ORDERED, motion GRANTED and advised Mr. Banks to get the file to the

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. C-17-324805-1

Defendant ASAP. CUSTODY ;

03/11/2021



Appointment of Counsel (12:30 PM) (Judicial Officer: Kierny, Carli)

Matter Heard;

Journal Entry Details:

Ms. Folkestad accepted appointment. Court gave the case's history and pointed out that post-conviction counsel was not previously appointed. Ms. Folkestad stated that she will file the notice of appeal and requested the Court find the Deft. indigent. COURT FINDS, DEFT. indigent and Ms. Folkestad is APPOINTED as counsel on the Deft's criminal case and his Writ case. Ms. Folkestad requested the Deft. be granted transcripts at the State's expense. COURT SO ORDERED and directed Ms. Folkestad to submit an order.;

DATE

FINANCIAL INFORMATION

Defendant Edwards, Toyer

Total Charges

28.00

Total Payments and Credits

0.00

Balance Due as of 3/17/2021

28.00

Steven D. Grierson

JOC

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

TOYER EDWARDS
aka TOYER FIDEL EDWARDS
#0878456

Defendant.

CASE NO. C-17-324805-1

DEPT. NO. XVIII

JUDGMENT OF CONVICTION
(JURY TRIAL)

The Defendant previously entered a plea of not guilty to the crimes of COUNTS 1 and 2 - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM (Category B Felony) in violation of NRS 200.481; and the matter having been tried before a jury and the Defendant having been found guilty of the crimes of COUNT 1 - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM (Category B Felony) in violation of NRS 200.481 and COUNT 2 - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM; thereafter, on the 10th day of May,

Jury Trial
☐ Dismissed (during trial)
☐ Acquittal
☐ Guilty Plea with Sent. (during trial)
☒ Conviction

3F

1 2018, the Defendant was present in court for sentencing with his counsel, Elaine Odeh,
2 Deputy Public Defender, and good cause appearing,

3 THE DEFENDANT IS HEREBY ADJUDGED guilty of said crimes as set forth in
4 the jury's verdict under the LARGE HABITUAL Criminal Statute and, in addition to the
5 \$25.00 Administrative Assessment Fee and \$3.00 DNA Collection Fee, the Defendant
6 is SENTENCED as follows: a MAXIMUM of TWENTY-FIVE (25) YEARS with a
7 MINIMUM parole eligibility of TEN (10) YEARS in the Nevada Department of
8 Corrections (NDC), and COUNT 2 - a MAXIMUM of TWENTY-FIVE (25) YEARS with a
9 MINIMUM parole eligibility of TEN (10) YEARS in the Nevada Department of
10 Corrections (NDC), to run CONCURRENT with Count 1; with THREE HUNDRED AND
11 FIFTEEN (315) DAYS credit for time served.
12
13

14 DATED this 21 day of May, 2018.

15
16
17
18
19
20
21
22
23
24
25
26
27
28


MARK B. BAILUS
DISTRICT COURT JUDGE

ORDR

JESSIE L. FOLKESTAD, ESQ.
Nevada Bar No. 14518
Law Office of Christopher R. Oram
520 South 4th Street, Second Floor
Las Vegas, Nevada 89101
Telephone: (702) 384-5563

Attorney for Petitioner
TOYER EDWARDS

DISTRICT COURT
CLARK COUNTY, NEVADA

TOYER EDWARDS,

Petitioner,

-vs-

STATE OF NEVADA,

Respondent.

CASE NO: A-19-793729-W

DEPT NO: 2 Related Case
C-17-324805-1

AMENDED ORDER GRANTING PETITIONER'S WRIT OF HABEAS CORPUS

DATE OF HEARING: March 11, 2021
TIME OF HEARING: 12:30 p.m.

THIS CAUSE having come on for hearing before the Honorable Carli Kierny, District Judge, on the 11th day of March, 2021, the Petitioner represented by JESSIE L. FOLKESTAD, the Respondent being represented by STEVE WOLFSON, District Attorney, and the Court having considered the matter, reviewing all documents on file herein, including the December 11, 2019, Order Granting Petitioner's Writ of Habeas Corpus, now therefore, the Court makes the following additional findings:

FINDINGS OF FACT

Petitioner Toyer Edwards previously filed a Post-Conviction Petition for Writ of Habeas Corpus on April 25, 2019. Following a response by the State, an evidentiary hearing was set. The district court held an evidentiary hearing on December 3, 2019.

Thereafter, the district court granted the Petition, finding Mr. Edwards was deprived of his right to a direct appeal and the Order was filed December 11, 2019. The December 11, 2019 Order found:

“A petitioner’s mistaken but reasonable belief that his attorney was pursuing a direct appeal is good cause if the petitioner raises the claim within a reasonable time after learning that his attorney was not in fact pursuing a direct appeal on the petitioner’s behalf.” *Hathaway v. State*, 71 P.3d 503, 505—07 (Nev. 2003). Here, Petitioner argues that his trial and direct appeal counsel was ineffective because she failed to file a notice of appeal. Petitioner contends that he voiced his desire to appeal the conviction and believed counsel was appealing the case. He discovered that belief was wrong when he filed a notice of appeal on October 29 2018, which the Supreme Court of Nevada dismissed as untimely. At the evidentiary hearing, Shana Brouwers, second chair at the trial, testified that anytime a guilty verdict comes back subsequent to a jury trial it is the Public Defenders Office’s policy to send the file to the appellate team for review. It is also the Office’s policy to send the file for review regardless of whether the defendant requests counsel to pursue an appeal. Ms. Brouwers further testified that lead trial counsel never sent the file to the appellate team for review. Ultimately, Ms. Brouwers admitted that lead trial counsel failing to file a notice of appeal was ineffective.

Petitioner was clearly deprived of his right to appeal. Accordingly, the Court finds that there is good cause for Petitioner’s delay in filing his notice of appeal. The Court further finds that lead trial counsel was ineffective in not sending Petitioner’s file to the appellate team and failing to file a notice of appeal.

The district court also ordered appointment of counsel to assist Mr. Edwards. On March 11, 2021, counsel was appointed to assist Mr. Edwards with his direct appeal. Therefore:

///

///

///

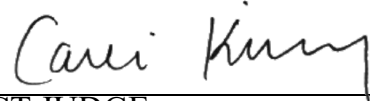
///

///

IT IS ORDERED that the district court clerk is to prepare and file, within 7 days of the entry of the instant order, a Notice of Appeal from the judgment of conviction and sentence on the petitioner's behalf in substantially the form provided in Form 1 in the Appendix of Forms in accordance with NRAP 4(c).

DATED this _____ day of _____, 2021.

Dated this 12th day of March, 2021



DISTRICT JUDGE

SUBMITTED BY:

/s/ Jessie L. Folkestad, Esq.
JESSIE L. FOLKESTAD, ESQ.
NEVADA BAR NO. 4349
LAW OFFICE OF CHRISTOHPER R. ORAM
520 SOUTH 4TH STREET, 2ND FLOOR
LAS VEGAS, NEVADA 89101
TELEHPONE: (702) 598-1471

Attorney for Petitioner
TOYER EDWARDS

DE8 291 050A 9FEC
Carli Kierny
District Court Judge

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Toyer Edwards, Plaintiff(s)

CASE NO: A-19-793729-W

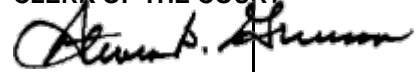
7 vs.

DEPT. NO. Department 2

8 State of Nevada, Defendant(s)
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

11 Electronic service was attempted through the Eighth Judicial District Court's
12 electronic filing system, but there were no registered users on the case. The filer has been
13 notified to serve all parties by traditional means.
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28



NEOJ

**DISTRICT COURT
CLARK COUNTY, NEVADA**

TOYER EDWARDS,

Petitioner,

Case No: C-17-324805-1

Dept. No: II

vs.

THE STATE OF NEVADA,

Respondent,

NOTICE OF ENTRY OF ORDER

PLEASE TAKE NOTICE that on March 12, 2021, the court entered a decision or order in this matter, a true and correct copy of which is attached to this notice.

You may appeal to the Supreme Court from the decision or order of this court. If you wish to appeal, you must file a notice of appeal with the clerk of this court within thirty-three (33) days after the date this notice is mailed to you. This notice was mailed on March 17, 2021.

STEVEN D. GRIERSON, CLERK OF THE COURT

/s/ Heather Ungermann

Heather Ungermann, Deputy Clerk

CERTIFICATE OF E-SERVICE / MAILING

I hereby certify that on this 17 day of March 2021, I served a copy of this Notice of Entry on the following:

☒ By e-mail:

Clark County District Attorney's Office
Attorney General's Office – Appellate Division-

☒ The United States mail addressed as follows:

Toyer Edwards # 61957
P.O. Box 208
Indian Springs, NV 89070

Jessie L. Folkestad, Esq.
520 S. 4th St., Second Floor
Las Vegas, NV 89101

/s/ Heather Ungermann

Heather Ungermann, Deputy Clerk

ORDR

JESSIE L. FOLKESTAD, ESQ.
Nevada Bar No. 14518
Law Office of Christopher R. Oram
520 South 4th Street, Second Floor
Las Vegas, Nevada 89101
Telephone: (702) 384-5563

Attorney for Petitioner
TOYER EDWARDS

DISTRICT COURT
CLARK COUNTY, NEVADA

TOYER EDWARDS,

Petitioner,

-vs-

STATE OF NEVADA,

Respondent.

CASE NO: A-19-793729-W

DEPT NO: 2 Related Case
C-17-324805-1

AMENDED ORDER GRANTING PETITIONER'S WRIT OF HABEAS CORPUS

DATE OF HEARING: March 11, 2021
TIME OF HEARING: 12:30 p.m.

THIS CAUSE having come on for hearing before the Honorable Carli Kierny, District Judge, on the 11th day of March, 2021, the Petitioner represented by JESSIE L. FOLKESTAD, the Respondent being represented by STEVE WOLFSON, District Attorney, and the Court having considered the matter, reviewing all documents on file herein, including the December 11, 2019, Order Granting Petitioner's Writ of Habeas Corpus, now therefore, the Court makes the following additional findings:

FINDINGS OF FACT

Petitioner Toyer Edwards previously filed a Post-Conviction Petition for Writ of Habeas Corpus on April 25, 2019. Following a response by the State, an evidentiary hearing was set. The district court held an evidentiary hearing on December 3, 2019.

Thereafter, the district court granted the Petition, finding Mr. Edwards was deprived of his right to a direct appeal and the Order was filed December 11, 2019. The December 11, 2019 Order found:

“A petitioner’s mistaken but reasonable belief that his attorney was pursuing a direct appeal is good cause if the petitioner raises the claim within a reasonable time after learning that his attorney was not in fact pursuing a direct appeal on the petitioner’s behalf.” *Hathaway v. State*, 71 P.3d 503, 505—07 (Nev. 2003). Here, Petitioner argues that his trial and direct appeal counsel was ineffective because she failed to file a notice of appeal. Petitioner contends that he voiced his desire to appeal the conviction and believed counsel was appealing the case. He discovered that belief was wrong when he filed a notice of appeal on October 29 2018, which the Supreme Court of Nevada dismissed as untimely. At the evidentiary hearing, Shana Brouwers, second chair at the trial, testified that anytime a guilty verdict comes back subsequent to a jury trial it is the Public Defenders Office’s policy to send the file to the appellate team for review. It is also the Office’s policy to send the file for review regardless of whether the defendant requests counsel to pursue an appeal. Ms. Brouwers further testified that lead trial counsel never sent the file to the appellate team for review. Ultimately, Ms. Brouwers admitted that lead trial counsel failing to file a notice of appeal was ineffective.

Petitioner was clearly deprived of his right to appeal. Accordingly, the Court finds that there is good cause for Petitioner’s delay in filing his notice of appeal. The Court further finds that lead trial counsel was ineffective in not sending Petitioner’s file to the appellate team and failing to file a notice of appeal.

The district court also ordered appointment of counsel to assist Mr. Edwards. On March 11, 2021, counsel was appointed to assist Mr. Edwards with his direct appeal. Therefore:

///

///

///

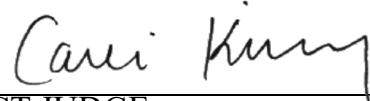
///

///

IT IS ORDERED that the district court clerk is to prepare and file, within 7 days of the entry of the instant order, a Notice of Appeal from the judgment of conviction and sentence on the petitioner's behalf in substantially the form provided in Form 1 in the Appendix of Forms in accordance with NRAP 4(c).

DATED this _____ day of _____, 2021.

Dated this 12th day of March, 2021



DISTRICT JUDGE

SUBMITTED BY:

/s/ Jessie L. Folkestad, Esq.
JESSIE L. FOLKESTAD, ESQ.
NEVADA BAR NO. 4349
LAW OFFICE OF CHRISTOHPER R. ORAM
520 SOUTH 4TH STREET, 2ND FLOOR
LAS VEGAS, NEVADA 89101
TELEHPONE: (702) 598-1471

Attorney for Petitioner
TOYER EDWARDS

DE8 291 050A 9FEC
Carli Kierny
District Court Judge

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Toyer Edwards, Plaintiff(s)

CASE NO: A-19-793729-W

7 vs.

DEPT. NO. Department 2

8 State of Nevada, Defendant(s)
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

11 Electronic service was attempted through the Eighth Judicial District Court's
12 electronic filing system, but there were no registered users on the case. The filer has been
13 notified to serve all parties by traditional means.
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 07, 2017

C-17-324805-1 State of Nevada
 vs
 Toyer Edwards

July 07, 2017 10:00 AM Initial Arraignment

HEARD BY: Henry, Jennifer **COURTROOM:** RJC Lower Level Arraignment

COURT CLERK: Haly Pannullo
Elizabeth Vargas

RECORDER: Kiara Schmidt

REPORTER:

PARTIES

PRESENT: Edwards, Toyer Defendant
Odeh, Elaine Attorney

JOURNAL ENTRIES

- Deputized Law Clerk, Alexander Robbins, present on behalf of the State.

DEFT. EDWARDS ARRAIGNED, PLED NOT GUILTY, and WAIVED the 60-DAY RULE. COURT ORDERED, matter set for trial. COURT FURTHER 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; further, Counsel has an obligation under statute and rules regarding discovery.

CUSTODY (COC)

12/5/17 9:00 AM CALENDAR CALL (DEPT 2)

12/11/17 10:00 AM JURY TRIAL (DEPT 2)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 09, 2017

C-17-324805-1 State of Nevada
vs
Toyer Edwards

**November 09, 2017 9:00 AM Motion Defendant Toyer
Edwards' Motion to
Suppress and for
Evidentiary Hearing**

HEARD BY: Bailus, Mark B

COURTROOM: RJC Courtroom 11D

COURT CLERK: Alan Castle

RECORDER: Robin Page

REPORTER:

PARTIES

PRESENT:	Dickerson, Michael	Attorney
	Edwards, Toyer	Defendant
	Odeh, Elaine	Attorney
	Public Defender	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- COURT ORDERED, CONTINUED for Defendant's reply.

CUSTODY

CONTINUED TO:
11/21/17 9:00 a.m.

November 21, 2017

Minutes Date: July 07, 2017

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 05, 2017

C-17-324805-1 State of Nevada
 vs
 Toyer Edwards

December 05, 2017 9:00 AM

All Pending Motions

HEARD BY: Bailus, Mark B

COURTROOM: RJC Courtroom 11D

COURT CLERK: Alan Castle

RECORDER: Robin Page

REPORTER:

PARTIES

PRESENT:	Demonte, Noreen C.	Attorney
	Edwards, Toyer	Defendant
	Odeh, Elaine	Attorney
	Public Defender	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- State's Motion to Continue Trial ... Calendar Call

There being no opposition at the request of State, COURT ORDERED, motion GRANTED; TRIAL VACATED & RESET.

CUSTODY

02/20/18 9:00 a.m. Calendar Call

02/26/18 11:00 a.m. Jury Trial

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****February 13, 2018**

C-17-324805-1 State of Nevada
vs
Toyer Edwards

February 13, 2018	9:00 AM	Motion to Compel	Defendant's Motion to Compel Production of Discovery & Brady Material
--------------------------	----------------	-------------------------	--

HEARD BY: Bailus, Mark B**COURTROOM:** RJC Courtroom 11D**COURT CLERK:** Alan Castle**RECORDER:** Robin Page**REPORTER:****PARTIES**

PRESENT:	Demonte, Noreen C.	Attorney
	Edwards, Toyer	Defendant
	Odeh, Elaine	Attorney
	Public Defender	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Additional arguments by counsel regarding specific request number 17. Matter submitted. COURT stated its Findings and ORDERED, specific requests numbers 1, 2, 5 through 8, 11 13, 15, and 17 through 21 are GRANTED. FURTHER ORDERED, request numbers 3 and 9 are DENIED Without Prejudice. State will be under a continuing obligation, if the State, in their good faith and due diligence determine anything further is appropriately discoverable. Regarding specific request number 70, Contacting Other Agencies, State will be required to be duly diligent in their prosecution, but will NOT be required to meet an unrealistic, unfair or impossible burden and are only expected to perform a duly diligent investigation with regard to those agencies which, in this specific case, are considered to be part of the arm of the prosecution. ALL parties are ORDERED, comply with NRS 174.234, timely and reciprocal discovery. Specific requests number 17, COURT

FINDS based on the recent "Bradley" case, personnel files are determined by the State not to be 'Brady' material in their constructive possession, however, if it is determined it is 'Brady' material, then it needs to be turned over.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 20, 2018

C-17-324805-1 State of Nevada
 vs
 Toyer Edwards

February 20, 2018

9:00 AM

All Pending Motions

HEARD BY: Bailus, Mark B

COURTROOM: RJC Courtroom 11D

COURT CLERK: Linda Skinner

RECORDER: Robin Page

REPORTER:

PARTIES

PRESENT:

Derjavina, Ekaterina
Edwards, Toyer
Odeh, Elaine
Public Defender
State of Nevada

Attorney
Defendant
Attorney
Attorney
Plaintiff

JOURNAL ENTRIES

- STATE'S MOTION TO STRIKE WITNESSES....CALENDAR CALL

AS TO THE MOTION: Ms. Odeh FILED IN OPEN COURT Defendant's Opposition to State's Motion to Strike Defendant's Witnesses. Court noted that the State wants the Defense to amend their Notice of Witnesses and deleting the Social Security numbers. Ms. Odeh advised it is her understanding it has already been done. Ms. Derjavina advised there is a second part to the Motion in that she feels that the Defense is going to go into a self defense theory which she feels is improper. Court noted that would be an evidentiary issue and feels it is premature. Continued statements by Ms. Derjavina in support of her position. Following, COURT ORDERED, State's Motion is GRANTED in that an Amended Notice of Witnesses without the personal identifiers will need to be filed and without the Police Report.

AS TO TRIAL: Ms. Odeh and Ms. Derjavina both announced ready for trial. Court noted a 3 week trial is set to start tomorrow, however, it may resolve. Therefore, COURT ORDERED, matter

CONTINUED to Thursday and advised if the first trial does not resolve, this matter will be sent to Overflow; if it does, Court expects Jury Instructions by 4:00 PM on Friday.

CUSTODY

2/22/18 9:00 AM CALENDAR CALL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 22, 2018

C-17-324805-1 State of Nevada
 vs
 Toyer Edwards

February 22, 2018 9:00 AM Calendar Call

HEARD BY: Bailus, Mark B **COURTROOM:** RJC Courtroom 11D

COURT CLERK: Phyllis Irby

RECORDER: Robin Page

REPORTER:

PARTIES

PRESENT:	Derjavina, Ekaterina	Attorney
	Edwards, Toyer	Defendant
	Odeh, Elaine	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Parties announced ready for trial. Ms. Derjavina informed the court an offer was made to Deft which was rejected. The State has now revoked the offer. COURT ORDERED, TRIAL TO START MONDAY.

CUSTODY

2-26-18 1:00 PM JURY TRIAL (DEPT. XVIII)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 26, 2018

C-17-324805-1 State of Nevada
 vs
 Toyer Edwards

February 26, 2018 1:00 PM Jury Trial

HEARD BY: Bailus, Mark B

COURTROOM: RJC Courtroom 11D

COURT CLERK: Alan Castle

RECORDER: Robin Page

REPORTER:

PARTIES

PRESENT:	Brouwers, Shana S.	Attorney
	Derjavina, Ekaterina	Attorney
	Dickerson, Michael	Attorney
	Edwards, Toyer	Defendant
	Odeh, Elaine	Attorney
	Public Defender	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Jury Venire present. Roll taken and panel sworn.

Prospective Jury panel admonished and excused for the day. Trial Continues

CUSTODY

CONTINUED TO:

02/27/18 1:00 p.m.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 27, 2018

C-17-324805-1 State of Nevada
 vs
 Toyer Edwards

February 27, 2018 1:00 PM Jury Trial

HEARD BY: Bailus, Mark B

COURTROOM: RJC Courtroom 11D

COURT CLERK: Aja Brown

RECORDER: Robin Page

REPORTER:

PARTIES

PRESENT:	Brouwers, Shana S.	Attorney
	Derjavina, Ekaterina	Attorney
	Dickerson, Michael	Attorney
	Odeh, Elaine	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF PROSPECTIVE JURY PANEL. Colloquy regarding admission of video cam. Representations by Ms. Odeh regarding Deft's clothing for trial.

PROSPECTIVE JURY PANEL PRESENT. Voir dire continued. CONFERENCE AT BENCH.

OUTSIDE THE PRESENCE OF PROSPECTIVE JURY PANEL. Peremptory challenges exercised. Twelve Jurors and two alternates selected and sworn. Clerk read the indictment to the Jury and stated Deft's plea thereto. COURT ORDERED, matter CONTINUED.

CONTINUED TO: 2/28/18 1:00 PM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 28, 2018

C-17-324805-1 State of Nevada
 vs
 Toyer Edwards

February 28, 2018 1:00 PM Jury Trial

HEARD BY: Bailus, Mark B

COURTROOM: RJC Courtroom 11D

COURT CLERK: Alan Castle

RECORDER: Robin Page

REPORTER:

PARTIES

PRESENT:	Brouwers, Shana S.	Attorney
	Derjavina, Ekaterina	Attorney
	Dickerson, Michael	Attorney
	Edwards, Toyer	Defendant
	Odeh, Elaine	Attorney
	Public Defender	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- EXCLUSIONARY RULE INVOKED. JURY PRESENT. Opening statements by counsel. Testimony and exhibits presented. (See worksheets)

CUSTODY

CONTINUED TO:
03/01/18 1:00 p.m.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 01, 2018

C-17-324805-1 State of Nevada
 vs
 Toyer Edwards

March 01, 2018

1:00 PM

Jury Trial

HEARD BY: Bailus, Mark B

COURTROOM: RJC Courtroom 11D

COURT CLERK: Alan Castle

RECORDER: Robin Page

REPORTER:

PARTIES

PRESENT:	Brouwers, Shana S.	Attorney
	Derjavina, Ekaterina	Attorney
	Dickerson, Michael	Attorney
	Edwards, Toyer	Defendant
	Odeh, Elaine	Attorney
	Public Defender	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- JURY PRESENT. Further testimony and exhibits presented. (See worksheets)

3:41 p.m. OUTSIDE THE PRESENCE OF THE JURY. Defendant admonished of his right not to testify.

3:45 p.m. JURY PRESENT. State rested. Defense rested. Jury admonished and excused for the day.

3:47 p.m. OUTSIDE THE PRESENCE OF THE JURY. Counsel settled proposed Jury Instructions. Evening recess. Trial continued.

CUSTODY

CONTINUED TO:
03/02/18 10:00 a.m.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 02, 2018

C-17-324805-1 State of Nevada
 vs
 Toyer Edwards

March 02, 2018 10:30 AM Jury Trial

HEARD BY: Bailus, Mark B

COURTROOM: RJC Courtroom 11D

COURT CLERK: Alan Castle

RECORDER: Jessica Kirkpatrick

REPORTER:

PARTIES

PRESENT:	Brouwers, Shana S.	Attorney
	Derjavina, Ekaterina	Attorney
	Dickerson, Michael	Attorney
	Edwards, Toyer	Defendant
	Odeh, Elaine	Attorney
	Public Defender	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE JURY Counsel settled Jury instructions.

12:57 p.m. JURY PRESENT. Court instructed the Jury. Closing arguments by counsel.

2:20 p.m. Marshall and Matron sworn and given charge of the Jury.

AT THE HOUR OF 2:21 P.M. THE JURY RETIRED TO DELIBERATE.

2:49 p.m. Jury question received

OUTSIDE THE PRESENCE OF THE JURY response submitted to the Jury.

AT THE HOUR OF 2:42 P.M. THE JURY RETURNED WITH VERDICTS OF COUNT 1 - GUILTY OF BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM (F); and, COUNT 2 - GUILTY OF BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM (F). Jury polled. Court Thanked and excused the Jury. OUTSIDE THE PRESENCE OF THE JURY Court ORDERED, DEFENDANT REMANDED Without bail and matter referred to the Division of Parole and Probation (P & P) and set for sentencing.

CUSTODY

04/26/18 9:00 a.m. Sentencing

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 26, 2018

C-17-324805-1 State of Nevada
 vs
 Toyer Edwards

April 26, 2018

9:00 AM

Sentencing

HEARD BY: Bailus, Mark B

COURTROOM: RJC Courtroom 11D

COURT CLERK: Alan Castle

RECORDER: Robin Page

REPORTER:

PARTIES

PRESENT:	Derjavina, Ekaterina	Attorney
	Edwards, Toyer	Defendant
	Odeh, Elaine	Attorney
	Public Defender	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- COURT ORDERED, sentencing is CONTINUED.

CUSTODY

CONTINUED TO:
05/10/18 9:00 a.m.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 10, 2018**

C-17-324805-1 State of Nevada
vs
Toyer Edwards

May 10, 2018**9:00 AM****Sentencing****HEARD BY:** Bailus, Mark B**COURTROOM:** RJC Courtroom 11D**COURT CLERK:** Alan Castle**RECORDER:** Robin Page**REPORTER:****PARTIES**

PRESENT:	Derjavina, Ekaterina	Attorney
	Edwards, Toyer	Defendant
	Odeh, Elaine	Attorney
	Public Defender	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- By virtue of Defendant's Jury Verdict and pursuant to Statute, DEFT EDWARDS ADJUDGED GUILTY of COUNTS 1 & 2 - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM (F). Certified copies of prior Judgments of Conviction FILED IN OPEN COURT. Arguments in mitigation of sentence. DEFENDANT ADJUDICATED AS A LARGE HABITUAL CRIMINAL. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, DNA Analysis fee WAIVED, and \$3.00 DNA Collection fee, Deft. SENTENCED as to COUNT 1 to a MAXIMUM of TWENTY FIVE (25) YEARS and MINIMUM of TEN (10) YEARS in the Nevada Department of Corrections (NDC); and SENTENCED as to COUNT 2 to a MAXIMUM of TWENTY FIVE (25) YEARS and MINIMUM of TEN (10) YEARS in NDC, CONCURRENT with Count 1 with 315 DAYS credit for time served. CASE CLOSED.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 05, 2019

C-17-324805-1 State of Nevada
 vs
 Toyer Edwards

March 05, 2019 8:30 AM Motion

HEARD BY: Jones, David M **COURTROOM:** RJC Courtroom 15A

COURT CLERK: Nancy Maldonado

RECORDER: Melissa Delgado-Murphy

REPORTER:

PARTIES

PRESENT: Banks, Jeff Attorney
 Demonte, Noreen C. Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- State had no objections. COURT ORDERED, motion GRANTED and advised Mr. Banks to get the file to the Defendant ASAP.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 11, 2021

C-17-324805-1 State of Nevada
vs
Toyer Edwards

March 11, 2021 12:30 AM Appointment of Counsel

HEARD BY: Kierny, Carli **COURTROOM:** RJC Courtroom 16B

COURT CLERK: Jill Chambers

RECORDER: Jessica Kirkpatrick

REPORTER:

PARTIES

PRESENT:	Demonte, Noreen C.	Attorney
	Edwards, Toyer	Defendant
	Folkestad, Jessie Lee	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Ms. Folkestad accepted appointment. Court gave the case's history and pointed out that post-conviction counsel was not previously appointed.

Ms. Folkestad stated that she will file the notice of appeal and requested the Court find the Deft. indigent. COURT FINDS, DEFT. indigent and Ms. Folkestad is APPOINTED as counsel on the Deft's criminal case and his Writ case.

Ms. Folkestad requested the Deft. be granted transcripts at the State's expense. COURT SO ORDERED and directed Ms. Folkestad to submit an order.

EXHIBIT(S) LIST

Case No.: C-17-324805-1

Trial Date:

February 26, 2018

Dept. No.: XVIII

Judge: Mark B. Bailus

Court Clerk: Alan Paul Castle Sr

Plaintiff: STATE OF NEVADA

Recorder:

Robin Page

Counsel for Plaintiff:

Ekaterina Derjavina;
Michael Dickerson

vs.

Defendant: TOYER EDWRDS

Counsel for Defendant:

Elaine Odeh;
Shana Brouwer

JURY TRIAL

STATE'S EXHIBITS

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted	
1	EXHIBIT BOX CONTAINING KNIFE	2-28-18	STIP	2-28-18	WA
1A	KNIFE	2-28-18	STIP		WA
2	DISK (CD) BODY CAM	2-28-18	STIP		WA
3	DISK (CD) 6-18-17 VIDEO	2-28-18	STIP		WA
4	PHOTO HAWAII MARKET PLACE RESTAURANT DINING AREA	2-28-18	STIP	2-28-18	WA
5	PHOTO	2-28-18	STIP		WA
6	PHOTO ALLISON IN HOSPITAL BED	2-28-18	STIP		WA
7	PHOTO ALLISON RIGHT SHOULDER	2-28-18	STIP		WA
8	PHOTO	2-28-18	STIP		WA
9	PHOTO	2-28-18	STIP		WA
10	PHOTO	2-28-18	STIP		WA
11	PHOTO	2-28-18	STIP		WA
12	PHOTO	2-28-18	STIP		WA
13	PHOTO	2-28-18	STIP		WA
14	PHOTO	2-28-18	STIP		WA
15	PHOTO	2-28-18	STIP		WA
16	PHOTO	2-28-18	STIP	2-28-18	WA

EXHIBIT(S) LIST

Case No: C-17-324805-1

STATE OF NEVADA

VS. TOYER EDWRDS

STATE'S EXHIBITS

[illegible]

EXHIBIT(S) LIST

Case No.: C-17-324805-1

Trial Date:

February 26, 2018

Dept. No.: XVIII

Judge: Mark B. Bailus

Court Clerk: Alan Paul Castle

Plaintiff: STATE OF NEVADA

Recorder:

Robin Page

Counsel for Plaintiff:

Ekaterina Derjavina
Michael Dickerson

vs.

Defendant: TOYER EDWRDS

Counsel for Defendant:

Elaine Odeh
Shana Brouwer

TRIAL BEFORE THE COURT

DEFENDANT'S EXHIBITS

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted	
A	PHOTO	3-1-18	STIP	3-1-18	WA
B	PHOTO	3-1-18	STIP	3-1-18	WA
C	PHOTO	3-1-18	STIP	3-1-18	WA
D	PHOTO	3-1-18	STIP	3-1-18	WA
E	PHOTO	3-1-18	STIP	3-1-18	WA
F	PHOTO	3-1-18	STIP	3-1-18	WA
G	HMP OFFICER TRAINING GENERAL				WA

COURT'S

EXHIBITS

CASE NO. C-17-324805-1

Date	Offered	OBJ	Admitted	Date
------	---------	-----	----------	------

[illegible]

EXHIBIT(S) LIST

Case No.: C-17-324805-1

Trial Date: 2/26/18

Dept. No.: XVIII

Judge: Mark B. Bailus

Court Clerk: Alan Paul Castle Sr.

Plaintiff: State of Nevada

Recorder: Robin Page

Counsel for Plaintiff: Ekaterina Derjavina

VS.

Defendant: Toyer Edwards

Counsel for Defendant: Elaine Odeh

JURY TRIAL

COURT'S EXHIBITS

[illegible]

Certification of Copy

State of Nevada }
County of Clark } SS:

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

NOTICE OF APPEAL; CASE APPEAL STATEMENT; REQUEST FOR
TRANSCRIPT OF PROCEEDINGS; DISTRICT COURT DOCKET ENTRIES; JUDGMENT OF
CONVICTION (JURY TRIAL); AMENDED ORDER GRANTING PETITIONER'S WRIT OF
HABEAS CORPUS; NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES; EXHIBITS
LIST

STATE OF NEVADA,

Plaintiff(s),

vs.

TOYER EDWARDS
aka TOYER FIDEL EDWARDS,

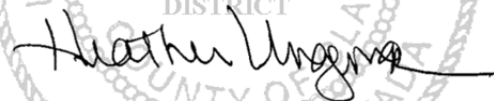
Defendant(s).

Case No: C-17-324805-1
Related Case A-19-793729-W
Dept No: II

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 17 day of March 2021.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk