

Steven D. Grierson

1 Bryan Dryden
2 Petitioner / In Propria Personam
3 Post Office Box 650 [HDSP]
4 Indian Springs, Nevada 89018

Electronically Filed
Aug 17 2021 03:47 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

7
8 Bryan Warren Dryden

9 Petitioner

10 vs.

11 State of Nevada
12 Respondant.

Case No C-18-334955-1

Dept. No. XVIII

Docket _____

13
14 Notice to a Direct Appeal to withdraw
15 plea deal to the Nevada Supreme Court
16 from Judgment of Conviction (June 8, 2021)

17
18
19 COMES NOW, Petitioner, Bryan Dryden, herein above respectfully
20 moves this Honorable Court for an Appeal to the Nevada Supreme
21 Court to Withdraw Plea deal

22
23
24
25 DATED: this 1 day of August, 2021.

26 BY: Bryan Dryden
27 Bryan Dryden #1070536
28 Petitioner / In Propria Personam

Case No. C-18-334955-1

Dept. No. XVIII

IN THE 8th JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF Clark

Bryan Warren Dyden
Petitioner

vs.

State of Nevada
Respondant

Case No. C-18-334955-1

Dept No. XVIII

Docket _____

NOTICE OF MOTION

YOU WILL PLEASE TAKE NOTICE, that Petitioner, Bryan Dyden

will come on for hearing before the above-entitled Court on the ____ day of _____, 20____
at the hour of ____ o'clock ____ M. In Department ____, of said Court.

CC:FILE

DATED: this 1 day of August, 2021.

BY: Bryan Dyden
Bryan Dyden #1070534
Petitioner /In Propria Personam

CERTIFICATE OF SERVICE BY MAILING

I, Bryan Dryden, hereby certify, pursuant to NRCP 5(b), that on this 1
day of August, 2021, I mailed a true and correct copy of the foregoing, "Motion to
Appeal Withdraw of Plea to the NV. S. Ct."
by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, fully prepaid,
addressed as follows:

Court Clerk
NV. Dist. Ct
700 Lewis Ave 3rd Fl
Las Vegas, NV. 89155-1160

District Attorney
Steven B. Wolfson
700 Lewis Ave
Las Vegas, NV. ~~89155-2742~~
89101

CC:FILE

DATED: this 1 day of August, 2021.

Bryan Dryden
Bryan Dryden # 1070536
Petitioner / In Propria Personam
Post Office box 650 [HDSP]
Indian Springs, Nevada 89018
IN FORMA PAUPERIS:

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding Motion to
Direct Appeal to Withdrawal Plea (N.V.S.Ct)
(Title of Document)

filed in District Court Case number C-18-334955-1

☒ Does not contain the social security number of any person.

-OR-

☐ Contains the social security number of a person as required by:

A. A specific state or federal law, to wit:

(State specific law)

-or-

B. For the administration of a public program or for an application
for a federal or state grant.

Bryan Dryden
Signature

8-1-21
Date

Bryan Dryden
Print Name

Petitioner/Defendant
Title

Bryan Dwyer 1070536
P.O. Box 650 (HDSR)

Indian Springs, NV.

89070

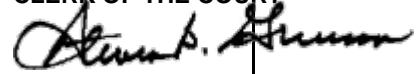
Brass Slip N^o
2495828
x3 parcels

Clerk of the Court
NV. District Court
200 Lewis Ave. 3rd Fl.
Las Vegas, NV.
89155-1160

3762



08/09/2021
USPS



1 ASTA

2
3
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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 BRYAN WARREN DRYDEN,

14 Defendant(s),
15

Case No: C-18-334955-1

Dept No: XXI

16
17 **CASE APPEAL STATEMENT**
18

19 1. Appellant(s): Bryan Dryden

20 2. Judge: Mary Kay Holthus

21 3. Appellant(s): Bryan Dryden

22 Counsel:

23 Bryan Dryden #1070536
24 P.O. Box 650
Indian Springs, NV 89070

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: N/A
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: N/A

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

9. Date Commenced in District Court: September 19, 2018

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): 83233

12. Child Custody or Visitation: N/A

Dated This 16 day of August 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: Bryan Dryden

CASE SUMMARY**CASE NO. C-18-334955-1**

State of Nevada
vs
Bryan Dryden

§
§
§
§
§
§
§
§
§

Location: **Department 21**
Judicial Officer: **Clark Newberry, Tara**
Filed on: **09/19/2018**
Case Number History:
Cross-Reference Case Number: **C334955**
Defendant's Scope ID #: **2585083**
Grand Jury Case Number: **18AGJ051X**
ITAG Case ID: **2161039**
Supreme Court No.: **83233**

CASE INFORMATION

Offense	Statute	Deg	Date	Case Type:	Felony/Gross Misdemeanor
1. ATTEMPT SEXUAL ASSAULT	200.366.2b	F	08/29/2007		
Filed As: SEXUAL ASSAULT WITH USE OF A DEADLY WEAPON	F	9/19/2018		Case Status:	07/30/2021 Closed
Arrest: 09/19/2018					

Statistical Closures

07/30/2021 Guilty Plea with Sentence (before trial) (CR)

Warrants

Indictment Warrant - Dryden, Bryan (Judicial Officer: Bell, Linda Marie)

10/11/2018 10:43 AM Returned - Served

09/19/2018 11:00 AM Active

Fine: \$0

Bond: **\$150,000.00** Any




DATE**CASE ASSIGNMENT****Current Case Assignment**

Case Number C-18-334955-1
Court Department 21
Date Assigned 01/04/2021
Judicial Officer Clark Newberry, Tara

PARTY INFORMATION

		Lead Attorneys
Defendant	Dryden, Bryan Warren	Public Defender Public Defender 702-455-4685(W)
Plaintiff	State of Nevada	Wolfson, Steven B 702-671-2700(W)

DATE**EVENTS & ORDERS OF THE COURT****INDEX****EVENTS**













09/19/2018	 Indictment [1] Indictment Warrant
09/19/2018	 Indictment [2]
09/24/2018	 Order for Production of Inmate Party: Plaintiff State of Nevada

In
#1















In
#2

In
#3















CASE SUMMARY
CASE NO. C-18-334955-1

	<i>[3] Order for Production of Inmate</i>	
10/02/2018	 Reporters Transcript Filed By: Plaintiff State of Nevada <i>[4] Reporter's Transcript of Proceedings - Grand Jury - Hearing - 09/18/18</i>	In #4
12/07/2018	 Receipt of Copy Filed by: Plaintiff State of Nevada <i>[5] Receipt of Copy for Discovery Provided</i>	In #5
12/17/2018	 Notice of Witnesses and/or Expert Witnesses Filed By: Plaintiff State of Nevada <i>[6] State's Notice of Witnesses and/or Expert Witnesses</i>	In #6
12/28/2018	 Filed Under Seal <i>[7] Ex Parte Motion and Order for Release of Certified Medical Records and Order to File Under Seal</i>	In #7
01/04/2019	 Receipt of Copy Filed by: Plaintiff State of Nevada <i>[8] Receipt of Copy for Discovery Provided</i>	In #8
01/07/2019	Case Reassigned to Department 18 <i>Judicial Reassignment - From Judge Togliatti to Judge Holthus</i>	
02/21/2019	 Supplemental Witness List Filed by: Plaintiff State of Nevada <i>[9] State's Supplemental Notice of Witnesses and/or Expert Witnesses</i>	In #9
02/26/2019	 Order for Production of Inmate Party: Plaintiff State of Nevada <i>[10] Order for Production of Inmate Bryan Dryden, Bac #1070536</i>	In #1
03/11/2019	 Receipt of Copy Filed by: Plaintiff State of Nevada <i>[11] Receipt of Copy for Discovery Provided</i>	In #1
03/18/2019	 Receipt of Copy Filed by: Plaintiff State of Nevada <i>[12] Receipt of Copy for Discovery Provided</i>	In #1
06/05/2019	 Motion Filed By: Defendant Dryden, Bryan Warren <i>[13] Motion to Continue Trial</i>	In #1
11/05/2019	 Amended Indictment <i>[14]</i>	In #1
11/05/2019	 Guilty Plea Agreement <i>[15]</i>	In #1

CASE SUMMARY
CASE NO. C-18-334955-1

12/18/2019	 PSI [16]	In #1
12/18/2019	 PSI - Psychosexual Evaluation [17]	In #1
01/06/2020	 Motion Filed By: Defendant Dryden, Bryan Warren [18] Motion to Withdraw Counsel	In #1
01/06/2020	 Notice of Motion [19]	In #1
03/02/2020	 Motion to Withdraw Plea Filed By: Defendant Dryden, Bryan Warren [20] Motion to Withdraw Guilty Plea (Prior to Sentencing)	In #2
03/02/2020	 Clerk's Notice of Hearing [21] Notice of Hearing	In #2
03/31/2020	 Opposition Filed By: Plaintiff State of Nevada [22] State's Opposition to Defendant's Motion to Withdraw Guilty Plea	In #2
04/20/2020	 Recorders Transcript of Hearing [23] Recorder's Transcript Re: Status Check: Negotiations/Trial Setting - November 5, 2019	In #2
06/08/2020	 Order for Production of Inmate [24] Order for Production of Inmate	In #2
09/14/2020	 Order [25] Order for Video Appearance of Inmate from Nevada Department of Corrections Bryan Dryden, BAC #1070536	In #2
09/17/2020	 Order Filed By: Defendant Dryden, Bryan Warren [26] Order For Video Appearance of Inmate from Nevada Department of Corrections	In #2
10/16/2020	 Order [27] Order	In #2
11/19/2020	 Recorders Transcript of Hearing [28] Recorder's Transcript Re: Evidentiary Hearing; Motion to Withdraw Plea - Day 1 - August 13, 2020	In #2
11/19/2020	 Recorders Transcript of Hearing [29] Recorder's Transcript Re: Evidentiary Hearing; Motion to Withdraw Plea - Day 2 - October 13, 2020	In #2
11/19/2020	 Recorders Transcript of Hearing	In #2

CASE SUMMARY
CASE NO. C-18-334955-1

	<i>[30] Recorder's Transcript Re: Evidentiary Hearing; Motion to Withdraw Plea - Day 3</i>	
12/10/2020	 Brief Filed By: Defendant Dryden, Bryan Warren <i>[31] Brief in Support of Motion to Withdraw Guilty Plea</i>	In #2
12/30/2020	 Brief <i>[32] State's Opposition to Defendant s Motion To Withdraw Guilty Plea</i>	In #2
01/04/2021	Case Reassigned to Department 21 <i>Judicial Reassignment to Judge Tara Clark Newberry</i>	
01/05/2021	 Clerk's Notice of Hearing <i>[33] Clerks Notice of Hearing</i>	In #2
01/05/2021	 Notice of Change of Hearing <i>[34] Notice of Change of Hearing</i>	In #2
02/25/2021	 Order for Production of Inmate <i>[35] 201832654C-OPI-(DRYDEN BRYAN 04 01 2021 OPI AV)-001</i>	In #2
06/01/2021	 PSI - Supplemental PSI <i>[36]</i>	In #2
06/03/2021	 PSI - Victim Impact Statements <i>[37]</i>	In #2
07/14/2021	 Notice of Appeal (Criminal) Party: Defendant Dryden, Bryan Warren <i>[38] Notice of Appeal</i>	In #2
07/14/2021	 Motion to Withdraw As Counsel Filed By: Defendant Dryden, Bryan Warren <i>[39] Motion to Withdraw as Attorney of Record for Defendant</i>	In #2
07/14/2021	 Clerk's Notice of Hearing <i>[40] Notice of Hearing</i>	In #4
07/28/2021	 Order Granting Motion <i>[41] Order Granting Motion to Withdraw as Attorney of Record for Defendant</i>	In #4
07/29/2021	 Judgment of Conviction <i>[42] Judgment of Conviction (Plea of Guilty)</i>	In #4
07/30/2021	 Criminal Order to Statistically Close Case <i>[43] CRIMINAL ORDER TO STATISTICALLY CLOSE CASE</i>	In #4
08/13/2021	 Notice of Appeal (Criminal)	In #4

CASE SUMMARY
CASE NO. C-18-334955-1

08/13/2021



In
#4

08/13/2021



In
#4

08/13/2021



In
#4

08/13/2021



In
#4

08/16/2021



In
#4

11/05/2019

07/08/2021

07/08/2021


Administrative Assessment Fee	25.00
DNA Analysis Fee	150.00
Genetic Marker	

CASE SUMMARY

CASE NO. C-18-334955-1

Analysis AA Fee	3.00
\$3	
Fee Totals \$	178.00

HEARINGS

09/19/2018  **Grand Jury Indictment** (11:00 AM) (Judicial Officer: Bell, Linda Marie)

MINUTES

Warrant


09/19/2018 Inactive Indictment Warrant


Matter Heard;

Journal Entry Details:

Russell Walker, Grand Jury Foreperson, stated to the Court that at least twelve members had concurred in the return of the true bill during deliberation, but had been excused for presentation to the Court. State presented Grand Jury Case Number 18AGJ051X to the Court. COURT ORDERED, the Indictment may be filed and is assigned Case Number C-18-334955-1, Department IX. State requested a warrant, argued bail, and advised Deft is in custody. COURT ORDERED, \$150,000.00 BAIL; INDICTMENT WARRANT ISSUED, and matter SET for Arraignment. COURT FURTHER ORDERED, Exhibits 1-15 to be lodged with the Clerk of the Court; Las Vegas Justice Court case no. 18F12046X DISMISSED per the State's request. I.W. (CUSTODY- NDC) 10/11/18 9:00 A.M. INITIAL ARRAIGNMENT (DEPT IX) ;

SCHEDULED HEARINGS

 **Initial Arraignment** (10/11/2018 at 9:00 AM) (Judicial Officer: Togliatti, Jennifer)
10/11/2018, 10/25/2018, 11/08/2018

10/11/2018  **Initial Arraignment** (9:00 AM) (Judicial Officer: Togliatti, Jennifer)
10/11/2018, 10/25/2018, 11/08/2018

Continued;

Continued;

Trial Date Set;

Journal Entry Details:

Upon Court's inquiry, Defendant advised his true name is Bryan O'Neil Dryden. DEFT. DRYDEN ARRAIGNED, PLED NOT GUILTY, and INVOKED the 60-DAY RULE. COURT ORDERED, matter set for trial. Mr. Abbatangelo requested 21 days from today for the filing of any writ. COURT ORDERED, counsel has 21 days from the filing of the Grand Jury transcript or today's date, whichever is later, to file a Writ. NIC (COC - NDC) 12/27/18 9:00 AM CALENDAR CALL 1/7/19 10:30 AM JURY TRIAL ;

Continued;

Continued;

Trial Date Set;

Continued;


Continued;

Trial Date Set;

Journal Entry Details:

Mr. Shaygan advised he will step in for arraignment. Matter TRAILED. Matter RECALLED. Mr. Shaygan requested two weeks for confirmation of counsel and arraignment, noting the Defendant has a pending writ against the Public Defender. COURT ORDERED, matter CONTINUED and SET for confirmation of counsel. NIC (COC - NDC) 10/25/18 9:00 AM INITIAL ARRAIGNMENT / CONFIRMATION OF COUNSEL (PD);

10/25/2018 **Confirmation of Counsel** (9:00 AM) (Judicial Officer: Togliatti, Jennifer)
Matter Heard;

10/25/2018  **All Pending Motions** (9:00 AM) (Judicial Officer: Togliatti, Jennifer)

Matter Heard;

Journal Entry Details:





CONFIRMATION OF COUNSEL ... INITIAL ARRAIGNMENT Defendant not present. Court noted the Defendant was not transported due to medical issues. COURT ORDERED, Mr. Abbatangelo APPOINTED as counsel. Mr. Abbatangelo noted he has already received discovery and CONFIRMED as counsel. COURT ORDERED, arraignment CONTINUED. NIC (COC-NDC) 11/8/18 9:00 AM ARRAIGNMENT CONTINUED;

12/27/2018  **Calendar Call** (9:00 AM) (Judicial Officer: Togliatti, Jennifer)

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. C-18-334955-1


	<p>Vacated and Reset; Journal Entry Details: <i>CONFERENCE AT THE BENCH. Matter TRAILED. Matter RECALLED. Mr. Abbatangelo advised the Defendant will waive his speedy trial rights and requested the trial date be reset. Upon Court's inquiry, Defendant WAIVED his speedy trial rights. COURT ORDERED, trial date VACATED and RESET. NIC (COC - NDC) 3/21/19 9:00 AM CALENDAR CALL 4/1/19 10:30 AM JURY TRIAL ;</i></p>
01/07/2019	<p>CANCELED Jury Trial (10:30 AM) (Judicial Officer: Togliatti, Jennifer) <i>Vacated - per Judge</i></p>
03/26/2019	<p> Calendar Call (9:00 AM) (Judicial Officer: Holthus, Mary Kay) Matter Heard; Journal Entry Details: <i>Ms. Luzaich stated she's appearing for Ms. DiaGiacomo. Mr. Abbatangelo announced he's not ready; State's missing an officer and CSA. Ms. Luzaich requested a continuance due to the Detective being out on a high risk pregnancy, she cannot come to court and is due in 30-45 days. Upon the inquiry of the Court, Mr. Abbatangelo noted his objection is to the content, not the form, advising he was informed by Ms. DiGiacomo and there's been a file review. Upon the inquiry of the Court, Defendant acknowledged his understanding of the unavailability of the witness. Colloquy regarding trial continuation. Ms. Luzaich stated the Defendant needs to be remanded on this case. Mr. Abbatangelo concurred, noting the Defendant has been informed he will go back to the prison until closer to trial. COURT ORDERED, Defendant REMANDED to custody; trial CONTINUED at the request of the State due to a missing essential witness. CUSTODY(NDC) 6-18-19 9:00 AM CALENDAR CALL 6-24-19 1:00 PM JURY TRIAL ;</i></p>
04/01/2019	<p>CANCELED Jury Trial (1:00 PM) (Judicial Officer: Togliatti, Jennifer) <i>Vacated</i></p>
06/18/2019	<p> Calendar Call (9:00 AM) (Judicial Officer: Holthus, Mary Kay) Vacated and Reset; Journal Entry Details: <i>Mr. Abbatangelo indicated he had filed a Motion to Continue Trial, stating he would be out of the jurisdiction. Ms. Sudano indicated there wasn't an objection by the State. COURT ORDERED, trial VACATED and RESET. NIC (COC-NDC) 10/29/19 9:00 AM CALENDAR CALL 11/4/19 1:00 PM JURY TRIAL;</i></p>
06/24/2019	<p>CANCELED Jury Trial (1:00 PM) (Judicial Officer: Holthus, Mary Kay) <i>Vacated - per Attorney or Pro Per</i></p>
10/29/2019	<p> Calendar Call (9:00 AM) (Judicial Officer: Holthus, Mary Kay) 10/29/2019, 10/31/2019 Matter Continued; Matter Heard; Journal Entry Details: <i>Upon Court's inquiry, Mr. Abbatangelo indicated he went to the jail to speak with Deft. and was not allowed contact with him. Additionally, Mr. Abbatangelo just received a new offer and needed to speak with Deft. MATTER TRAILED. MATTER RECALLED. Same parties present. After speaking with Deft. Mr. Abbatangelo indicated they would be proceeding to trial and Mr. Schwartz requested to start on Tuesday, November 5, 2019. Mr. Schwartz placed the offer on the record: Attempt Sexual Assault with five (5) to twenty (2) years, to run concurrent to Deft.'s case he is currently serving time on; however, that offer was rejected. Mr. Schwartz stated that offer was revoked as of that day. Court confirmed with Deft. that he was rejecting that offer. Deft. concurred. Colloquy between parties regarding credit for time served. Court inquired how long for trial, which Mr. Schwartz noted it should be done by Friday, November 8, 2019. COURT ORDERED, trial STANDS. CUSTODY (COC-NDC) 11/5/19 1:00 PM JURY TRIAL;</i> Matter Continued; Matter Heard; Journal Entry Details: <i>CONFERENCE AT BENCH. Following colloquy, Court noted it would continue the instant matter until Thursday, October 31, 2019. COURT ORDERED, matter CONTINUED; COURT FURTHER ORDERED, Deft. REMANDED to Clark County Detention Center (CCDC) pending trial. CUSTODY (COC-NDC) 10/31/19 9:00 AM CONTINUED: CALENDAR CALL;</i></p>
11/05/2019	<p> Status Check: Negotiations/Trial Setting (9:00 AM) (Judicial Officer: Holthus, Mary Kay) Plea Entered; Journal Entry Details:</p>


CASE SUMMARY


CASE NO. C-18-334955-1

Amended Information FILED IN OPEN COURT. CONFERENCE AT BENCH. NEGOTIATIONS are as contained in the Guilty Plea Agreement FILED IN OPEN COURT. DEFT. DRYDEN ARRAIGNED AND PLED GUILTY TO ATTEMPT SEXUAL ASSAULT (F). Court ACCEPTED plea and ORDERED, matter referred to the Division of Parole and Probation (P & P) and set for SENTENCING. COURT FURTHER ORDERED, Trial VACATED. CUSTODY (COC-NDC) 01/07/20 9:00 AM SENTENCING;

11/05/2019 **CANCELED Jury Trial** (1:00 PM) (Judicial Officer: Holthus, Mary Kay)
Vacated - per Judge


01/07/2020  **Sentencing** (9:00 AM) (Judicial Officer: Holthus, Mary Kay)
Matter Continued;
Journal Entry Details:
Upon Court's inquiry, Mr. Abbatangelo indicated Deft. would like to withdraw his Guilty Plea Agreement; therefore, he would need a new attorney and a potential evidentiary hearing. COURT ORDERED, Marisa Border APPOINTED for the limited purpose of looking into a possible withdrawal of Guilty Plea Agreement. Colloquy between parties. Following colloquy, COURT ORDERED, matter SET for a status check in 30 days. CUSTODY (COC-NDC) 2/4/20 9:00 AM STATUS CHECK: MOTION TO WITHDRAW GUILTY PLEA;

01/30/2020  **Motion** (9:00 AM) (Judicial Officer: Holthus, Mary Kay)
Motion to Withdraw Counsel
Data Entry Error;
Journal Entry Details:
Deft. not present. Ms. Border noted Deft. was not transported. Ms. Craggs noted the instant date should have been vacated. CONFERENCE AT BENCH. Court noted it didn't know if the instant Motion was on in error; however, COURT ORDERED, Motion to Withdraw Counsel was ON IN ERROR; and the Status check: Motion to Withdraw Guilty Plea VACATED and RESET for Ms. Border to get up to the prison to visit Deft. Ms. Border requested the status check be set on February 13, 2020. COURT SO ORDERED. CUSTODY (COC--NDC) 2/13/20 9:00 AM STATUS CHECK: MOTION TO WITHDRAW GUILTY PLEA;

02/13/2020  **Status Check** (9:00 AM) (Judicial Officer: Holthus, Mary Kay)
02/13/2020, 03/03/2020
Matter Continued;
Briefing Schedule Set;
Journal Entry Details:
Ms. Border indicated she filed Motion to Withdraw Plea; however, she didn't know if anyone received a copy. Court indicated it didn't, along with Ms. Craggs. Court noted the State would need time to respond. COURT ORDERED the following Briefing Schedule: State to file Response by March 31, 2020, Ms. Border to file Reply by April 7, 2020, and matter CONTINUED for Argument. CUSTODY (COC-NDC) 4/14/20 9:00 AM ARGUMENT: MOTION TO WITHDRAW PLEA;
Matter Continued;
Briefing Schedule Set;
Journal Entry Details:
Ms. Border requested matter be continued for two weeks for her to go and see Deft. at the prison. No objection by Ms. Craggs. COURT ORDERED, matter CONTINUED. CUSTODY (COC) 3/3/20 9:00 AM CONTINUED: STATUS CHECK: MOTION TO WITHDRAW GUILTY PLEA ;

04/14/2020 **Motion to Withdraw Plea** (12:00 PM) (Judicial Officer: Holthus, Mary Kay)
Matter Continued;

04/14/2020 **Argument** (12:00 PM) (Judicial Officer: Holthus, Mary Kay)
Matter Heard;

04/14/2020  **All Pending Motions** (12:00 PM) (Judicial Officer: Holthus, Mary Kay)
Matter Heard;
Journal Entry Details:
ARGUMENT...DEFENDANT'S MOTION TO WITHDRAW GUILTY PLEA (PRIOR TO SENTENCING) Ms. Border indicated Deft. was transported; however, she wasn't expecting him to be present. Further, Ms. Border noted both parties were going to submit on Motion. MATTER TRAILED for Ms. Craggs to be present. MATTER RECALLED. Ms. Craggs present. Ms. Border noted she submitted on Motion after receiving the State's Opposition. COURT ORDERED, Defendant's Motion to Withdraw Guilty Plea (Prior to Sentencing) was hereby DENIED as set forth in the State's Opposition. Ms. Craggs indicated she was concerned with the big issue of withdrawing plea as to Mr. Abbatangelo.

CASE SUMMARY

CASE NO. C-18-334955-1

Court inquired if Ms. Border wanted to stay on the case; however, Ms. Border noted it might still have to be approved through Drew Christiansen. Ms. Craggs noted it was a stipulated sentence to run concurrent to sentence Deft. was serving. Additionally, Ms. Craggs noted victim wanted to speak at sentencing. Colloquy between parties. Statements by Ms. Border noting she didn't believe there were any hard feelings between Mr. Abbatangelo and Deft. Deft. advised the Court he was previously prepared to go to trial; however, Mr. Abbatangelo had Deft. remanded. Colloquy between parties regarding counsel being appointed. Ms. Border noted she believed appointment would need to be approved. Court noted it would appoint new counsel for sentencing. Colloquy between parties regarding an evidentiary hearing. COURT FURTHER ORDERED, denial of instant Motion was hereby WITHDRAWN, and evidentiary hearing SET. Court noted it would need to be continued until the middle of June 2020 for actual witnesses to be present. Statements by Deft. Colloquy between parties. Following colloquy, Ms. Craggs requested transcripts of the actual plea; therefore, COURT FURTHER ORDERED, expedited transcripts to be provided to the State. The State to prepare Transport Order. CUSTODY (COC-NDC) 6/12/20 10:00 AM EVIDENTIARY HEARING...CONTINUED: DEFENDANT'S MOTION TO WITHDRAW GUILTY PLEA (PRIOR TO SENTENCING) ;

06/25/2020 **Evidentiary Hearing** (12:00 PM) (Judicial Officer: Holthus, Mary Kay)


06/25/2020, 08/13/2020, 09/03/2020, 09/17/2020

Matter Continued;
Matter Continued;
Matter Continued;
Matter Continued;
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Matter Continued;
Matter Continued;


06/25/2020 **Motion to Withdraw Plea** (12:00 PM) (Judicial Officer: Holthus, Mary Kay)

06/25/2020, 08/13/2020, 09/03/2020

Matter Continued;
Matter Continued;
Matter Continued;
Matter Continued;
Matter Continued;
Matter Continued;
Matter Continued;
Matter Continued;
Matter Continued;

06/25/2020  **All Pending Motions** (12:00 PM) (Judicial Officer: Holthus, Mary Kay)

Matter Continued;
Journal Entry Details:
EVIDENTIARY HEARING...MOTION TO WITHDRAW PLEA Parties not present. Counsel contacted chambers prior to court and requested matter be continued to August 13, 2020. COURT SO ORDERED. CUSTODY (COC-NDC) 8/13/20 9:00 AM CONTINUED: EVIDENTIARY HEARING...MOTION TO WITHDRAW PLEA;

08/13/2020  **All Pending Motions** (12:00 PM) (Judicial Officer: Holthus, Mary Kay)

Matter Continued;
Journal Entry Details:
Deft. present in-custody via Bluejeans video conference. EVIDENTIARY HEARING...MOTION TO WITHDRAW PLEA Ms. Border advised there were issues with medical records, and she nor the District Attorney's Office, had received them; however, they could proceed with hearing without medical records. Statements by Ms. Craggs indicating previous Motion filed by Deft. with the same issue as the instant case, all which the Supreme Court affirmed. Colloquy between parties. Witness Tony Abbatangelo, Esq., SWORN and TESTIFIED. Upon Court's inquiry, Deft. agreed to waive attorney client privilege between him and Mr. Abbatangelo in order for the hearing to proceed. COURT ORDERED, matter CONTINUED for two weeks to proceed with evidentiary hearing. CUSTODY (COC-NDC) 9/3/20

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. C-18-334955-1

12:00 PM CONTINUED: EVIDENTIARY HEARING...MOTION TO WITHDRAW PLEA;

09/03/2020	 All Pending Motions (12:00 PM) (Judicial Officer: Holthus, Mary Kay) Matter Continued; Journal Entry Details: <i>EVIDENTIARY HEARING...MOTION TO WITHDRAW PLEA Ms. Border not present. Parties were advised they didn't need to appear. Court indicated due to what parties needed, ORDERED, matter CONTINUED for two weeks. CUSTODY (COC-NDC) 9/17/20 1:30 PM CONTINUED: EVIDENTIARY HEARING...MOTION TO WITHDRAW PLEA ;</i>
09/17/2020	Motion to Withdraw Plea (1:00 PM) (Judicial Officer: Holthus, Mary Kay) Matter Continued;
09/17/2020	 All Pending Motions (1:00 PM) (Judicial Officer: Holthus, Mary Kay) Matter Continued; Journal Entry Details: <i>EVIDENTIARY HEARING...MOTION TO WITHDRAW PLEA Deft. not present. Ms. Border indicated the instant matter was supposed to be an evidentiary hearing. Further Ms. Border noted they took the steps that were necessary; however, was informed it wasn't done properly. Ms. Border requested matter be continued for two weeks. Ms. Craggs requested three weeks due to her schedule. Colloquy between parties. Following colloquy, COURT ORDERED, matter CONTINUED. CUSTODY (COC-NDC) 10/13/20 1:00 PM CONTINUED: EVIDENTIARY HEARING...MOTION TO WITHDRAW PLEA;</i>
10/13/2020	Evidentiary Hearing (1:00 PM) (Judicial Officer: Holthus, Mary Kay) 10/13/2020, 10/29/2020 Matter Continued; Set Status Check; Matter Continued; Set Status Check;
10/13/2020	Motion to Withdraw Plea (1:00 PM) (Judicial Officer: Holthus, Mary Kay) Matter Continued;
10/13/2020	 All Pending Motions (1:00 PM) (Judicial Officer: Holthus, Mary Kay) Matter Continued; Journal Entry Details: <i>Deft. present in-custody via Bluejeans video conference. EVIDENTIARY HEARING...MOTION TO WITHDRAW PLEA Ms. Border noted they left off with Mr. Abbatangelo's testimony at the previous hearing, and the matter was reset due to the prison's schedule. Additionally, Ms. Border noted Mr. Abbtangelo didn't receive the Bluejeans information; therefore, parties agreed to let Deft. testify first. Witness, Bryan Dryden, SWORN and TESTIFIED. Witness, Anthony Abbatangelo, SWORN and TESTIFIED. Following testimony, the Nevada Department of Corrections (NDC) allotted time for Bluejeans access was set to expire. Court noted it would reset the instant matter as soon as possible. Colloquy between parties. Following colloquy, COURT ORDERED, matter CONTINUED. CUSTODY (COC-NDC) 10/27/20 1:30 PM CONTINUED: EVIDENTIARY HEARING...MOTION TO WITHDRAW PLEA CLERK'S NOTE: Following court proceedings and due to the Nevada Department of Corrections (NDC) Bluejeans access schedule, the matter was continued from October 27, 2020 to October 29, 2020. //10-15-20/ dy;</i>
10/27/2020	CANCELED Motion to Withdraw Plea (1:30 PM) (Judicial Officer: Holthus, Mary Kay) <i>Vacated</i>
10/29/2020	Motion to Withdraw Plea (1:30 PM) (Judicial Officer: Holthus, Mary Kay) Matter Continued;
10/29/2020	 All Pending Motions (1:30 PM) (Judicial Officer: Holthus, Mary Kay) Matter Heard; Journal Entry Details: <i>Bryan Schwartz, Esq. and Genevieve Craggs, Esq. present via Bluejeans video conference; Deft. present in-custody via Bluejeans video conference. EVIDENTIARY HEARING...MOTION TO WITHDRAW PLEA Testimony presented by Deft. Mr. Schwartz requested for the admission of exhibits that were STIPULATED to by parties. Exhibits presented and ADMITTED (see worksheet). Court noted the transcript would be ordered and then parties could set a briefing schedule. Ms. Craggs indicated the State would prepare and Order for the Transcripts. Following colloquy, COURT</i>

CASE SUMMARY

CASE NO. C-18-334955-1

ORDERED, status check SET in two weeks as to transcripts and at that time the briefing schedule would be set. Court inquired if Deft. agreed to the briefing schedule being set without him being present, Deft. concurred. Court advised Deft. he would be brought back for argument. Deft. concurred. CUSTODY (COC-NDC) 11/12/20 12:00 PM STATUS CHECK: TRANSCRIPTS/ SET BRIEFING SCHEDULE;

11/12/2020



Status Check (12:00 PM) (Judicial Officer: Holthus, Mary Kay)

11/12/2020, 11/19/2020

STATUS CHECK: TRANSCRIPT/ SET BRIEFING SCHEDULE

Matter Continued;

Briefing Schedule Set;

Journal Entry Details:

Genevieve Craggs, Esq. and Marisa Border, Esq. present via Bluejeans video conference. Deft. not present. Colloquy between parties regarding Order for Transcripts. Court noted the Order was sent; however, wasn't sent to the Department Inbox. Court further noted, Deft. was being quarantined and a briefing schedule would need to be set. COURT ORDERED, the following briefing schedule: Ms. Border to file Opening Brief by December 10, 2020, State to file Response by December 24, 2020, and matter CONTINUED for Argument. Colloquy between parties regarding Deft.'s presence. Ms. Craggs noted she would prepare a Transport Order. CUSTODY (COC-NDC) 1/7/21 9:00 AM ARGUMENT ;

Matter Continued;

Briefing Schedule Set;

Journal Entry Details:

Genevieve Craggs, Esq. and Marisa Border, Esq. present via Bluejeans video conference. Deft. not present. Court advised parties it didn't receive the Transcript Order. Ms. Border noted matter was set to check that the Transcript was filed. Colloquy between parties. Following colloquy, COURT DIRECTED Ms. Craggs to submit to the Order, and ORDERED matter CONTINUED one week. CUSTODY (COC-NDC) 11/19/20 12:00 PM CONTINUED: STATUS CHECK: TRANSCRIPT/ SET BRIEFING SCHEDULE;

01/07/2021



Argument (3:00 PM) (Judicial Officer: Holthus, Mary Kay)

01/07/2021, 01/28/2021

Referred;

Denied;

Referred;

Denied;

Journal Entry Details:

Deft. not present, in Nevada Dept. of Corrections. Ms. Border stated the parties would like this matter sent back to Dept. 18 for Judge Holthus to decide the motion. COURT ORDERED, argument and the State's opposition are SET before Judge Holthus for the limited purpose of deciding this motion; however, this matter is to be returned to its department thereafter; matter SET for Status Check. Ms. Border stated this matter would go back to Mr. Abbatangelo thereafter, as she was only appointed on the motion to withdraw the guilty plea agreement. CUSTODY (COC-NDC) 1/28/21 - 11:00 AM - ARGUMENT ... STATUS OPPOSITION TO DEFT.'S MOTION TO WITHDRAW GUILTY PLEA 2/11/21 - 1:30 PM - STATUS CHECK: SENTENCING / RESET TRIAL;

01/28/2021

Motion (11:00 AM) (Judicial Officer: Holthus, Mary Kay)

State's Opposition to Defendant's Motion to Withdraw Guilty Plea

Denied;

01/28/2021



All Pending Motions (11:00 AM) (Judicial Officer: Holthus, Mary Kay)

Matter Heard;

Journal Entry Details:

Genevieve Craggs, Esq. and Marisa Border, Esq. present via Bluejeans video conference; Deft. present in-custody via Bluejeans video conference. ARGUMENT...STATE'S OPPOSITION TO DEFENDANT'S MOTION TO WITHDRAW GUILTY PLEA Court noted it had read everything. Ms. Craggs submitted. Ms. Border submitted. Arguments by Deft. Colloquy between Ms. Border and Deft. as to a Petition being filed. Following colloquy, Court indicated it sat through the evidentiary hearing and testimony, and it didn't FIND there was a basis for Deft. to withdraw his Guilty Plea Agreement; therefore, ORDERED, Motion to Withdraw Guilty Plea Agreement was hereby DENIED as set forth in the briefs and the State's Opposition. The State to prepare the Order with findings. MATTER RECALLED. Ms. Border and Deft. not present. Ms. Craggs requested a sentencing date. COURT ORDERED. matter SET for sentencing, and date set for status check VACATED. CUSTODY (COC-NDC) 2/11/21 11:00 AM SENTENCING CLERK'S NOTE: The above minute order has been distributed to: Marisa Border, Esq. (mborderlaw@gmail.com). //2-3-21/ dy;

02/11/2021



Sentencing (11:00 AM) (Judicial Officer: Holthus, Mary Kay)

CASE SUMMARY
CASE NO. C-18-334955-1

02/11/2021, 02/25/2021, 04/01/2021

Matter Continued;
Matter Continued;
Set Status Check;
Journal Entry Details:

Barbara Schifalacqua, Esq. and Anthony Abbatangelo, Esq. present via Bluejeans video conference; Deft. present in-custody via Bluejeans video conference. Deft. indicated he didn't have a chance to speak with Mr. Abbatangelo; additionally, Deft. noted there were discrepancies in the Pre-sentence Investigation (PSI) report and he needed to go over some things with Mr. Abbatangelo. Court indicated it would give Deft. time to go over the PSI with his attorney. COURT ORDERED, matter SET for status check in 30 days. Court indicated if Mr. Abbatangelo found that the PSI needed to go back to Parole and Probation and figured out there were errors, to contact the State. Court noted it wouldn't keep having victim come back. CUSTODY (COC-NDC) 5/6/21 11:00 AM STATUS CHECK: SENTENCING;

Matter Continued;
Matter Continued;
Set Status Check;
Journal Entry Details:

Bryan Schwartz, Esq. and Anthony Abbatangelo, Esq. present via Bluejeans video conference. Deft. not present. Court noted Deft. wasn't transported. Mr. Schwartz noted the State did an Order to Transport. Court noted the victim speaker was on the line. COURT ORDERED, matter CONTINUED for four weeks. COURT DIRECTED parties to reach out the it's Judicial Executive Assistant to set up video with the prison. Parties concurred. CUSTODY (COC-NDC) 3/25/21 11:00 AM CONTINUED: SENTENCING;

Matter Continued;
Matter Continued;
Set Status Check;
Journal Entry Details:

Genevieve Craggs, Esq. and Anthony Abbatangelo, Esq. present via Bluejeans video conference. Deft. not present. Upon Court's inquiry, Ms. Craggs noted they did do a Transport Order; however, they would be requesting a continuance. No objection by Mr. Abbatangelo. Ms. Craggs noted the victim was not available; therefore, she would be requesting a couple of weeks. COURT ORDERED, matter CONTINUED. CUSTODY (COC-NDC) 2/25/21 11:00 AM CONTINUED: SENTENCING;

02/11/2021 **CANCELED Status Check (1:30 PM)** (Judicial Officer: Silva, Cristina D.)
Vacated
Status Check: Set Sentencing / Reset Trial

05/06/2021  **Status Check (11:00 AM)** (Judicial Officer: Holthus, Mary Kay)

05/06/2021, 06/10/2021, 07/08/2021

STATUS CHECK: SENTENCING

Matter Continued;
Matter Continued;
Defendant Sentenced;
Journal Entry Details:

Deft. present via Video Conference; Counsel and Victim Speaker Kala Blush present via Bluejeans. DEFT DRYDEN ADJUDGED GUILTY of ATTEMPT SEXUAL ASSAULT (F). Ms. DiGiacomo submitted on the negotiations, requested restitution, and stated Deft. is not entitled to any credit for time served. Argument by Mr. Dryden, statement by Deft. Colloquy and argument regarding NRS 176.055, subsection (1). Victim Speaker KALA BLUSH SWORN IN and TESTIFIED. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, a \$150.00 DNA Analysis fee including testing to determine genetic markers, a \$3.00 DNA Collection fee, a \$967.00 Psychosexual Evaluation Fee, and \$2,575.81 Restitution to Clark County Social Services, Deft. SENTENCED to a MINIMUM of SIXTY (60) MONTHS and a MAXIMUM of TWO HUNDRED FORTY (240) MONTHS in the Nevada Department of Corrections (NDC), CONCURRENT WITH case 09C258241, with ZERO (0) DAYS credit for time served. COURT FURTHER ORDERED, a special SENTENCE OF LIFETIME SUPERVISION is imposed to commence upon release from any term of probation, parole or imprisonment. Deft. to Register as a sex offender in accordance with NRS 179D.460 within 48 hours after sentencing. BOND, if any, EXONERATED. CUSTODY (NDC - COC);

Matter Continued;
Matter Continued;
Defendant Sentenced;
Journal Entry Details:

APPEARANCES CONTINUED: Lindsey Moors (phonetic; inaudible), Deputy District Attorney, present. Mr. Abbatangelo advised there is a new Pre-Sentence Investigation (PSI) Report. Upon Court's inquiry, Deft. requested 30-day continuance to speak with Mr. Abbatangelo. Deft. advised issue with appointment of Ms. Border and return to Mr. Abbatangelo as counsel. Deft. further advised he seeks to withdraw Mr. Abbatangelo as counsel. Court noted videoconference interruption. COURT ORDERED, matter CONTINUED to 7/8/21. Court directed Mr. Abbatangelo to contact Deft. regarding the issues. IN CUSTODY (COC-NDC) CONTINUED TO: 7/8/21 11:00 AM STATUS CHECK:

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. C-18-334955-1

SENTENCING CLERK'S NOTE: Minutes prepared utilizing the JAVS recording. /cd 7-23-2021/;

Matter Continued;

Matter Continued;

Defendant Sentenced;

Journal Entry Details:

Bryan Schwartz, Esq. and Anthony Abbatangelo, Esq. present via Bluejeans video conference. Deft. not present. Court inquired if parties were ready to set sentencing; however, Mr. Abbatangelo indicated he spoke to Deft. and there was an issue with the Pre-sentence Investigation (PSI) report. Mr. Abbatangelo noted that Deft. indicated there should be a successful completion of probation. Mr. Abbatangelo informed the Court he wasn't sure where Deft. was for the instant hearing. Court noted the instant matter was set for a status check on sentencing, and inquired if Mr. Abbatangelo reached out to the State for the file to be sent back to Parole and Probation. Mr. Abbatangelo indicated he did not. Upon Court's inquiry, Mr. Abbatangelo informed the Court on page-4 of the PSI it was not reflecting a 1988 Honorable Discharge from probation in Colorado. Further statements by Mr. Abbatangelo. Colloquy between parties. Following colloquy, COURT DIRECTED Mr. Schwartz to see if the PSI could be sent back to be looked into, which Mr. Schwartz concurred. COURT ORDERED, another status check SET. COURT FURTHER DIRECTED Mr. Schwartz to prepare a Transport Order or set up a phone call. Mr. Schwartz concurred. CUSTODY (COC-NDC) 6/10/21 11:00 AM CONTINUED: STATUS CHECK: SENTENCING;

07/27/2021 **Motion to Withdraw as Counsel** (1:30 PM) (Judicial Officer: Clark Newberry, Tara)
Motion to Withdraw as Attorney of Record for Defendant

09/07/2021 **Motion** (1:30 PM) (Judicial Officer: Clark Newberry, Tara)
Motion to Withdraw Counsel of Record and Appoint New Counsel to Appeal the Withdrawal of Plea Deal from Judgment of Conviction

09/07/2021 **Motion** (1:30 PM) (Judicial Officer: Clark Newberry, Tara)
Motion to Withdraw Counsel

DATE

FINANCIAL INFORMATION

Defendant Dryden, Bryan Warren

Total Charges

178.00

Total Payments and Credits

0.00

Balance Due as of 8/16/2021

178.00

Heather S. Smith

CLERK OF THE COURT

JOCP

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

BRYAN WARREN DRYDEN
#2585083

Defendant.

CASE NO. C-18-334955-1

DEPT. NO. XVIII

JUDGMENT OF CONVICTION

(PLEA OF GUILTY)

The Defendant previously appeared before the Court with counsel and entered a plea of guilty to the crime of ATTEMPT SEXUAL ASSAULT (Category B Felony) in violation of NRS 200.364, 200.366, 193.330; thereafter, on the 8th day of July, 2021, the Defendant was present in court, via Blue jeans, for sentencing with counsel ANTHONY L. ABBATANGELO, ESQ., via Blue jeans, and good cause appearing,


THE DEFENDANT IS HEREBY ADJUDGED guilty of said offense and, in addition to the \$25.00 Administrative Assessment Fee, \$967.00 Psychosexual Evaluation Fee, \$2,575.81 Restitution payable to Clark County Social Services and \$150.00 DNA Analysis Fee including

1 testing to determine genetic markers plus \$3.00 DNA Collection Fee, the Defendant is
2 sentenced as follows: a MAXIMUM of TWO HUNDRED FORTY (240) MONTHS with a
3 MINIMUM Parole Eligibility of SIXTY (60) MONTHS in the Nevada Department of
4 Corrections (NDC), CONCURRENT with C258241; ZERO (0) DAYS credit for time served.
5

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

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

21 Dated this 29th day of July, 2021

22 
23 _____

24 C6A 0D8 FB4B 25F1
25 Mary Kay Holthus
26 District Court Judge
27
28

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 State of Nevada

CASE NO: C-18-334955-1

7 vs

DEPT. NO. Department 21

8 Bryan Dryden
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 7/29/2021

15 Stephen Wolfson

Motions@clarkcountyda.com

16 Tony Abbatangelo

Tony@thevegaslawyers.com

17 Marissa Border

mborderlaw@gmail.com

18 Genevieve Craggs

genevieve.c.craggs@clarkcountyda.com

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28

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 19, 2018

C-18-334955-1 State of Nevada
 vs
 Bryan Dryden

September 19, 2018 11:00 AM Grand Jury Indictment

HEARD BY: Bell, Linda Marie

COURTROOM: RJC Courtroom 17A

COURT CLERK: Kimberly Estala

RECORDER: Renee Vincent

REPORTER:

PARTIES

PRESENT: State of Nevada Plaintiff
 Villani, Jacob J. Attorney

JOURNAL ENTRIES

- Russell Walker, Grand Jury Foreperson, stated to the Court that at least twelve members had concurred in the return of the true bill during deliberation, but had been excused for presentation to the Court. State presented Grand Jury Case Number 18AGJ051X to the Court. COURT ORDERED, the Indictment may be filed and is assigned Case Number C-18-334955-1, Department IX.

State requested a warrant, argued bail, and advised Deft is in custody. COURT ORDERED, \$150,000.00 BAIL; INDICTMENT WARRANT ISSUED, and matter SET for Arraignment.

COURT FURTHER ORDERED, Exhibits 1-15 to be lodged with the Clerk of the Court; Las Vegas Justice Court case no. 18F12046X DISMISSED per the State's request.

I.W. (CUSTODY- NDC)

10/11/18 9:00 A.M. INITIAL ARRAIGNMENT (DEPT IX)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 11, 2018

C-18-334955-1 State of Nevada
 vs
 Bryan Dryden

October 11, 2018 9:00 AM Initial Arraignment

HEARD BY: Bell, Linda Marie

COURTROOM: RJC Courtroom 10C

COURT CLERK: Athena Trujillo

RECORDER: Yvette G. Sison

REPORTER:

PARTIES

PRESENT:	Dryden, Bryan Warren	Defendant
	Rose, Laura Jean	Attorney
	Shaygan-Fatemi, Kambiz	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Mr. Shaygan advised he will step in for arraignment. Matter TRAILED.

Matter RECALLED. Mr. Shaygan requested two weeks for confirmation of counsel and arraignment, noting the Defendant has a pending writ against the Public Defender. COURT ORDERED, matter CONTINUED and SET for confirmation of counsel.

NIC (COC - NDC)

10/25/18 9:00 AM INITIAL ARRAIGNMENT / CONFIRMATION OF COUNSEL (PD)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 25, 2018

C-18-334955-1 State of Nevada
 vs
 Bryan Dryden

October 25, 2018 9:00 AM All Pending Motions

HEARD BY: Togliatti, Jennifer

COURTROOM: RJC Courtroom 10C

COURT CLERK: Athena Trujillo

RECORDER: Rubina Feda

REPORTER:

PARTIES

PRESENT:	Abbatangelo, Anthony L	Attorney
	Dryden, Bryan Warren	Defendant
	Shaygan-Fatemi, Kambiz	Attorney
	State of Nevada	Plaintiff
	Villani, Jacob J.	Attorney

JOURNAL ENTRIES

- CONFIRMATION OF COUNSEL ... INITIAL ARRAIGNMENT

Defendant not present.

Court noted the Defendant was not transported due to medical issues. COURT ORDERED, Mr. Abbatangelo APPOINTED as counsel. Mr. Abbatangelo noted he has already received discovery and CONFIRMED as counsel. COURT ORDERED, arraignment CONTINUED.

NIC (COC-NDC)

11/8/18 9:00 AM ARRAIGNMENT CONTINUED

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 08, 2018

C-18-334955-1 State of Nevada
vs
Bryan Dryden

November 08, 2018 9:00 AM Initial Arraignment

HEARD BY: Togliatti, Jennifer

COURTROOM: RJC Courtroom 10C

COURT CLERK: Athena Trujillo

RECORDER: Yvette G. Sison

REPORTER:

PARTIES

PRESENT:	Abbatangelo, Anthony L	Attorney
	Dryden, Bryan Warren	Defendant
	State of Nevada	Plaintiff
	Villani, Jacob J.	Attorney

JOURNAL ENTRIES

- Upon Court's inquiry, Defendant advised his true name is Bryan O'Neil Dryden. DEFT. DRYDEN ARRAIGNED, PLED NOT GUILTY, and INVOKED the 60-DAY RULE. COURT ORDERED, matter set for trial. Mr. Abbatangelo requested 21 days from today for the filing of any writ. COURT ORDERED, counsel has 21 days from the filing of the Grand Jury transcript or today's date, whichever is later, to file a Writ.

NIC (COC - NDC)

12/27/18 9:00 AM CALENDAR CALL

1/7/19 10:30 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 27, 2018

C-18-334955-1 State of Nevada
 vs
 Bryan Dryden

December 27, 2018 9:00 AM Calendar Call

HEARD BY: Togliatti, Jennifer

COURTROOM: RJC Courtroom 10C

COURT CLERK: Athena Trujillo

RECORDER: Yvette G. Sison

REPORTER:

PARTIES

PRESENT:	Abbatangelo, Anthony L	Attorney
	Dryden, Bryan Warren	Defendant
	State of Nevada	Plaintiff
	Villani, Jacob J.	Attorney

JOURNAL ENTRIES

- CONFERENCE AT THE BENCH. Matter TRAILED.

Matter RECALLED. Mr. Abbatangelo advised the Defendant will waive his speedy trial rights and requested the trial date be reset. Upon Court's inquiry, Defendant WAIVED his speedy trial rights. COURT ORDERED, trial date VACATED and RESET.

NIC (COC - NDC)

3/21/19 9:00 AM CALENDAR CALL

4/1/19 10:30 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 26, 2019**

C-18-334955-1 State of Nevada
vs
Bryan Dryden

March 26, 2019 9:00 AM Calendar Call

HEARD BY: Holthus, Mary Kay**COURTROOM:** RJC Courtroom 03F**COURT CLERK:** Keith Reed**RECORDER:** Yvette G. Sison**REPORTER:****PARTIES**

PRESENT:	Abbatangelo, Anthony L	Attorney
	Dryden, Bryan Warren	Defendant
	Luzaich, Elissa	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Ms. Luzaich stated she's appearing for Ms. DiaGiacomo. Mr. Abbatangelo announced he's not ready; State's missing an officer and CSA. Ms. Luzaich requested a continuance due to the Detective being out on a high risk pregnancy, she cannot come to court and is due in 30-45 days. Upon the inquiry of the Court, Mr. Abbatangelo noted his objection is to the content, not the form, advising he was informed by Ms. DiGiacomo and there's been a file review. Upon the inquiry of the Court, Defendant acknowledged his understanding of the unavailability of the witness. Colloquy regarding trial continuation. Ms. Luzaich stated the Defendant needs to be remanded on this case. Mr. Abbatangelo concurred, noting the Defendant has been informed he will go back to the prison until closer to trial. COURT ORDERED, Defendant REMANDED to custody; trial CONTINUED at the request of the State due to a missing essential witness.

CUSTODY(NDC)

6-18-19 9:00 AM CALENDAR CALL

C-18-334955-1

6-24-19 1:00 PM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 18, 2019

C-18-334955-1 State of Nevada
 vs
 Bryan Dryden

June 18, 2019 9:00 AM Calendar Call

HEARD BY: Holthus, Mary Kay

COURTROOM: RJC Courtroom 03F

COURT CLERK: Dara Yorke

RECORDER: Yvette G. Sison

REPORTER:

PARTIES

PRESENT:	Abbatangelo, Anthony L	Attorney
	Dryden, Bryan Warren	Defendant
	State of Nevada	Plaintiff
	Sudano, Michelle L.	Attorney

JOURNAL ENTRIES

- Mr. Abbatangelo indicated he had filed a Motion to Continue Trial, stating he would be out of the jurisdiction. Ms. Sudano indicated there wasn't an objection by the State. COURT ORDERED, trial VACATED and RESET.

NIC (COC-NDC)

10/29/19 9:00 AM CALENDAR CALL

11/4/19 1:00 PM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 29, 2019

C-18-334955-1 State of Nevada
 vs
 Bryan Dryden

October 29, 2019 9:00 AM Calendar Call

HEARD BY: Holthus, Mary Kay

COURTROOM: RJC Courtroom 03F

COURT CLERK: Dara Yorke

RECORDER: Gail Reiger

REPORTER:

PARTIES

PRESENT:	Abbatangelo, Anthony L	Attorney
	Craggs, Genevieve C.	Attorney
	Dryden, Bryan Warren	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- CONFERENCE AT BENCH. Following colloquy, Court noted it would continue the instant matter until Thursday, October 31, 2019. COURT ORDERED, matter CONTINUED; COURT FURTHER ORDERED, Deft. REMANDED to Clark County Detention Center (CCDC) pending trial.

CUSTODY (COC-NDC)

10/31/19 9:00 AM CONTINUED: CALENDAR CALL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 31, 2019

C-18-334955-1 State of Nevada
vs
Bryan Dryden

October 31, 2019 9:00 AM Calendar Call

HEARD BY: Holthus, Mary Kay

COURTROOM: RJC Courtroom 03F

COURT CLERK: Dara Yorke

RECORDER: Patti Slattery

REPORTER:

PARTIES

PRESENT:	Abbatangelo, Anthony L	Attorney
	Dryden, Bryan Warren	Defendant
	Schwartz, Bryan A.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Upon Court's inquiry, Mr. Abbatangelo indicated he went to the jail to speak with Deft. and was not allowed contact with him. Additionally, Mr. Abbatangelo just received a new offer and needed to speak with Deft. MATTER TRAILED.

MATTER RECALLED. Same parties present. After speaking with Deft. Mr. Abbatangelo indicated they would be proceeding to trial and Mr. Schwartz requested to start on Tuesday, November 5, 2019. Mr. Schwartz placed the offer on the record: Attempt Sexual Assault with five (5) to twenty (2) years, to run concurrent to Deft.'s case he is currently serving time on; however, that offer was rejected. Mr. Schwartz stated that offer was revoked as of that day. Court confirmed with Deft. that he was rejecting that offer. Deft. concurred. Colloquy between parties regarding credit for time served. Court inquired how long for trial, which Mr. Schwartz noted it should be done by Friday, November 8, 2019. COURT ORDERED, trial STANDS.

CUSTODY (COC-NDC)

11/5/19 1:00 PM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 05, 2019

C-18-334955-1 State of Nevada
vs
Bryan Dryden

November 05, 2019 9:00 AM

**Status Check:
Negotiations/Trial Setting**

HEARD BY: Holthus, Mary Kay

COURTROOM: RJC Courtroom 03F

COURT CLERK: Natalie Ortega

RECORDER: Yvette G. Sison

REPORTER:

PARTIES

PRESENT:	Abbatangelo, Anthony L	Attorney
	Dryden, Bryan Warren	Defendant
	Jones, Jr., John T.	Attorney
	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. DEFT. DRYDEN ARRAIGNED AND PLED GUILTY TO ATTEMPT SEXUAL ASSAULT (F). Court ACCEPTED plea and ORDERED, matter referred to the Division of Parole and Probation (P & P) and set for SENTENCING. COURT FURTHER ORDERED, Trial VACATED.

CUSTODY (COC-NDC)

01/07/20 9:00 AM SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 07, 2020

C-18-334955-1 State of Nevada
 vs
 Bryan Dryden

January 07, 2020 9:00 AM Sentencing

HEARD BY: Holthus, Mary Kay **COURTROOM:** RJC Courtroom 03F

COURT CLERK: Dara Yorke

RECORDER: Yvette G. Sison

REPORTER:

PARTIES

PRESENT:	Abbatangelo, Anthony L	Attorney
	Border, Marisa	Attorney
	Craggs, Genevieve C.	Attorney
	Dryden, Bryan Warren	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Upon Court's inquiry, Mr. Abbatangelo indicated Deft. would like to withdraw his Guilty Plea Agreement; therefore, he would need a new attorney and a potential evidentiary hearing. COURT ORDERED, Marisa Border APPOINTED for the limited purpose of looking into a possible withdrawal of Guilty Plea Agreement. Colloquy between parties. Following colloquy, COURT ORDERED, matter SET for a status check in 30 days.

CUSTODY (COC-NDC)

2/4/20 9:00 AM STATUS CHECK: MOTION TO WITHDRAW GUILTY PLEA

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 30, 2020

C-18-334955-1 State of Nevada
 vs
 Bryan Dryden

January 30, 2020 9:00 AM Motion

HEARD BY: Holthus, Mary Kay **COURTROOM:** RJC Courtroom 03F

COURT CLERK: Dara Yorke

RECORDER: Patti Slattery

REPORTER:

PARTIES

PRESENT: Border, Marisa Attorney
 Craggs, Genevieve C. Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- Deft. not present. Ms. Border noted Deft. was not transported. Ms. Craggs noted the instant date should have been vacated. CONFERENCE AT BENCH. Court noted it didn't know if the instant Motion was on in error; however, COURT ORDERED, Motion to Withdraw Counsel was ON IN ERROR; and the Status check: Motion to Withdraw Guilty Plea VACATED and RESET for Ms. Border to get up to the prison to visit Deft. Ms. Border requested the status check be set on February 13, 2020. COURT SO ORDERED.

CUSTODY (COC--NDC)

2/13/20 9:00 AM STATUS CHECK: MOTION TO WITHDRAW GUILTY PLEA

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 13, 2020

C-18-334955-1 State of Nevada
 vs
 Bryan Dryden

February 13, 2020 9:00 AM Status Check

HEARD BY: Holthus, Mary Kay **COURTROOM:** RJC Courtroom 03F

COURT CLERK: Dara Yorke

RECORDER: Yvette G. Sison

REPORTER:

PARTIES

PRESENT:	Border, Marisa	Attorney
	Craggs, Genevieve C.	Attorney
	Dryden, Bryan Warren	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Ms. Border requested matter be continued for two weeks for her to go and see Deft. at the prison. No objection by Ms. Craggs. COURT ORDERED, matter CONTINUED.

CUSTODY (COC)

3/3/20 9:00 AM CONTINUED: STATUS CHECK: MOTION TO WITHDRAW GUILTY PLEA

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 03, 2020**

C-18-334955-1 State of Nevada
vs
Bryan Dryden

March 03, 2020 9:00 AM Status Check

HEARD BY: Holthus, Mary Kay**COURTROOM:** RJC Courtroom 03F**COURT CLERK:** Dara Yorke**RECORDER:** Yvette G. Sison**REPORTER:****PARTIES**

PRESENT:	Border, Marisa	Attorney
	Craggs, Genevieve C.	Attorney
	Dryden, Bryan Warren	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Ms. Border indicated she filed Motion to Withdraw Plea; however, she didn't know if anyone received a copy. Court indicated it didn't, along with Ms. Craggs. Court noted the State would need time to respond. COURT ORDERED the following Briefing Schedule: State to file Response by March 31, 2020, Ms. Border to file Reply by April 7, 2020, and matter CONTINUED for Argument.

CUSTODY (COC-NDC)

4/14/20 9:00 AM ARGUMENT: MOTION TO WITHDRAW PLEA

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****April 14, 2020**

C-18-334955-1 State of Nevada
vs
Bryan Dryden

April 14, 2020**12:00 AM****All Pending Motions****HEARD BY:** Holthus, Mary Kay**COURTROOM:** RJC Lower Level Arraignment**COURT CLERK:** Dara Yorke**RECORDER:** Yvette G. Sison**REPORTER:****PARTIES**

PRESENT:	Border, Marisa	Attorney
	Craggs, Genevieve C.	Attorney
	Dryden, Bryan Warren	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- ARGUMENT...DEFENDANT'S MOTION TO WITHDRAW GUILTY PLEA (PRIOR TO SENTENCING)

Ms. Border indicated Deft. was transported; however, she wasn't expecting him to be present. Further, Ms. Border noted both parties were going to submit on Motion. MATTER TRAILED for Ms. Craggs to be present.

MATTER RECALLED. Ms. Craggs present. Ms. Border noted she submitted on Motion after receiving the State's Opposition. COURT ORDERED, Defendant's Motion to Withdraw Guilty Plea (Prior to Sentencing) was hereby DENIED as set forth in the State's Opposition. Ms. Craggs indicated she was concerned with the big issue of withdrawing plea as to Mr. Abbatangelo. Court inquired if Ms. Border wanted to stay on the case; however, Ms. Border noted it might still have to be approved through Drew Christiansen. Ms. Craggs noted it was a stipulated sentence to run concurrent to sentence Deft. was serving. Additionally, Ms. Craggs noted victim wanted to speak at sentencing. Colloquy between parties. Statements by Ms. Border noting she didn't believe there were any hard

feelings between Mr. Abbatangelo and Deft. Deft. advised the Court he was previously prepared to go to trial; however, Mr. Abbatangelo had Deft. remanded. Colloquy between parties regarding counsel being appointed. Ms. Border noted she believed appointment would need to be approved. Court noted it would appoint new counsel for sentencing. Colloquy between parties regarding an evidentiary hearing. COURT FURTHER ORDERED, denial of instant Motion was hereby WITHDRAWN, and evidentiary hearing SET. Court noted it would need to be continued until the middle of June 2020 for actual witnesses to be present. Statements by Deft. Colloquy between parties. Following colloquy, Ms. Craggs requested transcripts of the actual plea; therefore, COURT FURTHER ORDERED, expedited transcripts to be provided to the State. The State to prepare Transport Order.

CUSTODY (COC-NDC)

6/12/20 10:00 AM EVIDENTIARY HEARING...CONTINUED: DEFENDANT'S MOTION TO WITHDRAW GUILTY PLEA (PRIOR TO SENTENCING)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 25, 2020

C-18-334955-1 State of Nevada
 vs
 Bryan Dryden

June 25, 2020

12:00 AM

All Pending Motions

HEARD BY: Holthus, Mary Kay

COURTROOM: RJC Courtroom 03F

COURT CLERK: Dara Yorke

RECORDER: Yvette G. Sison

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- EVIDENTIARY HEARING...MOTION TO WITHDRAW PLEA

Parties not present. Counsel contacted chambers prior to court and requested matter be continued to August 13, 2020. COURT SO ORDERED.

CUSTODY (COC-NDC)

8/13/20 9:00 AM CONTINUED: EVIDENTIARY HEARING...MOTION TO WITHDRAW PLEA

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 13, 2020

C-18-334955-1 State of Nevada
 vs
 Bryan Dryden

August 13, 2020 12:00 AM All Pending Motions

HEARD BY: Holthus, Mary Kay **COURTROOM:** RJC Courtroom 03F

COURT CLERK: Dara Yorke

RECORDER: Yvette G. Sison

REPORTER:

PARTIES

PRESENT:	Border, Marisa	Attorney
	Craggs, Genevieve C.	Attorney
	Dryden, Bryan Warren	Defendant
	Schwartz, Bryan A.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Deft. present in-custody via Bluejeans video conference.

EVIDENTIARY HEARING...MOTION TO WITHDRAW PLEA

Ms. Border advised there were issues with medical records, and she nor the District Attorney's Office, had received them; however, they could proceed with hearing without medical records. Statements by Ms. Craggs indicating previous Motion filed by Deft. with the same issue as the instant case, all which the Supreme Court affirmed. Colloquy between parties. Witness Tony Abbatangelo, Esq., SWORN and TESTIFIED. Upon Court's inquiry, Deft. agreed to waive attorney client privilege between him and Mr. Abbatangelo in order for the hearing to proceed. COURT ORDERED, matter CONTINUED for two weeks to proceed with evidentiary hearing.

CUSTODY (COC-NDC)

9/3/20 12:00 PM CONTINUED: EVIDENTIARY HEARING...MOTION TO WITHDRAW PLEA

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 03, 2020

C-18-334955-1 State of Nevada
 vs
 Bryan Dryden

September 03, 2020 12:00 AM All Pending Motions

HEARD BY: Holthus, Mary Kay

COURTROOM: RJC Courtroom 03A

COURT CLERK: Dara Yorke

RECORDER: Yvette G. Sison

REPORTER:

PARTIES

PRESENT:	Conlin, Elise M	Attorney
	Dryden, Bryan Warren	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- EVIDENTIARY HEARING...MOTION TO WITHDRAW PLEA

Ms. Border not present. Parties were advised they didn't need to appear. Court indicated due to what parties needed, ORDERED, matter CONTINUED for two weeks.

CUSTODY (COC-NDC)

9/17/20 1:30 PM CONTINUED: EVIDENTIARY HEARING...MOTION TO WITHDRAW PLEA

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 17, 2020

C-18-334955-1 State of Nevada
 vs
 Bryan Dryden

September 17, 2020 1:00 PM All Pending Motions

HEARD BY: Holthus, Mary Kay **COURTROOM:** RJC Courtroom 03F

COURT CLERK: Dara Yorke

RECORDER: Yvette G. Sison

REPORTER:

PARTIES

PRESENT:	Border, Marisa	Attorney
	Craggs, Genevieve C.	Attorney
	Schwartz, Bryan A.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- EVIDENTIARY HEARING...MOTION TO WITHDRAW PLEA

Deft. not present. Ms. Border indicated the instant matter was supposed to be an evidentiary hearing. Further Ms. Border noted they took the steps that were necessary; however, was informed it wasn't done properly. Ms. Border requested matter be continued for two weeks. Ms. Craggs requested three weeks due to her schedule. Colloquy between parties. Following colloquy, COURT ORDERED, matter CONTINUED.

CUSTODY (COC-NDC)

10/13/20 1:00 PM CONTINUED: EVIDENTIARY HEARING...MOTION TO WITHDRAW PLEA

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 13, 2020

C-18-334955-1 State of Nevada
 vs
 Bryan Dryden

October 13, 2020

1:00 PM

All Pending Motions

HEARD BY: Holthus, Mary Kay

COURTROOM: RJC Courtroom 03F

COURT CLERK: Dara Yorke

RECORDER: Yvette G. Sison

REPORTER:

PARTIES

PRESENT:	Border, Marisa	Attorney
	Craggs, Genevieve C.	Attorney
	Dryden, Bryan Warren	Defendant
	Schwartz, Bryan A.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Deft. present in-custody via Bluejeans video conference.

EVIDENTIARY HEARING...MOTION TO WITHDRAW PLEA

Ms. Border noted they left off with Mr. Abbatangelo's testimony at the previous hearing, and the matter was reset due to the prison's schedule. Additionally, Ms. Border noted Mr. Abbtangelo didn't receive the Bluejeans information; therefore, parties agreed to let Deft. testify first.

Witness, Bryan Dryden, SWORN and TESTIFIED.

Witness, Anthony Abbatangelo, SWORN and TESTIFIED.

Following testimony, the Nevada Department of Corrections (NDC) allotted time for Bluejeans access was set to expire. Court noted it would reset the instant matter as soon as possible. Colloquy between

parties. Following colloquy, COURT ORDERED, matter CONTINUED.

CUSTODY (COC-NDC)

10/27/20 1:30 PM CONTINUED: EVIDENTIARY HEARING...MOTION TO WITHDRAW PLEA

CLERK'S NOTE: Following court proceedings and due to the Nevada Department of Corrections (NDC) Bluejeans access schedule, the matter was continued from October 27, 2020 to October 29, 2020. //10-15-20/ dy

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 29, 2020

C-18-334955-1 State of Nevada
 vs
 Bryan Dryden

October 29, 2020

1:30 PM

All Pending Motions

HEARD BY: Holthus, Mary Kay

COURTROOM: RJC Courtroom 03F

COURT CLERK: Dara Yorke

RECORDER: Angelica Michaux

REPORTER:

PARTIES

PRESENT:	Border, Marisa	Attorney
	Craggs, Genevieve C.	Attorney
	Dryden, Bryan Warren	Defendant
	Schwartz, Bryan A.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Bryan Schwartz, Esq. and Genevieve Craggs, Esq. present via Bluejeans video conference; Deft. present in-custody via Bluejeans video conference.

EVIDENTIARY HEARING...MOTION TO WITHDRAW PLEA

Testimony presented by Deft. Mr. Schwartz requested for the admission of exhibits that were STIPULATED to by parties. Exhibits presented and ADMITTED (see worksheet). Court noted the transcript would be ordered and then parties could set a briefing schedule. Ms. Craggs indicated the State would prepare and Order for the Transcripts. Following colloquy, COURT ORDERED, status check SET in two weeks as to transcripts and at that time the briefing schedule would be set. Court inquired if Deft. agreed to the briefing schedule being set without him being present, Deft. concurred. Court advised Deft. he would be brought back for argument. Deft. concurred.

CUSTODY (COC-NDC)

PRINT DATE: 08/16/2021

Page 26 of 40

Minutes Date: September 19, 2018

11/12/20 12:00 PM STATUS CHECK: TRANSCRIPTS/ SET BRIEFING SCHEDULE

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 12, 2020

C-18-334955-1 State of Nevada
vs
Bryan Dryden

November 12, 2020 12:00 AM Status Check

HEARD BY: Holthus, Mary Kay

COURTROOM: RJC Courtroom 03F

COURT CLERK: Dara Yorke

RECORDER: Yvette G. Sison

REPORTER:

PARTIES

PRESENT:	Border, Marisa	Attorney
	Craggs, Genevieve C.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Genevieve Craggs, Esq. and Marisa Border, Esq. present via Bluejeans video conference.

Deft. not present. Court advised parties it didn't receive the Transcript Order. Ms. Border noted matter was set to check that the Transcript was filed. Colloquy between parties. Following colloquy, COURT DIRECTED Ms. Craggs to submit to the Order, and ORDERED matter CONTINUED one week.

CUSTODY (COC-NDC)

11/19/20 12:00 PM CONTINUED: STATUS CHECK: TRANSCRIPT/ SET BRIEFING SCHEDULE

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 19, 2020

C-18-334955-1 State of Nevada
vs
Bryan Dryden

November 19, 2020 12:00 AM Status Check

HEARD BY: Holthus, Mary Kay

COURTROOM: RJC Courtroom 03F

COURT CLERK: Dara Yorke

RECORDER: Yvette G. Sison

REPORTER:

PARTIES

PRESENT:	Border, Marisa	Attorney
	Craggs, Genevieve C.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Genevieve Craggs, Esq. and Marisa Border, Esq. present via Bluejeans video conference.

Deft. not present. Colloquy between parties regarding Order for Transcripts. Court noted the Order was sent; however, wasn't sent to the Department Inbox. Court further noted, Deft. was being quarantined and a briefing schedule would need to be set. COURT ORDERED, the following briefing schedule: Ms. Border to file Opening Brief by December 10, 2020, State to file Response by December 24, 2020, and matter CONTINUED for Argument. Colloquy between parties regarding Deft.'s presence. Ms. Craggs noted she would prepare a Transport Order.

CUSTODY (COC-NDC)

1/7/21 9:00 AM ARGUMENT

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 07, 2021

C-18-334955-1 State of Nevada
 vs
 Bryan Dryden

January 07, 2021 3:00 PM Argument

HEARD BY: Clark Newberry, Tara **COURTROOM:** RJC Courtroom 16C

COURT CLERK: Andrea Natali

RECORDER: Robin Page

REPORTER:

PARTIES

PRESENT: Border, Marisa Attorney
 Einhorn, Kelsey R. Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- Deft. not present, in Nevada Dept. of Corrections. Ms. Border stated the parties would like this matter sent back to Dept. 18 for Judge Holthus to decide the motion. COURT ORDERED, argument and the State's opposition are SET before Judge Holthus for the limited purpose of deciding this motion; however, this matter is to be returned to its department thereafter; matter SET for Status Check. Ms. Border stated this matter would go back to Mr. Abbatangelo thereafter, as she was only appointed on the motion to withdraw the guilty plea agreement.

CUSTODY (COC-NDC)

1/28/21 - 11:00 AM - ARGUMENT ... STATUS OPPOSITION TO DEFT.'S MOTION TO
WITHDRAW GUILTY PLEA

2/11/21 - 1:30 PM - STATUS CHECK: SENTENCING / RESET TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 28, 2021

C-18-334955-1 State of Nevada
vs
Bryan Dryden

January 28, 2021 11:00 AM All Pending Motions

HEARD BY: Holthus, Mary Kay

COURTROOM: RJC Courtroom 03F

COURT CLERK: Dara Yorke

RECORDER: Yvette G. Sison

REPORTER:

PARTIES

PRESENT:	Border, Marisa	Attorney
	Craggs, Genevieve C.	Attorney
	Dryden, Bryan Warren	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Genevieve Craggs, Esq. and Marisa Border, Esq. present via Bluejeans video conference; Deft. present in-custody via Bluejeans video conference.

ARGUMENT...STATE'S OPPOSITION TO DEFENDANT'S MOTION TO WITHDRAW GUILTY PLEA

Court noted it had read everything. Ms. Craggs submitted. Ms. Border submitted. Arguments by Deft. Colloquy between Ms. Border and Deft. as to a Petition being filed. Following colloquy, Court indicated it sat through the evidentiary hearing and testimony, and it didn't FIND there was a basis for Deft. to withdraw his Guilty Plea Agreement; therefore, ORDERED, Motion to Withdraw Guilty Plea Agreement was hereby DENIED as set forth in the briefs and the State's Opposition. The State to prepare the Order with findings.

MATTER RECALLED. Ms. Border and Deft. not present. Ms. Craggs requested a sentencing date. **COURT ORDERED.** matter SET for sentencing, and date set for status check VACATED.

CUSTODY (COC-NDC)

2/11/21 11:00 AM SENTENCING

CLERK'S NOTE: The above minute order has been distributed to: Marisa Border, Esq.
(mborderlaw@gmail.com). //2-3-21/ dy

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 11, 2021

C-18-334955-1 State of Nevada
 vs
 Bryan Dryden

February 11, 2021 11:00 AM Sentencing

HEARD BY: Holthus, Mary Kay **COURTROOM:** RJC Courtroom 03F

COURT CLERK: Dara Yorke

RECORDER: Yvette G. Sison

REPORTER:

PARTIES

PRESENT: Abbatangelo, Anthony L Attorney
 Craggs, Genevieve C. Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- Genevieve Craggs, Esq. and Anthony Abbatangelo, Esq. present via Bluejeans video conference.

Deft. not present. Upon Court's inquiry, Ms. Craggs noted they did do a Transport Order; however, they would be requesting a continuance. No objection by Mr. Abbatangelo. Ms. Craggs noted the victim was not available; therefore, she would be requesting a couple of weeks. COURT ORDERED, matter CONTINUED.

CUSTODY (COC-NDC)

2/25/21 11:00 AM CONTINUED: SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 25, 2021

C-18-334955-1 State of Nevada
 vs
 Bryan Dryden

February 25, 2021 11:00 AM Sentencing

HEARD BY: Holthus, Mary Kay **COURTROOM:** RJC Courtroom 03F

COURT CLERK: Dara Yorke

RECORDER: Yvette G. Sison

REPORTER:

PARTIES

PRESENT: Abbatangelo, Anthony L Attorney
 Schwartz, Bryan A. Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- Bryan Schwartz, Esq. and Anthony Abbatangelo, Esq. present via Bluejeans video conference.

Deft. not present. Court noted Deft. wasn't transported. Mr. Schwartz noted the State did an Order to Transport. Court noted the victim speaker was on the line. COURT ORDERED, matter CONTINUED for four weeks. COURT DIRECTED parties to reach out the it's Judicial Executive Assistant to set up video with the prison. Parties concurred.

CUSTODY (COC-NDC)

3/25/21 11:00 AM CONTINUED: SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 01, 2021

C-18-334955-1 State of Nevada
 vs
 Bryan Dryden

April 01, 2021 11:00 AM Sentencing

HEARD BY: Holthus, Mary Kay **COURTROOM:** RJC Courtroom 03C

COURT CLERK: Dara Yorke

RECORDER: Yvette G. Sison

REPORTER:

PARTIES

PRESENT:	Abbatangelo, Anthony L	Attorney
	Dryden, Bryan Warren	Defendant
	Schifalacqua, Barbara	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Barbara Schifalacqua, Esq. and Anthony Abbatangelo, Esq. present via Bluejeans video conference; Deft. present in-custody via Bluejeans video conference.

Deft. indicated he didn't have a chance to speak with Mr. Abbatangelo; additionally, Deft. noted there were discrepancies in the Pre-sentence Investigation (PSI) report and he needed to go over some things with Mr. Abbatangelo. Court indicated it would give Deft. time to go over the PSI with his attorney. COURT ORDERED, matter SET for status check in 30 days. Court indicated if Mr. Abbatangelo found that the PSI needed to go back to Parole and Probation and figured out there were errors, to contact the State. Court noted it wouldn't keep having victim come back.

CUSTODY (COC-NDC)

5/6/21 11:00 AM STATUS CHECK: SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 06, 2021**

C-18-334955-1 State of Nevada
vs
Bryan Dryden

May 06, 2021 11:00 AM Status Check

HEARD BY: Holthus, Mary Kay **COURTROOM:** RJC Courtroom 03F

COURT CLERK: Dara Yorke

RECORDER: Yvette G. Sison

REPORTER:

PARTIES

PRESENT:	Abbatangelo, Anthony L	Attorney
	Schwartz, Bryan A.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Bryan Schwartz, Esq. and Anthony Abbatangelo, Esq. present via Bluejeans video conference.

Deft. not present. Court inquired if parties were ready to set sentencing; however, Mr. Abbatangelo indicated he spoke to Deft. and there was an issue with the Pre-sentence Investigation (PSI) report. Mr. Abbatangelo noted that Deft. indicated there should be a successful completion of probation. Mr. Abbatangelo informed the Court he wasn't sure where Deft. was for the instant hearing. Court noted the instant matter was set for a status check on sentencing, and inquired if Mr. Abbatangelo reached out to the State for the file to be sent back to Parole and Probation. Mr. Abbatangelo indicated he did not. Upon Court's inquiry, Mr. Abbatangelo informed the Court on page-4 of the PSI it was not reflecting a 1988 Honorable Discharge from probation in Colorado. Further statements by Mr. Abbatangelo. Colloquy between parties. Following colloquy, COURT DIRECTED Mr. Schwartz to see if the PSI could be sent back to be looked into, which Mr. Schwartz concurred. COURT ORDERED, another status check SET. COURT FURTHER DIRECTED Mr. Schwartz to prepare a Transport Order or set up a phone call. Mr. Schwartz concurred.

CUSTODY (COC-NDC)

6/10/21 11:00 AM CONTINUED: STATUS CHECK: SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 10, 2021

C-18-334955-1 State of Nevada
vs
Bryan Dryden

June 10, 2021 11:00 AM Status Check

HEARD BY: Holthus, Mary Kay

COURTROOM: RJC Courtroom 03B

COURT CLERK: Michelle Jones

RECORDER: Yvette G. Sison

REPORTER:

PARTIES

PRESENT: Abbatangelo, Anthony L Attorney
Dryden, Bryan Warren Defendant

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Lindsey Moors (phonetic; inaudible), Deputy District Attorney, present.

Mr. Abbatangelo advised there is a new Pre-Sentence Investigation (PSI) Report. Upon Court's inquiry, Deft. requested 30-day continuance to speak with Mr. Abbatangelo. Deft. advised issue with appointment of Ms. Border and return to Mr. Abbatangelo as counsel. Deft. further advised he seeks to withdraw Mr. Abbatangelo as counsel. Court noted videoconference interruption. COURT ORDERED, matter CONTINUED to 7/8/21. Court directed Mr. Abbatangelo to contact Deft. regarding the issues.

IN CUSTODY (COC-NDC)

CONTINUED TO: 7/8/21 11:00 AM STATUS CHECK: SENTENCING

CLERK'S NOTE: Minutes prepared utilizing the JAVS recording. /cd 7-23-2021/

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****July 08, 2021**

C-18-334955-1 State of Nevada
vs
Bryan Dryden

July 08, 2021 11:00 AM Status Check

HEARD BY: Holthus, Mary Kay**COURTROOM:** RJC Courtroom 03F

COURT CLERK: Erin Burnett
Shelley Boyle

RECORDER: Yvette G. Sison**REPORTER:****PARTIES**

PRESENT:	Abbatangelo, Anthony L	Attorney
	Digiacomio, Sandra K.	Attorney
	Dryden, Bryan Warren	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Deft. present via Video Conference; Counsel and Victim Speaker Kala Blush present via Bluejeans.

DEFT DRYDEN ADJUDGED GUILTY of ATTEMPT SEXUAL ASSAULT (F). Ms. DiGiacomo submitted on the negotiations, requested restitution, and stated Deft. is not entitled to any credit for time served. Argument by Mr. Dryden, statement by Deft. Colloquy and argument regarding NRS 176.055, subsection (1). Victim Speaker KALA BLUSH SWORN IN and TESTIFIED.

COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, a \$150.00 DNA Analysis fee including testing to determine genetic markers, a \$3.00 DNA Collection fee, a \$967.00 Psychosexual Evaluation Fee, and \$2,575.81 Restitution to Clark County Social Services, Deft. SENTENCED to a MINIMUM of SIXTY (60) MONTHS and a MAXIMUM of TWO HUNDRED FORTY (240) MONTHS in the Nevada Department of Corrections (NDC), CONCURRENT WITH case 09C258241, with ZERO (0) DAYS credit for time served. COURT FURTHER ORDERED, a special SENTENCE OF LIFETIME SUPERVISION is imposed to commence upon release from any term of

probation, parole or imprisonment. Deft. to Register as a sex offender in accordance with NRS 179D.460 within 48 hours after sentencing.

BOND, if any, EXONERATED.

CUSTODY (NDC - COC)

CASE NO. C-18-334955-1
DEPT. NO. IX
CDDA JACOB VILLANI (SVU)

Defendant(s): BRYAN WARREN DRYDEN, aka, Bryan Dryden #2585083

Case No(s): 18AGJ051X (RANDOMLY TRACKS TO DC IX & X)

Charge(s): (1) CT - SEXUAL ASSAULT WITH USE OF A DEADLY WEAPON (Category A
Felony - NRS 200.364, 200.366, 193.165 - NOC 50097)

Def. Counsel(s): UNKNOWN

WARRANT (3 WEEKS)

DEFT IN CUSTODY @ NDOC (18F12046X- AW ISSD 7/10 IN JC 3)

LVJC CASE TO BE DSM'D: 18F12046X

Exhibits:

- WA 1. Proposed Indictment
- WA 2. Jury Instructions
- WA 3. Photo
- WA 4. Photo Sheet
- WA 5. Photo
- WA 6. Photo Sheet
- WA 7. Photo
- WA 8. Photo
- WA 9. Photo
- WA 10. Photo
- WA 11. Photo
- WA 12. Photo
- WA 13. Photo
- WA 14. Photo
- WA 15. Photo

Exhibits 1 - 15 to be lodged with the Clerk of the Court.

EXHIBIT(S) LIST

Case No.: C334955

HEARING Date: 9/17/20, 10/13/20, 10/29/20

Dept. No.: 18

Judge: MARY KAY HOLTHUS

Court Clerk: DARA YORKE

Plaintiff: STATE OF NEVADA

Recorder: YVETTE SISON / ANGELICA MICHAUX

Counsel for Plaintiff: GENEVIEVE CRAGAS

vs.

Defendant: BRYAN DRYDEN

BRYAN SCHWARTZ

Counsel for Defendant: MARISA BOROER

HEARING BEFORE THE COURT

STATE'S EXHIBITS

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted	
1	MOTION TO WITHDRAW GUILTY PLEA	10/29/20	STIP	10/29/20	WA
2	MOTION TO WITHDRAW OPA MINUTES	10/29/20			WA
3	GUILTY PLEA AGREEMENT	10/29/20			WA
4	JOC 2009	10/29/20			WA
5	ENTRY OF PLEA MINUTES	10/29/20			WA
6	NV SUPREME COURT ORDER OF AFFIRMANCE	10/29/20	↓	↓	WA

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 TO A DIRECT APPEAL TO WITHDRAW PLEA DEAL TO THE
NEVADA SUPREME COURT FROM JUDGMENT OF CONVICTION (JUNE 8, 2021); CASE
APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; JUDGMENT OF CONVICTION
(PLEA OF GUILTY); DISTRICT COURT MINUTES; EXHIBITS LIST

STATE OF NEVADA,

Plaintiff(s),

vs.

BRYAN WARREN DRYDEN,

Defendant(s).

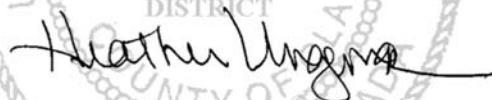
Case No: C-18-334955-1

Dept No: XXI

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 16 day of August 2021.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk

