

1 CASE NO.: CR-FP-16-9651
2 DEPT. 2

FILED

2021 OCT 22 AM 11:17

3 ELKO COUNTY DISTRICT COURT
4 Electronically Filed
5 Nov 10 2021 10:00 a.m.
6 Elizabeth A. Brown
7 Clerk of Supreme Court

8
9 IN THE FOURTH JUDICIAL DISTRICT COURT OF THE
10 STATE OF NEVADA, IN AND FOR THE COUNTY OF ELKO

11 THE STATE OF NEVADA,

12 Plaintiff,

NOTICE OF APPEAL

13 vs.

14 ANTHONY CHRIS ROBERT

15 MARTINEZ,

16 Defendant.

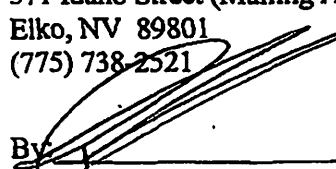
17 TO: TYLER INGRAM, Elko County District Attorney

18 NOTICE is hereby given that ANTHONY CHRIST ROBERT MARTINEZ, defendant
19 above named, hereby appeals to the Supreme Court of Nevada from the Judgment of Conviction
20 filed on October 7, 2021, in the above-entitled action:

21 This appeal is to all issues of fact and law.

22 DATED this 22nd day of October, 2021.

23 MATTHEW PENNELL
24 ELKO COUNTY PUBLIC DEFENDER
25 569 Court Street (Physical Address)
26 571 Idaho Street (Mailing Address)
27 Elko, NV 89801
28 (775) 738-2521

29 By: 
MATTHEW PENNELL
Public Defender
NV Bar Number 13298

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CERTIFICATE OF SERVICE

I hereby certify, pursuant to the provisions of NRCP 5(b), that on the 28th day of October 2021, I served the foregoing NOTICE OF APPEAL, by delivering or causing to be delivered a copy of said document, to the following:

HONORABLE ALVIN R. KACIN
District Judge, Department 2
Elko County Courthouse
Elko NV 89801

ELKO COUNTY DISTRICT ATTORNEY'S OFFICE
540 Court Street
Elko NV 89801

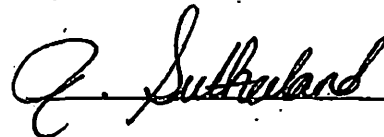
OFFICE OF THE ATTORNEY GENERAL
100 N. Carson Street
Carson City NV 89701-4717



CERTIFICATE OF MAILING

I hereby certify, pursuant to the provisions of NRCP 5(b), that on the 28th day of October 2021 I mailed, postage prepaid, a copy of the foregoing NOTICE OF APPEAL, to the following:

ANTHONY CHRIS ROBERT MARTINEZ
Elko County Jail Inmate



CR-FP-16-9651
DEPARTMENT 2

FILED

2021 OCT 28 PM 3:19

ELKO CO DISTRICT COURT

IN THE FOURTH JUDICIAL DISTRICT COURT
CLERK _____ DEPUTY *AM*
OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF ELKO

ANTHONY CHRIS ROBERT MARTINEZ,
APPELLANT,

vs.

STATE OF NEVADA,
RESPONDENT.

CASE APPEAL STATEMENT

1. Name of appellant filing this case appeal statement:
Anthony Chris Robert Martinez
2. Identify the judge issuing the decision, judgment or order appealed from:
Judge Alvin R. Kacin
3. Identify each appellant and the name and address of counsel for each appellant:
**Anthony Chris Robert Martinez #1249714
Northern Nevada Correctional Center
P.O. Box 7000
Carson City, NV 89702**
4. Identify each respondent and the name and address of appellant counsel, if known for each respondent (if the name of a respondent's appellate counsel is unknown, indicate as much and provide the name and address of that respondent's trial counsel):
**State of Nevada
Tyler Ingram, Esq.
Elko County District Attorney's Office
571 Court Street
Elko, NV 89801**
5. Indicate whether any attorney identified above in response to question 3 or 4 is not licensed to practice law in Nevada and, if so, whether the district court granted that attorney permission to appear under SCR 42 (attach a copy of any district court order granting such permission): **N/A**

6. Indicate whether appellant was represented by appointed or retained counsel in the district court:

**Matthew Pennell
Elko County Public Defender
571 Idaho Street
Elko, NV 89801**

7. Indicate whether appellant is represented by appointed or retained counsel on appeal: **No**

8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date of entry of the district court order granting such leave:

Order to Allow Appellant to Proceed on Appeal In Forma Pauperis filed 10/26/21

9. Indicate the date the proceedings commenced in the district court (e.g., date complaint, indictment, information, or petition was filed):

Criminal Information filed 12/21/18

10. Provide a brief description of the nature of the action and result in the district court, including the type of judgment or order being appealed and the relief granted by the district court:

Judgment of Conviction filed 10/7/21

11. Indicate whether the case has previously been the subject of an appeal to or original writ proceeding in the Supreme Court and, if so, the caption and Supreme Court docket number of the prior proceeding: **N/A**

12. Indicate whether this appeal involves child custody or visitation: **No**

13. If this is a civil case, indicate whether this appeal involves the possibility of settlement: **N/A**

Dated this 28th day of October, 2021

Kristine Jakeman, Elko County Clerk

By: 
Annette Marshall, Deputy Clerk

Case Summary

ECDC-CRFP-16-9651 - STATE OF NEVADA VS. MARTINEZ, ANTHONY CHRIS ROBERT

Court: ECDC-CRFP-16-9651

Agency: Elko County Clerk's Office

Prosecution: F-16-05218

CaseID: 18-2611

Type: Criminal

Received Date: 12/14/2018

Status: Closed

Status Date: 10/7/2021

Age: 1049 days Active Age: 1042 days

Involvements

PORTER, NANCY Judge, Inactive

HILL, KRISTON Judge, Inactive

SIMONS, MASON Judge, Inactive

KACIN, ALVIN Judge

INGRAM, TYLER Prosecution Attorney

MARTINEZ, ANTHONY Defendant

HILL, KRISTON Defense Attorney, Inactive

PENNELL, MATTHEW Defense Attorney

NEVADA, STATE OF Plaintiff

Filed Charge - Criminal Information

1. NRS 200.010 - Attempted Murder - With The Use Of A Deadly Weapon Or Tear Gas Occurred: 11/17/2016

Felony Felony - Crimes Against Persons Category B 12/21/2018 12:00:00 PM

Count History: CNVCHARGE-Charge (Conversion) Change Date: 3/25/2021 Change Type: Statute

Disposition: Disposition (Converted) Dispo Date:

Notes: Code: NRS

Charge Number: 200.010.W

Description: MURDER W/DEADLY WEAP

Crime Type: FP

Date Charged: 11/17/2016

Comment: ATTEMPTED

Notes: PCN: NVELSOO4004171 C

2. NRS 200.010 - Attempted Murder - With The Use Of A Deadly Weapon Or Tear Gas Occurred: 11/17/2016

Felony Felony - Crimes Against Persons Category B 12/21/2018 12:00:00 PM

Count History: CNVCHARGE-Charge (Conversion) Change Date: 3/25/2021 Change Type: Statute

Disposition: Disposition (Converted) Dispo Date:

Notes: Code: NRS

Charge Number: 193.330

Description: ATTEMPTED/ATTEMPT TO

Crime Type: FP

Date Charged: 11/17/2016

Comment: MURDER W/ DDLY WPN

Notes: PCN: NVELSOO4004171 C

Case Summary

3. NRS 202.262 - Possess Explosive Or Incendiary Device In Or Near Public Or Private Area Occurred: 11/17/2016

Felony Felony - Weapons Category D 12/21/2018 12:00:00 PM
Count History: CNVCHARGE-Charge (Conversion) Change Date: 3/25/2021 Change Type: Statute
Disposition: Disposition (Converted) Dispo Date:
Notes: Code: NRS
Charge Number: 200.010.W
Description: MURDER W/DEADLY WEAP
Crime Type: FP
Date Charged: 11/17/2016
Comment: ATTEMPTED

Notes: PCN: NVELSOO4004171 C

4. NRS 200.481.2e1 - Battery With Use Of Deadly Weapon Occurred: 11/17/2016

Felony Felony - Crimes Against Persons Category B 12/21/2018 12:00:00 PM
Count History: CNVCHARGE-Charge (Conversion) Change Date: 3/25/2021 Change Type: Statute
Disposition: Disposition (Converted) Dispo Date:
Notes: Code: NRS
Charge Number: 193.330
Description: ATTEMPTED/ATTEMPT TO
Crime Type: FP
Date Charged: 11/17/2016
Comment: MURDER W/ DDLY WPN

Notes: PCN: NVELSOO4004171 C

5. NRS 200.471.2b - Assault, With Use Of Deadly Weapon Occurred: 11/17/2016

Felony Felony - Crimes Against Persons Category B 12/21/2018 12:00:00 PM
Count History: CNVCHARGE-Charge (Conversion) Change Date: 3/25/2021 Change Type: Statute
Disposition: Disposition (Converted) Dispo Date:
Notes: Code: NRS
Charge Number: 202.262
Description: POSS OF EXPLOSIVE
Class: D
Crime Type: FP
Date Charged: 11/17/2016

Notes: PCN: NVELSOO4004171 C

6. NRS 200.471.2b - Assault, With Use Of Deadly Weapon Occurred: 11/17/2016

Felony Felony - Crimes Against Persons Category B 12/21/2018 12:00:00 PM
Count History: CNVCHARGE-Charge (Conversion) Change Date: 3/25/2021 Change Type: Statute
Disposition: Disposition (Converted) Dispo Date:
Notes: Code: NRS
Charge Number: 200.481(2)(E)
Description: BATTERY/DDLY WEAPON
Crime Type: FP
Date Charged: 11/17/2016

Notes: PCN: NVELSOO4004171 C

7. NRS 200.380 - Attempted Robbery - With The Use Of A Deadly Weapon Or Tear Gas Occurred: 11/17/2016

Felony Felony - Crimes Against Persons Category B 12/21/2018 12:00:00 PM
Count History: CNVCHARGE-Charge (Conversion) Change Date: 3/25/2021 Change Type: Statute
Disposition: Disposition (Converted) Dispo Date:

Case Summary

Notes: Code: NRS
Charge Number: 200.471(2)(B)
Description: ASSAULT WITH DEADLY
Crime Type: FP
Date Charged: 11/17/2016

Notes: PCN: NVELSOO4004171 C

8. NRS 202.287.1b - Discharge Firearm From Or Within Structure Or Vehicle Within Prohibited Area Occurred: 11/17/2016

Felony Felony - Weapons Category B 12/21/2018 12:00:00 PM
Count History: CNVCHARGE-Charge (Conversion) Change Date: 3/25/2021 Change Type: Statute
Disposition: Disposition (Converted) Dispo Date:
Notes: Code: NRS
Charge Number: 193.330
Description: ATTEMPTED/ATTEMPT TO
Crime Type: FP
Date Charged: 11/17/2016
Comment: ROBBERY DDLY WPN

Notes: PCN: NVELSOO4004171 C

9. NRS 484B.550.3b - Driver Evade, Elude Or Fail To Stop On Signal Of Peace Officer, Endangering Other Person Or Property Occurred: 11/17/2016

Felony Felony - Motor Vehicle - Other Category B 12/21/2018 12:00:00 PM
Count History: CNVCHARGE-Charge (Conversion) Change Date: 3/25/2021 Change Type: Statute
Disposition: Disposition (Converted) Dispo Date:
Notes: Code: NRS
Charge Number: 200.471(2)(B)
Description: ASSAULT WITH DEADLY
Crime Type: FP
Date Charged: 11/17/2016

Notes: PCN: NVELSOO4004171 C

10. NRS 202.360.1 - Own Or Possess Firearm By Prohibited Person Occurred: 11/17/2016

Felony Felony - Weapons Category B 12/21/2018 12:00:00 PM
Count History: CNVCHARGE-Charge (Conversion) Change Date: 3/25/2021 Change Type: Statute
Disposition: Disposition (Converted) Dispo Date:
Notes: Code: NRS
Charge Number: 200.380
Description: ROBBERY
Crime Type: FP
Date Charged: 11/17/2016
Comment: ATTEMPTED W/ DDLY WP

Notes: PCN: NVELSOO4004171 C

11. NRS 202.360.1 - Own Or Possess Firearm By Prohibited Person Occurred: 11/17/2016

Felony Felony - Weapons Category B 12/21/2018 12:00:00 PM
Count History: CNVCHARGE-Charge (Conversion) Change Date: 3/25/2021 Change Type: Statute
Disposition: Disposition (Converted) Dispo Date:

Case Summary

Notes: Code: NRS
Charge Number: 202.287
Description: DISCHG FIREARM
Class: B
Crime Type: FO
Date Charged: 11/17/2016

Notes: PCN: NVLSOO4004171 C

12. NRS 202.360.1 - Own Or Possess Firearm By Prohibited Person Occurred: 11/17/2018

Felony Felony - Weapons Category B 12/21/2018 12:00:00 PM
Count History: CNVCHARGE-Charge (Conversion) Change Date: 3/25/2021 Change Type: Statute
Disposition: Disposition (Converted) Dispo Date:
Notes: Code: NRS
Charge Number: 484B.550F
Description: ELUDING POLICE OFFCR
Crime Type: FO
Date Charged: 11/17/2018

Notes: PCN: NVLSOO4004171 C

13. NRS 202.360.1 - Own Or Possess Firearm By Prohibited Person Occurred: 11/17/2016

Felony Felony - Weapons Category B 12/21/2018 12:00:00 PM
Count History: CNVCHARGE-Charge (Conversion) Change Date: 3/25/2021 Change Type: Statute
Disposition: Disposition (Converted) Dispo Date: 11/12/2019
Notes: Code: NRS
Charge Number: 202.360
Description: EX-FELON POSS FREARM
Crime Type: FP
Date Charged: 11/17/2016
Disposition: Z38
Disposition Description: ORD TO CONSOLIDATE
Disposition Comment: COUNTS 10-14
Disposition Date: 11/12/2019

Notes: PCN: NVLSOO4004171 C

14. NRS 202.360.1 - Own Or Possess Firearm By Prohibited Person Occurred: 11/17/2016

Felony Felony - Weapons Category B 12/21/2018 12:00:00 PM
Count History: CNVCHARGE-Charge (Conversion) Change Date: 3/25/2021 Change Type: Statute
Disposition: Disposition (Converted) Dispo Date: 11/12/2019
Notes: Code: NRS
Charge Number: 202.360
Description: EX-FELON POSS FREARM
Crime Type: FP
Date Charged: 11/17/2016
Disposition: Z38
Disposition Description: ORD TO CONSOLIDATE
Disposition Comment: COUNTS 10-14
Disposition Date: 11/12/2019

Notes: PCN: NVLSOO4004171 C

15. NRS 200.310.1 - Kidnapping, First Degree - With The Use Of A Deadly Weapon Or Tear Gas Occurred: 11/17/2016

Felony Felony - Crimes Against Persons Category A 12/21/2018 12:00:00 PM
Count History: CNVCHARGE-Charge (Conversion) Change Date: 3/25/2021 Change Type: Statute

Case Summary

Disposition: Disposition (Converted) Dispo Date: 11/12/2019

Notes: Code: NRS

Charge Number: 202.360

Description: EX-FELON POSS FREARM

Crime Type: FP

Date Charged: 11/17/2016

Disposition: Z38

Disposition Description: ORD TO CONSOLIDATE

Disposition Comment: COUNTS 10-14

Disposition Date: 11/12/2019

Notes: PCN: NVELSOO4004171 C

Case History

Date	Event Type Desc	Status
Pending - Case Status	Case Status Change	
Awaiting Return of Original Warrant - Task		
Status Hearing - Event	3/22/ 3/22/2021 8:30 AM 2021 8:30: 00 AM	3/22/2021 8:30:00 AM
Early Case Conference Hearing - Event	5/3/2 5/3/2021 8:30 AM 021 8:30: 00 AM	5/3/2021 8:30:00 AM
Motion Hearing - Event	6/10/ 6/10/2021 3:30 PM 2021 3:30: 00 PM	6/10/2021 3:30:00 PM
Jury Trial - Event	7/6/2 7/6/2021 9:00 AM 021 9:00: 00 AM	7/6/2021 9:00:00 AM

Case Summary

	Sentencing Hearing - Event	10/1/ 10/1/2021 2021 2:30: 00 PM	2:30 PM	10/1/2021 2:30:00 PM
	Closed - Case Status Case Status Change			
11/18/2016	CRIMINAL COMPLAINT; - Document			
11/18/2016	Proceedings (Converted) - Event	For: 11/18/2016	2:20 PM	
	Event Type Code: C40 Event Type Description: CRIMINAL COMPLAINT Note: EX PARTE APPLICATION FOR THE CONDUCT OF HEARING FOR THE PURPOSE OF SETTING PRELIMINARY HEARING			
11/29/2016	Proceedings (Converted) - Event	For: 11/29/2016	2:21 PM	
	Event Type Code: E06 Event Type Description: EX PARTE MOTION Note: TO RELEASE EVIDENCE			
12/9/2016	Proceedings (Converted) - Event	For: 12/9/2016	2:22 PM	
	Event Type Code: N50 Event Type Description: NOTICE OF ENTRY ORDR			
12/17/2016	Proceedings (Converted) - Event	For: 12/17/2016	2:21 PM	
	Event Type Code: Z14 Event Type Description: ORD RELEASING EVID			
1/26/2017	AMENDED CRIMINAL COMPLAINT AND AMENDED UNSWORN DECLARATION IN SUPPORT OF AMENDED CRIMINAL COMPLAINT - Document			
1/26/2017	Proceedings (Converted) - Event	For: 1/26/2017	2:22 PM	
	Event Type Code: A15 Event Type Description: AMENDED COMPLAINT			
2/8/2017	Proceedings (Converted) - Event	For: 2/8/2017	2:23 PM	
	Event Type Code: W12 Event Type Description: WARRANT OF ARREST			
2/15/2017	Proceedings (Converted) - Event	For: 2/15/2017	2:23 PM	
	Event Type Code: E06 Event Type Description: EX PARTE MOTION Note: FOR RELEASE OF EVIDENCE, SECOND			

Case Summary

2/21/2017	Proceedings (Converted) - Event	For: 2/21/2017	2:24 PM
	Event Type Code: Z14 Event Type Description: ORD RELEASING EVID Note: SECOND		
2/22/2017	Proceedings (Converted) - Event	For: 2/22/2017	2:24 PM
	Event Type Code: N50 Event Type Description: NOTICE OF ENTRY ORDR		
8/7/2017	Proceedings (Converted) - Event	For: 8/7/2017	2:25 PM
	Event Type Code: E06 Event Type Description: EX PARTE MOTION Note: THIRD REQUEST FOR RELEASE OF EVIDENCE		
6/12/2018	Proceedings (Converted) - Event	For: 6/12/2018	2:25 PM
	Event Type Code: B08 Event Type Description: BOOKING INFORMTN RPT		
6/12/2018	Proceedings (Converted) - Event	For: 6/12/2018	2:26 PM
	Event Type Code: A95 Event Type Description: APPL FOR APPT ATTY Note: APPLICATION FOR APPOINTMENT OF ATTORNEY		
6/12/2018	Proceedings (Converted) - Event	For: 6/12/2018	2:26 PM
	Event Type Code: Q26 Event Type Description: ORD APPT COUNSEL		
6/12/2018	BOOKING SHEET, BOOKED 6.12.18, CONTAINS SS NUMBER & UTAH ID NUMBER - Document		
6/12/2018	BOOKING SHEET, BOOKED 6.12.18, REDACTED - Document		
6/13/2018	Proceedings (Converted) - Event	For: 6/13/2018	2:27 PM
	Event Type Code: A14 Event Type Description: AMENDED Note: WARRANT OF ARREST		
6/26/2018	Proceedings (Converted) - Event	For: 6/26/2018	2:28 PM
	Event Type Code: S17 Event Type Description: STIP & ORD - CONT Note: PRELIMINARY HRG		
7/17/2018	Proceedings (Converted) - Event	For: 7/17/2018	2:29 PM

Case Summary

Event Type Code: S33
Event Type Description: SUBSTITUTION OF ATTY

7/18/2018 Proceedings (Converted) - Event For: 7/18/2018 2:30 PM

Event Type Code: O12
Event Type Description: ORDER
Note: OF VOLUNTARY RECUSAL

7/23/2018 Proceedings (Converted) - Event For: 7/23/2018 2:31 PM

Event Type Code: M16
Event Type Description: MOT FOR DISCOVERY
Note: EX PARTE MOTION FOR ORDER SHORTENING TIME

7/30/2018 Proceedings (Converted) - Event For: 7/30/2018 2:31 PM

Event Type Code: S17
Event Type Description: STIP & ORD - CONT

10/5/2018 Proceedings (Converted) - Event For: 10/5/2018 2:32 PM

Event Type Code: M60
Event Type Description: MOT TO WITHDRAW
Note: AS COUNSEL FROM TONY LIKER

11/6/2018 SECOND AMENDED CRIMINAL COMPLAINT -
Document

11/6/2018 Proceedings (Converted) - Event For: 11/6/2018 2:33 PM

Event Type Code: S06
Event Type Description: SECOND AM COMPLAINT

11/8/2018 BOOKING SHEET, REVISED, BOOKED
6.12.18, CONTAINS SS NUMBER & UTAH ID
NUMBER - Document

12/12/2018 Proceedings (Converted) - Event For: 12/12/2018 2:33 PM

Event Type Code: O38
Event Type Description: ORD BINDING OVER -DC

12/12/2018 Proceedings (Converted) - Event For: 12/12/2018 2:33 PM

Event Type Code: C44
Event Type Description: COMMITMENT

12/14/2018 Proceedings (Converted) - Event For: 12/14/2018 1:15 PM

Event Type Code: F24
Event Type Description: FILE OPEN - DC CRIM
Note: FILE OPENED - DC CRIMINAL

Case Summary

12/14/2018	Proceedings (Converted) - Event	For: 12/14/2018	1:15 PM	
	Event Type Code: J25			
	Event Type Description: JUDGE ASSIGNED			
12/14/2018	Proceedings (Converted) - Event	For: 12/14/2018	2:33 PM	
	Event Type Code: B08			
	Event Type Description: BOOKING INFORMTN RPT			
12/14/2018	Proceedings (Converted) - Event	For: 12/14/2018	2:34 PM	
	Event Type Code: R10			
	Event Type Description: RECORD OF CT PROC.			
12/21/2018	CRIMINAL INFORMATION - Document			
12/21/2018	Proceedings (Converted) - Event	For: 12/21/2018	4:41 PM	
	Event Type Code: C41			
	Event Type Description: CRIMINAL INFORMATION			
	Note: Certified copy issued			
12/28/2018	Calendared Event (Converted) - Event	3/11/ 3/11/2019	1:30 PM	3/11/2019 1:30:00 PM
		2019		
		1:30:		
		00 PM		
	Event Date: 03/11/2019 13:30			
	Event Type Code: A			
	Event Type Description: ARRAIGNMENT (DC)			
	Action Date: 01/25/2019			
	Action Code: CTN			
	Action Description: CONTINUED			
1/15/2019	Proceedings (Converted) - Event	For: 1/15/2019	1:33 PM	
	Event Type Code: T19			
	Event Type Description: TRANSCRIPT-PRELIM			
	Note: HEARING ON DEC 12, 2018			
1/25/2019	Calendared Event (Converted) - Event	3/25/ 3/25/2019	1:30 PM	3/25/2019 1:30:00 PM
		2019		
		1:30:		
		00 PM		
	Event Date: 03/25/2019 13:30			
	Event Type Code: A			
	Event Type Description: ARRAIGNMENT (DC)			
2/14/2019	Proceedings (Converted) - Event	For: 2/14/2019	11:47 AM	
	Event Type Code: C35			
	Event Type Description: COPIES PREPARED FOR			
	Note: FOR TONY LIKER OF THE DOCKETT			

Case Summary

3/14/2019	Proceedings (Converted) - Event	For: 3/14/2019	11:06 AM	
	Event Type Code: S15 Event Type Description: STIPULATION Note: FOR COMMITMENT OF DEF TO LAKES CROSSING			
3/14/2019	Proceedings (Converted) - Event	For: 3/14/2019	11:06 AM	
	Event Type Code: S28 Event Type Description: SUBMISSION OF ORDER Note: ORDER SENT TO JUDGE FOR SIGNATURE ORDER COMMITTING DEF TO LAKE'S CROSSING FOR EVALUATION (SUBMITTED BY THE PUBLIC DEF WITH COPIES PROVIDED) Action Date: 03/22/2019 Action Code: R99 Action Description: RESPONSE/ORDER Action Comment: ORD COMMITT TO LAKES CROSSING			
3/14/2019	Proceedings (Converted) - Event	For: 3/14/2019	11:07 AM	
	Event Type Code: F15 Event Type Description: FILE CHECKED OUT BY: Note: DC I for review/signature			
3/22/2019	Proceedings (Converted) - Event	For: 3/22/2019	3:57 PM	
	Event Type Code: F16 Event Type Description: FILE CHECKED IN BY:			
3/22/2019	Proceedings (Converted) - Event	For: 3/22/2019	3:57 PM	
	Event Type Code: Z56 Event Type Description: ORD COM DEF-LAKES CR Note: COPIES PLACED IN PUBLIC DEFENDER'S BOX			
5/2/2019	Calendared Event (Converted) - Event	5/7/2 5/7/2019 019 3:30: 00 PM	3:30 PM	5/7/2019 3:30:00 PM
	Event Date: 05/07/2019 15:30 Event Type Code: CH1 Event Type Description: COMPETENCY HEARING Note: COMPETENCY HEARING			
5/6/2019	Proceedings (Converted) - Event	For: 5/6/2019	4:31 PM	
	Event Type Code: F15 Event Type Description: FILE CHECKED OUT BY: Note: DC I for review/signature			
5/7/2019	Proceedings (Converted) - Event	For: 5/7/2019	3:33 PM	
	Event Type Code: H08 Event Type Description: HRG - DC1 COMPETENCY			
5/8/2019	Proceedings (Converted) - Event	For: 5/8/2019	3:47 PM	

Case Summary

Event Type Code: R48
Event Type Description: REQUEST - DISCLOSURE
Note: BY DEFENDANT OF EVIDENCE RELATING TO DEFENSE. FILE CK'D OUT. PLACED PLEADING
IN DC1'S P/U BOX AT 3:50PM.

5/15/2019 Calendared Event (Converted) - Event 8/7/2 8/7/2019 9:30 AM 8/7/2019 9:30:00 AM
019
9:30:
00 AM

Event Date: 08/07/2019 09:30
Event Type Code: ECC
Event Type Description: EARLY CASE CONF.

5/15/2019 Calendared Event (Converted) - Event 8/7/2 8/7/2019 9:30 AM 8/7/2019 9:30:00 AM
019
9:30:
00 AM

Event Date: 08/07/2019 09:30
Event Type Code: SH
Event Type Description: STATUS HEARING

5/15/2019 Calendared Event (Converted) - Event 8/7/2 8/7/2019 9:30 AM 8/7/2019 9:30:00 AM
019
9:30:
00 AM

Event Date: 08/07/2019 09:30
Event Type Code: HM
Event Type Description: HEARING ON MOTION
Note: HEARING ON MOTION

5/15/2019 Calendared Event (Converted) - Event 8/20/ 8/20/2019 9:00 AM 8/20/2019 9:00:00 AM
2019
9:00:
00 AM

Event Date: 08/20/2019 09:00
Event Type Code: J1
Event Type Description: JURY TRIAL -- DAY1
Note: JURY TRIAL - DAY1
Action Date: 07/31/2019
Action Code: CTN
Action Description: CONTINUED
Action Comment: BY STIPULATION OF THE PARTIES

5/15/2019 Calendared Event (Converted) - Event 8/21/ 8/21/2019 9:30 AM 8/21/2019 9:30:00 AM
2019
9:30:
00 AM

Case Summary

Event Date: 08/21/2019 09:30
Event Type Code: J
Event Type Description: JURY TRIAL AD'L DAYS
Note: JURY TRIAL ADDITIONAL DAYS
Action Date: 07/31/2019
Action Code: CTN
Action Description: CONTINUED

5/15/2019 Calendared Event (Converted) - Event 8/22/ 8/22/2019 9:00 AM 8/22/2019 9:00:00 AM
2019
9:00:
00 AM

Event Date: 08/22/2019 09:00
Event Type Code: J
Event Type Description: JURY TRIAL AD'L DAYS
Note: JURY TRIAL ADDITIONAL DAYS
Action Date: 07/31/2019
Action Code: CTN
Action Description: CONTINUED

5/15/2019 Calendared Event (Converted) - Event 8/23/ 8/23/2019 9:00 AM 8/23/2019 9:00:00 AM
2019
9:00:
00 AM

Event Date: 08/23/2019 09:00
Event Type Code: J
Event Type Description: JURY TRIAL AD'L DAYS
Note: JURY TRIAL ADDITIONAL DAYS
Action Date: 07/31/2019
Action Code: CTN
Action Description: CONTINUED

5/15/2019 Calendared Event (Converted) - Event 8/27/ 8/27/2019 9:00 AM 8/27/2019 9:00:00 AM
2019
9:00:
00 AM

Event Date: 08/27/2019 09:00
Event Type Code: J
Event Type Description: JURY TRIAL AD'L DAYS
Note: JURY TRIAL ADDITIONAL DAYS
Action Date: 07/31/2019
Action Code: CTN
Action Description: CONTINUED

6/6/2019 Proceedings (Converted) - Event For: 6/6/2019 9:53 AM
Event Type Code: F16
Event Type Description: FILE CHECKED IN BY:

6/6/2019 Proceedings (Converted) - Event For: 6/6/2019 9:53 AM

Case Summary

Event Type Code: P47
Event Type Description: PRETRIAL ORDER

6/6/2019	Proceedings (Converted) - Event	For: 6/6/2019	4:25 PM
	Event Type Code: C45 Event Type Description: CONFIDENTIAL REPORT Note: COMPENTANCY REPORT		
6/25/2019	Proceedings (Converted) - Event	For: 6/25/2019	10:58 AM
	Event Type Code: V06 Event Type Description: VOLUME CREATED Note: VOLUME 2 CREATED		
6/26/2019	Proceedings (Converted) - Event	For: 6/26/2019	10:13 AM
	Event Type Code: C08 Event Type Description: OFFER OF PROOF Note: CONCERNING IMPEACHMENT OF DEFENDANT WITH PRIOR PRIOR FELONY CONVICTIONS		
6/26/2019	Proceedings (Converted) - Event	For: 6/26/2019	10:15 AM
	Event Type Code: ND4 Event Type Description: NOTICE Note: AND CHARGE OF HABITUAL CRIMINALITY PURSUANT TO NRS207.010		
6/26/2019	Proceedings (Converted) - Event	For: 6/26/2019	10:16 AM
	Event Type Code: C08 Event Type Description: OFFER OF PROOF Note: CONCERNING OTHER CRIMES OR WRONGS COMMITTED BY DEFENDANT		
7/1/2019	VOL. 2 CREATED - Document		
7/1/2019	Proceedings (Converted) - Event	For: 7/1/2019	10:53 AM
	Event Type Code: N88 Event Type Description: NOTICE OF WITNESSES		
7/12/2019	Proceedings (Converted) - Event	For: 7/12/2019	9:44 AM
	Event Type Code: O10 Event Type Description: OPPOSITION Note: TO STATE'S OFFIER OF PROOF CONCERNING OTHER CRIMES OR WRONGS COMMITTED BY DEFENDANT		
7/15/2019	Proceedings (Converted) - Event	For: 7/15/2019	8:43 AM
	Event Type Code: M14 Event Type Description: MOT TO CONSOLIDATE		
7/19/2019	Proceedings (Converted) - Event	For: 7/19/2019	1:44 PM

Case Summary

Event Type Code: F15
Event Type Description: FILE CHECKED OUT BY:
Note: DC I for review/signature

7/22/2019 Proceedings (Converted) - Event For: 7/22/2019 3:31 PM

Event Type Code: O11
Event Type Description: OPPOSITION TO MOTION
Note: TO CONSOLIDATE PLACED IN DC1 BOX

7/26/2019 Proceedings (Converted) - Event For: 7/26/2019 2:57 PM

Event Type Code: R29
Event Type Description: REQUEST FOR REVIEW
Note: OF PENDING MOTIONS (FILE CHECKED OUT SENT PLEADING TO DC 1)
Action Date: 07/31/2019
Action Code: R99
Action Description: RESPONSE/ORDER
Action Comment: Ord Partial Continue Mtn Hrg

7/26/2019 Proceedings (Converted) - Event For: 7/26/2019 3:17 PM

Event Type Code: AMD
Event Type Description: AMENDED
Note: AMENDED NOTICE OF INTENT OT USE EXPERT WITNESSES (FILE CHECKED OUT SENT PLEADING TO DC 1)

7/29/2019 Proceedings (Converted) - Event For: 7/29/2019 4:35 PM

Event Type Code: S28
Event Type Description: SUBMISSION OF ORDER
Note: ORDER SENT TO JUDGE FOR SIGNATURE ORDER TO CONTINUE TRIAL AND FOR PARTIAL CONTINUATION OF MOTIONS HEARING PLACED IN DC1 BOX
Action Date: 07/31/2019
Action Code: R99
Action Description: RESPONSE/ORDER
Action Comment: ORDER TO CONTINUE

7/29/2019 Proceedings (Converted) - Event For: 7/29/2019 4:41 PM

Event Type Code: S15
Event Type Description: STIPULATION
Note: TO CONTINUE TRIAL AND FOR PARTIAL CONTINUATION OF HEARING PLACED IN DC1 BOX

7/29/2019 Proceedings (Converted) - Event For: 7/29/2019 4:42 PM

Event Type Code: W02
Event Type Description: WAIVER
Note: OF RIGHT OF SPEEDY TRIAL PLACED IN DC1 BOX

7/30/2019 Proceedings (Converted) - Event For: 7/30/2019 9:57 AM

Event Type Code: F15
Event Type Description: FILE CHECKED OUT BY:
Note: DC I for review/signature VOL 1 ONLY

Case Summary

7/31/2019	Proceedings (Converted) - Event	For: 7/31/2019	11:03 AM	
	Event Type Code: O12 Event Type Description: ORDER Note: TO CONTINUE TRIAL AND FOR PARTIAL CONTINUATION OF MOTIONS HEARING			
7/31/2019	Proceedings (Converted) - Event	For: 7/31/2019	11:04 AM	
	Event Type Code: C53 Event Type Description: CONFIDENTIAL Note: EVALUATION			
7/31/2019	Proceedings (Converted) - Event	For: 7/31/2019	11:04 AM	
	Event Type Code: Q24 Event Type Description: ORD APPOINTING ATTY			
7/31/2019	Proceedings (Converted) - Event	For: 7/31/2019	11:05 AM	
	Event Type Code: F15 Event Type Description: FILE CHECKED OUT BY: Note: DC I for review/signature			
8/7/2019	Proceedings (Converted) - Event	For: 8/7/2019	8:45 AM	
	Event Type Code: H88 Event Type Description: HRG - DC1 CRHRG Note: EARLY CASE CONFERENCE/STATUS HEARING/MOTIONS HEARING (ATTEMPTED MURDER WITH THE USE OF A DEADLY WEAPON)			
9/26/2019	Calendared Event (Converted) - Event	10/2/ 10/2/2019 2019 1:30: 00 PM	1:30 PM	10/2/2019 1:30:00 PM
	Event Date: 10/02/2019 13:30 Event Type Code: HM Event Type Description: HEARING ON MOTION Note: HEARING ON MOTION			
11/12/2019	Proceedings (Converted) - Event	For: 11/12/2019	8:14 AM	
	Event Type Code: F16 Event Type Description: FILE CHECKED IN BY: Note: VOL 1 & 2			
11/12/2019	Proceedings (Converted) - Event	For: 11/12/2019	9:15 AM	
	Event Type Code: O91 Event Type Description: ORD GRANTING MOTION Note: TO CONSOLIDATE COUNTS 10-14			
11/27/2019	Proceedings (Converted) - Event	For: 11/27/2019	1:31 PM	

Case Summary

Event Type Code: M17
Event Type Description: NOTICE OF FILING
Note: OF PETITION OF WRIT OF PROHIBITION OR MANDUAMUS PLACED IN DC1 BOX

12/2/2019 Proceedings (Converted) - Event For: 12/2/2019 9:23 AM

Event Type Code: F15
Event Type Description: FILE CHECKED OUT BY:
Note: DC I for review/signature VOL 1&2

12/3/2019 Proceedings (Converted) - Event For: 12/3/2019 11:32 AM

Event Type Code: F16
Event Type Description: FILE CHECKED IN BY:
Note: VOL 1&2

2/7/2020 Open - Case Status

CRIMINAL INFO FILED

2/8/2020 Payment Record (Converted) - Case For: 2/14/2019 12:00 AM
Notes

PAYMENT Name: LIKER, ANTHONY
Payment Date: 02/14/2019
Amount: 1.00
Receipt #: 288067
Fine Type: CLK COPY PER PAGE 1
Payment Type: CASH
Entry Person: PECK
Note: CPY OF DOCKETT

3/1/2021 SUPREME COURT 137 NEV. ADVANCE
OPINION 4 - Document

3/2/2021 ORDER OF RECUSAL AND REQUEST FOR
ASSIGNMENT - Document
TO DEPT 3

3/5/2021 ORDER OF RECUSAL AND REQUEST FOR
ASSIGNMENT TO DEPT 2 - Document

3/22/2021 3.22.21 HRG - STATUS- Document
EMAILED TO P&P 3/22/21

3/25/2021 PRETRIAL ORDER - Document

3/29/2021 AMENDED CRIMINAL INFORMATION -
Document

4/26/2021 REQUEST FOR DISCLOSURE BY DEFENDANT
OF EVIDENCE RELATING TO DEFENSE -
Document

Case Summary

5/3/2021	5.3.21 HRG - EARLY CASE CONFERENCE - Document EMAILED TO P&P 5/4/21	
5/20/2021	MOTION TO DISMISS OR IN THE ALTERNATIVE REQUIRE JURY INSTRUCTION FAVORABLE TO THE DEFENSE- Document	
5/21/2021	MOTION TO SUPPRESS EVIDENCE - Document	
5/24/2021	2ND AMENDED NOTICE OF INTENT TO USE EXPERT WITNESS - Document	
6/1/2021	REPLY TO MOTION TO SUPPRESS AND MOTION TO DISMISS COUNT 3 OF THE AMENDED INFORMATION - Document	
6/1/2021	OPPOSITION TO MOTION TO DISMISS - Document	
6/10/2021	6.10.21 HRG - MOTION HEARING - Document	
6/11/2021	NOTICE OF WITNESSES - Document PLACED IN DC2 BOX	
6/15/2021	AMENDED NOTICE OF WITNESSES - Document FILE CHECKED OUT AMENDED NOTICE PLACED IN DC2 P/U BOX	
6/16/2021	SECOND AMENDED CRIMINAL INFORMATION - Document FILE CHECKED OUT DOCUMENT PLACED IN DC2 P/U BOX	
6/16/2021	PRETRIAL MOTIONS HEARING TRANSCRIPT OF PROCEEDINGS 6.10.21 - Document FILE CHECKED OUT TRANSCRIPT PLACED IN DC2 P/U BOX	
6/24/2021	SUBMISSION OF STIPULATION AND ORDER TO BIFURCATE TRIAL - Document 3 COPIES PROVIDED BY THE DA'S OFFICE FILE CHECKED OUT STIP & ORD PLACED IN DC2 P/U BOX **THIS DOCUMENT WAS RETURNED TO THE PUBLIC DEFENDER AS DEFENSE COUNSEL HAD NOT SIGNED IT** PLACED IN THEIR BOX 6/28/2021 @ 4:16PM	No Action Taken

Case Summary

6/29/2021	NOTICE OF UNAVAILABILITY OF STATE'S WITNESS AND INTENT TO OFFER PRELIMINARY HEARING TESTIMONY - Document	
	FILE CHECKED OUT NOTICE PLACED IN DC2 P/U BOX	
6/29/2021	SUBMISSION OF STIPULATION AND ORDER TO BIFURCATE TRIAL.. - Document	Order Filed
	PLACED IN DC2'S PICK UP BOX	
7/1/2021	STIPULATION AND ORDER TO BIFURCATE TRIAL - Document	
	COPIES PLACED IN PUBLIC DEFENDER'S PICKUP BOX FILE CHECKED OUT; PLACED IN DC2 PICKUP BOX	
7/6/2021	07.06.21 HRG - JURY TRIAL - Document	
7/6/2021	JURY PANEL - 12 JURORS 2 ALTERNATES- Document	
	FILED IN OPEN COURT 07/06/21 AT 4:37 P.M.	
7/7/2021	JURY QUESTION - JUROR NO. 10 -ASKED 07.07.21 - Document	
	FILED IN OPEN COURT 07/07/21 AT 11:28 A.M.	
7/7/2021	JURY QUESTION - JUROR NO. 2 - ASKED 07.07.21 - Document	
	FILED IN OPEN COURT 07/07/21 AT 11:28 A.M.	
7/7/2021	JURY QUESTION - JUROR NO. 3 - ASKED 07.07.21 - Document	
	FILED IN OPEN COURT 07/07/21 AT 11:28 A.M.	
7/7/2021	JURY QUESTION - JUROR NO. 7 - ASKED 07.07.21 - Document	
	FIELD IN OPEN COURT 07/07/21 AT 11:28 A.M.	
7/7/2021	JURY QUESTION - JUROR NO. 10 - ASKED 07.07.21 - Document	
	FILED IN OPEN COURT 07/07/21 AT 1:52 P.M.	
7/7/2021	JURY QUESTION - JUROR NO. 3 -ASKED 07.07.21 - Document	
	FILED IN OPEN COURT 07/07/21 AT 2:21 P.M.	
7/7/2021	JURY QUESTION - JUROR NO. 11 - ASKED 07.07.21 - Document	
	FILED IN OPEN COURT 07/07/21 AT 2:41 P.M.	
7/7/2021	JURY QUESTION - JUROR NO. 10 - ASKED 07.07.21 - Document	
	FILED IN OPEN COURT 07/07/21 AT 4:17 P.M.	
7/8/2021	JURY QUESTION - JUROR NO. 6 - ASKED 07.08.21 - Document	
	FILED IN OPEN COURT 07/08/21 AT 12:09 P.M.	

Case Summary

7/8/2021 JURY QUESTION - JUROR NO. 7 - ASKED
07.08.21 - Document
FILED IN OPEN COURT 07/08/21 AT 12:09 P.M.

7/8/2021 JURY QUESTION - JUROR NO. 3 - ASKED
07.08.21 - Document
FILED IN OPEN COURT 07/08/21 AT 12:09 P.M.

7/8/2021 JURY QUESTION - JUROR NO. 3 - ASKED
07.08.21 - Document
FILED IN OPEN COURT 07/08/21 AT 2:09 P.M.

7/8/2021 ORDER DENYING MOTION TO DISMISS;
ORDER DENYING ALTERNATIVE MOTION
FOR PRETRIAL OPINION ON ADVERSE
INFERENCE INSTRUCTI - Document
FILE CHECKED OUT GAVE BACK TO PHILLIP AT WINDOW

7/9/2021 JURY QUESTION - JUROR NO. 3 - ASKED
07.09.21 - Document
FILED IN OPEN COURT 07/09/21 AT 10:24 A.M.

7/9/2021 JURY QUESTION - JUROR NO. 12 - ASKED
07.09.21 - Document
FILED IN OPEN COURT 07/09/21 AT 10:25 A.M.

7/9/2021 JURY QUESTION - JUROR NO. 2 - ASKED
07.09.21 - Document
FILED IN OPEN COURT 07.09.21 AT 4:45 P.M.

7/9/2021 JURY QUESTION - JUROR NO. 2 - ASKED
07.09.21 - Document
FILED IN OPEN COURT 07/09/21 AT 4:46 P.M.

7/9/2021 JURY QUESTION - JUROR NO. 3 - ASKED
07.09.21 - Document
FILED IN OPEN COURT 07/09/21 AT 4:48 P.M.

7/9/2021 JURY QUESTION - JUROR NO. 1 - NOT
ASKED 07.09.21 - Document
FILED IN OPEN COURT 07/09/21 AT 4:50 P.M.

7/13/2021 JURY QUESTION - JUROR NO. 7 - ASKED
07.13.21 - Document
FILED IN OPEN COURT 07/13/21 AT 8:44 P.M.

7/13/2021 JURY QUESTION - JUROR NO. 10 - ASKED -
07.13.21 - Document
FILED IN OPEN COURT 07/13/21 AT 8:45 P.M.

7/13/2021 PROPOSED JURY INSTRUCTION - DEFENSE
A - REJECTED - Document
PROPOSED JURY INSTRUCTION - DEFENSE A - REJECTED
FILED IN OPEN COURT 07/13/21 AT 2:18 P.M.

7/13/2021 JURY INSTRUCTIONS NO. 1 THROUGH NO.
60 - Document

Case Summary

FILED IN OPEN COURT 07/13/21 AT 3:38 P.M.

7/13/2021 JURY DELIBERATION QUESTION - Document

FILED IN OPEN COURT 07/13/21 AT 8:15 P.M.

7/13/2021 JURY DELIBERATION QUESTION - ANSWER - Document

WRITTEN ANSWER BY JUDGE KACIN TO JURY
FILED IN OPEN COURT 07/13/21 AT 8:17 P.M.

7/13/2021 VERDICT - Document

FILED IN OPEN COURT 07/13/21 AT 8:28 P.M.

7/19/2021 MOTION FOR NEW TRIAL - Document

7/20/2021 ORDER ESTABLISHING BRIEFING SCHEDULE
FILED 7.20.21 - Document

8/12/2021 SUBMISSION OF STIPULATION AND ORDER TO VACATE BRIEFING SCHEDULE AND SET FOR SENTENCING HEARING - Document Order Filed

2 COPIES PROVIDED BY THE DA'S OFFICE

8/16/2021 DC PSI Request - Document

8/17/2021 PSI REFERRAL - FAX CONFIRMATION - Document

FAXED TO P&P 08/17/21

8/17/2021 STIPULATION AND ORDER TO VACATE BRIEFING SCHEDULE AND SET FOR SENTENCING HEARING - Document

2 COPIES PLACED IN DA'S PICKUP BOX.

9/1/2021 NOTICE OF RESTITUTION CLAIM - Document

9/15/2021 OPPOSITION TO NOTICE AND CHARGE OF HABITUAL CRIMINALITY PER NRS 207.010 - Document

9/21/2021 REPLY TO OPPOSITION TO NOTICE AND CHARGE OF HABITUAL CRIMINALITY PER NRS 207.010 - Document

9/29/2021 VICTIM IMPACT STATEMENT - Document

FILE CHECKED OUT DOCUMENT PLACED IN DC2 P/U BOX

10/1/2021 10.01.21 HRG - SENTENCING - Document

Case Summary

10/5/2021	SUBMISSION OF MOTION AND ORDER FOR DISMISSAL OF TWO COUNTS AND NON-OPPOSITION - Document	Order Filed
	3 COPIES PROVIDED BY THE DA'S OFFICE FILE CHECKED OUT PROPOSED MOTION PLACED IN DC2 P/U BOX	
10/5/2021	ORDER GRANTING MOTION FOR NEW TRIAL - Document	
	PLACED IN DC2 BOX	
10/7/2021	MOTION AND ORDER FOR DISMISSAL OF TWO COUNTS AND NON-OPPOSITION - Document	
	COUNT 3 BATTERY WITH A DEADLY WEAPON AND COUNT 4 ASSAULT WITH A DEADLY WEAPON BE DISMISSED FOR THE FOLLOWING REASON: THE STATE STIPULATED TO A NEW TRIAL ON THE 2 COUNTS; HOWEVER, IN THE INTEREST OF JUDICIAL ECONOMY AND IN THE INTEREST OF BEST UTILIZING THE STATE'S RESOURCES, THE STATE DOES NOT WISH TO PROCEED TO TRIAL, ESPECIALLY WITH THE GRAVITY OF THE REMAINING COUNTS WHICH THE JURY FOUND THE DEFENDANT GUILTY OF.	
	3 COPIES PLACED IN THE DA'S P/U BOX	
10/7/2021	JUDGMENT OF CONVICTION (GUILTY JURY VERDICT) - Document	
	COUNT 1: ATTEMPTED MURDER WITH THE USE OF A DEADLY WEAPON, A CATEGORY B FELONY AS DEFINED BY NRS 193.330, NRS 200.010, NRS 200.020, NRS 200.030 AND NRS 193.165 (NOC 50031); COUNT 8: ELUDING A POLICE OFFICER IN A MANNER POSING DANGER TO PERSONS OR PROPERTY, A CATEGORY B FELONY AS DEFINED BY NRS 184B.550 (NOC 53833); COUNT 10: KIDNAPPING IN THE SECOND DEGREE WITH THE USE OF A DEADLY WEAPON, A CATEGORY B FELONY AS DEFINED BY NRS 200.310, NRS 200.320 AND NRS 193.165 (NOC 50055); \$25 ADMIN FEE; \$3 GENETIC ADMIN ASSESSMENT; \$150 GENETIC TESTING FEE; TO PAY \$1,800.00 IN RESTITUTION TO VICTIM, CITY OF WEST WENDOVER; TO PAY \$350.00 IN EXTRADITION FEE TO NEVADA AG'S OFFICE. FOR COUNT 1, DEFENDANT TO SERVE FOR COUNT 8, DEFENDANT TO SERVE FOR COUNT 10, DEFENDANT TO SERVE	
10/11/2021	CERTIFICATE OF SERVICE - Document	
10/12/2021	TRANS CONF RPT - DPS - Document	
	BOOKING SHEET, SECOND AMENDED CRIMINAL INFORMATION, MOTION AND ORDER FOR DISMISSAL OF COUNTS 3 & 4, AND JOC FAXED TO DPS	
10/12/2021	REVISED TRANS CONF RPT - DPS - Document	
	REVISED TO LIST THE CHARGES AND THE FINAL DISPOSITION MORE EFFICIENTLY.	
10/14/2021	REVISED BOOKING SHEET BOOKED 6.12.18 - Document	

Case Summary

10/14/2021	REDACTED REVISED BOOKING SHEET BOOKED 6.12.18 - Document	
10/22/2021	NOTICE OF APPEAL - Document	
10/22/2021	STIPULATION TO ALLOW APPELLANT TO PROCEED IN FORMA PAUPERIS - Document	
10/22/2021	SUBMISSION OF ORDER TO ALLOW APPELLANT TO PROCEED ON APPEAL IN FORMA PAUPERIS - Document	Order Filed
	ORIG AND COPIES PLACED IN DC2'S PICK UP BOX . SUBMITTED BY THE P.D.'S OFFICE	
10/26/2021	ORDER TO ALLOW APPELLANT TO PROCEED ON APPEAL IN FORMA PAUPERIS- Document	
	COPIES PLACED IN PUB DEF'S BOX	
10/28/2021	CLERK'S CERTIFICATION 10.28 - Document	
	SIGNED AND SEALED. FILED WITH SYPREME COURT	
10/28/2021	CASE APPEAL STATEMENT- Document	

Case Obligations

Obligation	Pay By	Due Date	Obligation Amount	Amount Paid	Balance Due
DC2 Admin	1--MARTINEZ, ANTHONY-NRS	11/10/2021	\$20.00	\$0.00	\$20.00
Assessment Fee:	200.010				
NRS 176.062	\$20				
DC2 Admin	1--MARTINEZ, ANTHONY-NRS	11/10/2021	\$5.00	\$0.00	\$5.00
Assessment Fee:	200.010				
NRS 176.062	\$5				
DC2 Genetic	1--MARTINEZ, ANTHONY-NRS	11/10/2021	\$3.00	\$0.00	\$3.00
Admin	200.010				
Assessment Fee:					
NRS 176.0623	\$3				
Total Personal Obligation(s):			\$28.00	\$0.00	\$28.00
Total Case Obligation(s):			\$28.00	\$0.00	\$28.00

FILED

1 CASE NO. CR-FP-16-9651

2 DEPT. 2

2021 OCT 26 AM 10:45

4th JUDICIAL DISTRICT COURT

CLERK _____ DEPUTY MM

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4
5
6 IN THE DISTRICT COURT OF THE FOURTH DISTRICT COURT
7 OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF ELKO
8

9 ANTHONY CHRIS ROBERT MARTINEZ,

10 Appellant,

11 v.

12 THE STATE OF NEVADA,

13 Respondent.

ORDER TO ALLOW APPELLANT TO
PROCEED ON APPEAL IN FORMA
PAUPERIS

14
15 It appearing to the Court that the parties have filed a Stipulation to Proceed on Appeal in
16 Forma Pauperis and good cause appearing therefore,

17 IT IS THEREFORE ORDERED that the Appellant be allowed to proceed in his appeal in
18 forma pauperis.
19

20 SO ORDERED this 25 day of October 2021.
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25 

26 ALVIN R. KACIN
27 DISTRICT COURT JUDGE
28
29

FILED

2021 OCT -7 PM 3:49

CLERK OF DISTRICT COURT

CLERK DEPUTY *JS*

CASE NO. CR-FP-16-9651

DEPT. NO. 2

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF ELKO

* * * * *

THE STATE OF NEVADA,

Plaintiff,

vs.

JUDGMENT OF CONVICTION

ANTHONY CHRIS ROBERT MARTINEZ,

Defendant.

On July 13, 2021, a jury found Defendant ANTHONY CHRIS ROBERT MARTINEZ (date of birth: April 10, 1986; place of birth: Ogden, Utah) guilty to **COUNT 1: ATTEMPTED MURDER WITH THE USE OF A DEADLY WEAPON, A CATEGORY B FELONY AS DEFINED BY NRS 193.330, NRS 200.010, NRS 200.020, NRS 200.030 AND 193.165 (NOC 50031); COUNT 8: ELUDING A POLICE OFFICER IN A MANNER POSING DANGER TO PERSONS OR PROPERTY, A CATEGORY B FELONY AS DEFINED BY NRS 484B.550 (NOC 53833); AND COUNT 10: KIDNAPPING IN THE SECOND DEGREE WITH THE USE OF A DEADLY WEAPON, A CATEGORY B FELONY AS DEFINED BY NRS 200.310, NRS 200.320, AND NRS 193.165 (NOC 50055);** which crime(s) occurred on or about November 17, 2016. The court held a sentencing hearing on October 1, 2021 and sentenced Defendant as follows:

1 IT IS ORDERED that Defendant shall submit to a test to determine his
2 genetic markers, and shall pay the genetic testing fee of \$150.00. In
3 addition, Defendant shall pay a genetic administrative assessment of
\$3.00.

4 IT IS FURTHER ORDERED Defendant shall pay an administrative
5 assessment of \$25.00.

6 For Count 1, Defendant shall serve a maximum term of 240 months
7 and a minimum term of 96 months in prison. Defendant shall have
8 credit for 1208 days served as of October 1, 2021.

9 For the consecutive deadly weapon enhancement for Count 1,
10 Defendant shall serve a maximum term of 240 months and a minimum
term of 96 months in prison.

11 For Count 8, Defendant shall serve a maximum term of 72 months and
12 a minimum term of 28 months in prison. Defendant shall have credit
for 1208 days served as of October 1, 2021.

13 For Count 10, Defendant shall serve a maximum term of 180 months
14 and a minimum term of 72 months in prison.

15 For the consecutive deadly weapon enhancement for Count 10,
16 Defendant shall serve a maximum term of 180 months and a minimum
term of 72 months in prison.

17 IT IS FURTHER ORDERED that the sentence on Count 8 shall be
18 concurrent to the sentences on Count 1.

19 IT IS FURTHER ORDERED that the sentences on Count 10 shall be
20 consecutive to the sentences on Count 1 and Count 8.

21 IT IS FURTHER ORDERED that Defendant shall pay restitution to his
22 victim (City of West Wendover) in the amount of \$1,800.00.

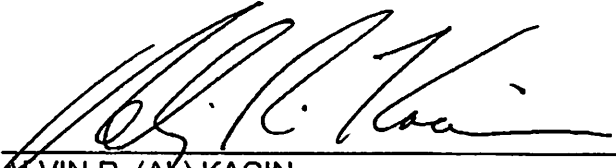
23 IT IS FURTHER ORDERED that Defendant shall pay an extradition fee
24 to Nevada Attorney General's Office in the amount of \$350.00.

1 **IT IS FURTHER ORDERED** that the maximum aggregate term of imprisonment shall
2 be 840 months and the minimum aggregate term of imprisonment shall be 336 months.

3
4 Throughout these proceedings, Defendant was represented by the Elko County Public
5 Defender's Office.

6 THEREFORE, the Clerk is directed to enter this Judgment of Conviction as part of the
7 record in this matter.

8
9 **DATED** this 7 day of October 2021.

10
11
12 
13 _____
14 ALVIN R. (AL) KACIN
15 District Court Judge
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1 CERTIFICATE OF SERVICE

2 Pursuant to NRCP 5(b), I certify that I am an employee of the Fourth Judicial District
3 Court, Department 2, and that on this 7th day of October 2021, I served by hand delivery
4 by placing a copy of said document in the agency box located in the Elko County Clerk's Office,
5 a true copy of the foregoing document to:

6
7 Elko County District Attorney

8 Elko County Public Defender's Office

9 State of Nevada, Division of Parole & Probation

10 Elko County Sheriff

11
12 
13 ELIDIA RAMIREZ

14 CERTIFICATE OF SERVICE

15 Pursuant to NRCP 5(b), I certify that I am an employee of the Fourth Judicial District
16 Court, Department 2, and that on this 8th day of October 2021, I served by regular U.S.
17 Mail, a true copy of the foregoing document to:

18 Nevada Department of Corrections
19 Offender Management Division,
20 5500 Snyder Avenue, Bldg. 17
21 Carson City, NV 89701
22 ATTN: Michael G. Johnson

23
24 
25 ELIDIA RAMIREZ
26
27
28

**IN THE FOURTH JUDICIAL DISTRICT COURT
IN AND FOR THE COUNTY OF ELKO, STATE OF NEVADA**

RECORD OF COURT PROCEEDINGS

Present - Honorable NANCY PORTER, District Judge,
and Officers of the Court.

STATE OF NEVADA,

VS.

Plaintiff,

Date: 05/07/19

Case No.: CR-FP-16-9651

Dept: 1

ANTHONY CHRIS ROBERT MARTINEZ,

Defendant.

State of Nevada represented by Tyler J. Ingram, Esq.
Defendant present, in custody and represented by
Kriston N. Hill, Esq.
Court Clerk, Angelina DeMars, present.

COMPETENCY HEARING & ARRAIGNMENT – NOT GUILTY PLEA

Court convened at 3:38 p.m.

This was the date and time set by the Court for a Competency Hearing. The Court noted that the Defendant had been committed to the Lake's Crossing Center for an evaluation and a report regarding the evaluation had been received by the Court and Counsel.

The Court noted the presence of the parties and inquired if either party wished to address the findings.

Neither party addressed the Court.

Based upon the written report from Lake's Crossing Center and arguments from Counsel, the Court found that the Defendant was of sufficient mentality to be able to understand the nature of the criminal charges filed against him and that the Defendant was of sufficient mentality to be able to aid and assist Defense counsel.

The Court inquired if the parties wished to set the matter for trial.

Defense counsel noted that the Defendant had not been arraigned.

The Court inquired if either party objected to proceeding with arraignment at this time.

Neither party objected.

A certified copy of the Criminal Information and the formal reading was waived by the defense.

The name of the Defendant was correctly stated.

The Court inquired if the Defendant had been advised by Counsel regarding non citizenship.

Defendant advised he had been advised by Counsel.

The Court read the charging portion of the Criminal Information.

The Defendant understood the charges, was satisfied with the legal services rendered to date and was ready to proceed.

The Court asked the Defendant to enter pleas to COUNT 1: ATTEMPTED MURDER WITH THE USE OF A DEADLY WEAPON, A CATEGORY B FELONY AS DEFINED BY NRS 193.330, 200.010, 200.020, 200.030 AND 193.165 (NOC 50031); COUNT 2: ATTEMPTED MURDER WITH THE USE OF A DEADLY WEAPON, A CATEGORY B FELONY AS DEFINED BY NRS 193.330, 200.010, 200.020, 200.030 AND 193.165 (NOC 50031); COUNT 3: POSSESSION OF AN EXPLOSIVE OR INCENDIARY DEVICE IN OR NEAR CERTAIN PUBLIC OR PRIVATE AREAS, A CATEGORY D FELONY AS DEFINED BY NRS 202.262 (NOC 51430); COUNT 4: BATTERY WITH A DEADLY WEAPON, A CATEGORY B FELONY AS DEFINED BY NRS 200.481(2)(e) (NOC 50223); COUNT 5: ASSAULT WITH A DEADLY WEAPON, A CATEGORY B FELONY AS DEFINED BY NRS 200.471.1 AND .2(b) (NOC 50201); COUNT 6: ASSAULT WITH A DEADLY WEAPON, A CATEGORY B FELONY AS DEFINED BY NRS 200.471.1 AND .2(b) (NOC 50201); COUNT 7: ATTEMPTED ROBBERY WITH THE USE OF A DEADLY WEAPON, A CATEGORY B FELONY AS DEFINED BY NRS 200.280, NRS 193.165 AND NRS 193.330 (NOC 50145); COUNT 8: DISCHARGING A FIREARM WITHIN A STRUCTURE IN A POPULATED AREA, A CATEGORY B FELONY AS DEFINED BY NRS 202.287 (NOC 51444); COUNT 9: ELUDING A POLICE OFFICER IN A MANNER POSING DANGER TO PERSONS OR PROPERTY, A CATEGORY B FELONY AS DEFINED BY NRS 484B.550 (NOC 53833); COUNT 10: POSSESSION OF A FIREARM BY A PERSON PREVIOUSLY CONVICTED OF A FELONY OFFENSE, A CATEGORY B FELONY AS DEFINED BY NRS 202.360.1 (NOC 51460); COUNT 11: POSSESSION OF A FIREARM BY A PERSON PREVIOUSLY CONVICTED OF A FELONY OFFENSE, A CATEGORY B FELONY AS DEFINED BY NRS 202.360.1 (NOC 51460); COUNT 12: POSSESSION OF A FIREARM BY A PERSON PREVIOUSLY CONVICTED OF A FELONY

OFFENSE, A CATEGORY B FELONY AS DEFINED BY NRS 202.360.1 (NOC 51460); COUNT 13: POSSESSION OF A FIREARM BY A PERSON PREVIOUSLY CONVICTED OF A FELONY OFFENSE, A CATEGORY B FELONY AS DEFINED BY NRS 202.360.1 (NOC 51460); COUNT 14: POSSESSION OF A FIREARM BY A PERSON PREVIOUSLY CONVICTED OF A FELONY OFFENSE, A CATEGORY B FELONY AS DEFINED BY NRS 202.360.1 (NOC 51460); COUNT 15: KIDNAPPING, FIRST DEGREE, WITH THE USE OF A DEADLY WEAPON, A CATEGORY A FELONY AS DEFINED BY NRS 200.310, NRS 200.320 AND NRS 193.165 (NOC 50055).

The Defendant entered pleas of not guilty.

The Court advised the Defendant of his right to be tried within 60 days.

The Defendant did not waive the sixty-day rule.

The Court **ORDERED** a 5 day jury trial be set and advised that the Judicial Assistant would contact the parties to schedule the trial and the status hearing/early settlement conference.

The Defendant was remanded to the custody of the Elko County Sheriff's Department.

Court adjourned at 3:46 p.m.

**IN THE FOURTH JUDICIAL DISTRICT COURT
IN AND FOR THE COUNTY OF ELKO, STATE OF NEVADA**

RECORD OF COURT PROCEEDINGS

Present - Honorable NANCY PORTER, District Judge,
and Officers of the Court.

STATE OF NEVADA,

Plaintiff,

Date: 08/07/19

VS.

Case No.: CR-FP-16-9651

Dept.: 1

ANTHONY CHRIS ROBERT MARTINEZ,

Defendant.

State of Nevada represented by Tyler J. Ingram, Esq.
Defendant present, in custody, and represented by
Kriston N. Hill, Esq.
Court Clerk, Angelina DeMars, present.

CRIMINAL HEARING

Court convened at 9:34 a.m.

The Court noted the presence of the parties.

This was the date and time set by the Court for a hearing on Defendant's Motion to consolidate counts ten through fourteen into a single count.

Defense counsel presented argument in support of the consolidation of charges ten through fourteen and noted the ambiguity of the statute.

The Court advised that it had reviewed the pleadings and inquired what the unit of prosecution hinged on, the firearms or the possession. The Court further noted that the cases that had been cited by the prosecution hinged on the verb.

Defense counsel advised that its case hinged on the firearms not on the discharge.

The State argued that the two statutes were written differently one included an obvious verb and the other statute did not and argued that the possession was the unit of prosecution.

The Court and counsel discussed the verb versus noun language of the statute, the unit of prosecution, and case law that had been cited.

The Court advised that it would take the matter under advisement.

The State advised that it would more than likely appeal the ruling to the Supreme Court.

Court adjourned at 9:39 a.m.

**IN THE FOURTH JUDICIAL DISTRICT COURT
IN AND FOR THE COUNTY OF ELKO, STATE OF NEVADA**

RECORD OF COURT PROCEEDINGS

Present - Honorable ALVIN R. KACIN, District Judge,
and Officers of the Court.

STATE OF NEVADA,

VS.

Plaintiff,

Date: 03/19/2021

Case No.: CR-FP-16-9651

Dept: 2

ANTHONY CHRIS ROBERT
MARTINEZ,

Defendant.

State of Nevada represented by Walter Fick, Esq.
Defendant present, in custody, and represented by
Matthew Pennell, Esq.
Court Clerk, Annette Apodaca, present.
Lisa Manley present as Court Reporter.

STATUS HEARING

Court convened at 8:48 a.m.

The Court noted the presence of the parties.

This was the date and time set by the Court for a status hearing.

The Court noted that the Defendant had previously pled guilty in 2018 and inquired of counsel if a trial date should be set.

Defense counsel noted that the Defendant waived his right for a speedy trial and further advised that the Defendant wished to have a jury trial set as soon as possible.

The Court inquired if 4 days would be enough time for trial.

The State agreed 4 days was enough time for trial.

Defense counsel advised that 4 days would not be enough time for trial and further requested a jury trial be set for 5 days.

The Court inquired if there had been any discussion of settlement.

Defense counsel advised that offers had been made, but the Defendant objected the offers.

The Court inquired if there are any outstanding offers.

Defense counsel advised that there are no outstanding offers.

The State concurred.

The Court advised that the Judicial Assistant would contact the parties to set a date for trial.

The Defendant was remanded to the custody of the Elko County Sheriff's Department.

Court adjourned at 8:54 a.m.

**IN THE FOURTH JUDICIAL DISTRICT COURT
IN AND FOR THE COUNTY OF ELKO, STATE OF NEVADA**

RECORD OF COURT PROCEEDINGS

Present - Honorable ALVIN R. KACIN, District Judge,
and Officers of the Court.

STATE OF NEVADA,

VS.

Plaintiff,

Date: 05/03/2021

Case No.: CR-FP-16-9651

Dept: 2

ANTHONY CHRIS ROBERT
MARTINEZ,

Defendant.

State of Nevada represented by Tyler Ingram, Esq.
Defendant present, in custody, and represented by
Matthew Pennell, Esq.

Court Clerk, Annette Apodaca, present.
Lisa Manley present as Court Reporter.

HEARING ON EARLY CASE CONFERENCE

Court convened at 9:23 a.m.

The Court noted the presence of the parties.

This was the date and time set by the Court for an early case conference hearing.

The Court noted a jury trial set to begin July 6, 2021 and further noted a pretrial motions hearing set for June 11, 2021.

The Court inquired if any deals had been offered.

Defense counsel advised that the State made an offer and further advised that the Defendant rejected the offer and wished to go to trial.

The Court noted the Defendant had another pending criminal case.

Defense counsel advised Jeffrey Kump was representing the Defendant in his other criminal case.

The State advised presented a statement regarding the motions it may file. The State further advised it was attempting to locate a witness.

Defense counsel advised it may have motions to file. Defense counsel advised that the Defendant wished to address the court.

The Defendant addressed the Court.

Court adjourned at 9:29 a.m.

**IN THE FOURTH JUDICIAL DISTRICT COURT
IN AND FOR THE COUNTY OF ELKO, STATE OF NEVADA**

RECORD OF COURT PROCEEDINGS

Present - Honorable ALVIN R. KACIN, District Judge,
and Officers of the Court.

STATE OF NEVADA,

VS.

Plaintiff,

Date: 06/10/2021

Case No.: CR-FP-16-9651

Dept: 2

ANTHONY CHRIS ROBERT
MARTINEZ,

Defendant.

State of Nevada represented by Tyler Ingram, Esq.
Defendant present, in custody, and represented by
Matthew Pennell, Esq.
Court Clerk, Annette Apodaca, present.
Lisa Manley present as Court Reporter.

MOTION HEARING

Court convened at 4:04 p.m.

The Court noted the presence of the parties.

This was the date and time set by the Court for a pretrial motion hearing.

The Court made a record of the case.

The parties advised they were ready to proceed.

The Court noted Defense counsel's Motion to Suppress and inquired of Defense counsel what evidence they were seeking to have suppressed.

Defense counsel presented a statement regarding the evidence and advised that the State would be dismissing count 3 in the Amended Criminal Information.

The State confirmed.

The Court advised count 3 in the Amended Criminal Information was now dismissed.

The State advised it would file a Second Amended Criminal Information.

The Court and counsel further discussed the evidence in which Defense counsel wish to be suppressed.

Defense counsel stipulated to admit Manuel Barbosa's preliminary hearing transcript.

The State confirmed.

The Court accepted the stipulation and advised it would review the transcript.

Defense stipulated to the admittance of Defendant's Exhibit A, Defendant's Exhibit B, and Defendant's Exhibit C and Plaintiff's Exhibit 1 and Plaintiff's Exhibit 2.

The State confirmed and offered Plaintiff's Exhibit 1 and Plaintiff's Exhibit 2 for admission.

There being no objection, the Court **ORDERED** Plaintiff's Exhibit 1 and Plaintiff's Exhibit 2, admitted.

Defense counsel offered Defendant's Exhibit A, Defendant's Exhibit B, and Defendant's Exhibit C, for admission.

There being no objection, the Court **ORDERED** Defendant's Exhibit A, Defendant's Exhibit B, and Defendant's Exhibit C, admitted.

The State advised that today's testimony would be in support of the motion to dismiss and further advised it was withdrawing its bad acts motion.

Defense counsel had no objections.

The Court advised that the bad acts motion was now withdrawn.

The Court invoked the rule of exclusion and admonished the witnesses present and they were excused from the courtroom.

Michael Marshowski was sworn and examined on direct examination by the State. Defense counsel examined the witness on cross examination. No redirect. Witness excused.

Jonathan Moore was sworn and examined on direct examination by the State. Defense counsel examined the witness on cross examination. Redirect by the State. No recross. Witness excused.

Defense counsel presented argument in support of the Motion to Dismiss.

The State presented argument opposing Defense counsel's Motion to Dismiss.

Defense counsel replied to the State's argument.

The Court advised it would take the matter under consideration.

The Defendant was remanded to the custody of the Elko County Sheriff's Department.

Court adjourned at 4:38 p.m.

**IN THE FOURTH JUDICIAL DISTRICT COURT
IN AND FOR THE COUNTY OF ELKO, STATE OF NEVADA**

RECORD OF COURT PROCEEDINGS

Present - Honorable ALVIN R. KACIN, District Judge,
and Officers of the Court.

STATE OF NEVADA,

Plaintiff,

Date: 07/06/21

VS.

Case No.: CR-FP-16-9651

Dept: 2 - Elko Convention Center

ANTHONY CHRIS ROBERT
MARTINEZ,

Defendant.

State of Nevada represented by Tyler J. Ingram, Esq.
Defendant present, in custody, and represented by
Matthew Pennell, Esq.
Court Clerk, Darla Malotte, present.
Peggy Isom present as Court Reporter.

JURY TRIAL
Day One – July 6, 2021

Court convened at 8:56 a.m.

This was the date and time set for a jury trial on a Second Amended Criminal Information filed June 16, 2021 charging COUNT 1: ATTEMPTED MURDER WITH THE USE OF A DEADLY WEAPON, A CATEGORY B FELONY AS DEFINED BY NRS 193.330, 200.010, 200.020, 200.030 AND 193.165. (NOC 50031); COUNT 2: ATTEMPTED MURDER WITH THE USE OF A DEADLY WEAPON, A CATEGORY B FELONY AS DEFINED BY NRS 193.330, 200.010, 200.020, 200.030 AND 193.165. (NOC 50031); COUNT 3: BATTERY WITH A DEADLY WEAPON, A CATEGORY B FELONY AS DEFINED BY NRS 200.481(2)(e). (NOC 50223); COUNT 4: ASSAULT WITH A DEADLY WEAPON, A CATEGORY B FELONY AS DEFINED BY NRS 200.471.1, AND .2(b). (NOC 50201); COUNT 5: ASSAULT WITH A DEADLY

WEAPON, A CATEGORY B FELONY AS DEFINED BY NRS 200.471.1, AND .2(b). (NOC 50201); COUNT 6: ATTEMPTED ROBBERY WITH THE USE OF A DEADLY WEAPON, A CATEGORY B FELONY AS DEFINED BY NRS 200.380, NRS 193.165 AND NRS 193.330. (NOC 50145); COUNT 7: DISCHARGING A FIREARM WITHIN A STRUCTURE IN A POPULATED AREA, A CATEGORY B FELONY AS DEFINED BY NRS 202.287 (NOC 51444); COUNT 8: ELUDING A POLICE OFFICER IN A MANNER POSING DANGER TO PERSONS OR PROPERTY, A CATEGORY B FELONY AS DEFINED BY NRS 484B.550. (NOC 53833); COUNT 9: POSSESSION OF FIREARM BY A PERSON PREVIOUSLY CONVICTED OF A FELONY OFFENSE, A CATEGORY B FELONY AS DEFINED BY NRS 202.360.1. (NOC 51460); COUNT 10: KIDNAPPING, FIRST DEGREE, WITH THE USE OF DEADLY WEAPON, A CATEGORY A FELONY AS DEFINED BY NRS 200.310, NRS 200.320, AND NRS 193.165. (NOC 50055).

The Court introduced Counsel to the prospective jurors and Defense counsel introduced the Defendant.

All prospective jurors were present except as follows: Trevor Broyles, Stephen Burkard, Evelyn Clarke, Holly Elegante, Norman Esparza, Autumn Fitzsimmons, Selina Garcia, Constance Jacobs, Robert Kaliski, Sarah Larson, Aimee McPhie, Patrick Moore, Amber Moyer, William Noble, Dana Pray, Kelly Rainwater, Maria Rios, Yulia Unruh, and Connie Wheeler.

The Clerk read the Second Amended Criminal Information, omitting Count 9 which will be bifurcated.

The Court informed the jury venire of the presumption of innocence pursuant to NRS 175.191 and of the definition of a reasonable doubt pursuant to NRS 175.211.

The Court made a statement to the jury venire describing the importance of their service as prospective jurors.

All prospective jurors were sworn on their voir dire.

The Clerk called the following 32 names: Lorena Miller-McGee, Jose Marin-Gonzalez, June Gandolfo, Andrew Allen, Timina Shupe, Tricia Shelley, Kyle Oliver, Michael Holbert, Kristi Nuzum-Ojala, Maria Bement, Michael Robinson, Jacob Adams, Nina Eshelman, Mercedes Woster, Jack Simonsen, Shaun Merrill, Curtis Whittaker, Rafael Betancourt, Wallace Parker, Matthew Nicholls, Douglas Payne, William Johnny, Bryon Elumbaugh, Jose Salazar-Delgadillo, Donald Schumacher, Adam Layton, Jessica Mauchley, Kevin Engelmeier, Hope Garvin, Brandon Walker, Jennifer Archuleta, and Ginger Moschetti.

The Court explained the jury selection process and asked general questions of the potential jurors.

Domingo Garcia was excused for cause.

David Lykins was excused for cause.

Starla Ricks was excused for cause.

Hyrum Perkins was excused for cause.

Thomas Huckins was excused for cause.

William Collins was excused for cause.

Lorena Miller-McGee was excused for cause and replaced by Nicholas Christensen.

Lynn John was excused for cause.

Jack Simonsen was excused for cause and replaced by Shania Jimenez.

The Court admonished the prospective jurors pursuant to NRS 175.121.

Court recessed for morning break at 10:30 a.m.

Court reconvened at 10:43 a.m. outside the presence of the prospective jurors.

The Court noted the presence of Counsel and the Defendant.

Prospective juror, Brandon Walker, entered the courtroom to discuss a matter outside the presence of the other prospective jurors. Mr. Walker addressed the Court.

The State had no follow up questions.

Defense counsel presented follow up questions.

The Court excused Brandon Walker from the courtroom.

The Court noted that Mr. Walker was no longer in the courtroom and inquired of Counsel if they had any challenges for cause.

The State and Defense counsel agreed to excuse Brandon Walker.

The Court advised the Bailiff to inform Mr. Walker that he was excused as a prospective juror.

The Court advised that Counsel had stipulated off the record that prospective juror, Joanie Gustin, be excused for cause.

Court recessed at 10:47 a.m.

Court reconvened at 10:53 a.m.

The Court noted the presence of Counsel, the Defendant and the prospective jurors.

The Court advised that Brandon Walker had been previously excused for cause and he was replaced by Damon Martinez.

The Court continued general questions.

Melanie Davis was excused for cause.

Lexi Samper was excused for cause.

The Court admonished the prospective jurors pursuant to NRS 175.121.

Court recessed for lunch break at 12:06 p.m.

Court reconvened at 1:29 p.m. outside the presence of the prospective jurors.

The Court noted the presence of Counsel and the Defendant and advised that two potential jurors wished to make a statement.

Damon Martinez entered the courtroom and addressed the Court.

The State had no follow up questions.

Defense counsel had no follow up questions.

Counsel stipulated to excuse Damon Martinez for cause.

Wallace Parker entered the courtroom and addressed the Court.

The State had no follow up questions.

Defense counsel had no follow up questions.

Counsel stipulated to excuse Wallace Parker for cause.

Court recessed at 1:33 p.m.

Court reconvened at 1:34 p.m.

The Court noted the presence of Counsel, the Defendant, and the prospective jurors.

The Court advised that potential jurors Wallace Parker and Damon Martinez had been excused and they were replaced by Allan Wise and Eric Shannon.

The Court continued general questions of the potential jurors.

The Court concluded general questions.

The potential jurors introduced themselves.

The State examined the potential jurors on supplemental examination.

Defense counsel examined the potential jurors on supplemental examination.

The Court admonished the potential jurors pursuant to NRS 175.121.

Court recessed for afternoon break at 3:14 p.m.

Court reconvened at 3:37 p.m.

The Court noticed the presence of Counsel, the Defendant, and the prospective jurors.

Defense counsel continued examining the potential jurors on supplemental examination.

The State passed the panel for cause.

The Court admonished the potential jurors pursuant to NRS 175.121.

Court recessed at 3:55 p.m.

Court reconvened at 3:56 p.m. outside the presence of the potential jurors.

The Court noted the presence of Counsel and further noted the Defendant was not present.

Defense Counsel presented a challenge for cause regarding Jose Salazar.

The State objected to the challenge for cause.

The Court sustained the challenge for cause and excused Jose Salazar.

Defense counsel presented a challenge for cause regarding Douglas Payne.

The State presented objection to the challenge for cause.

The Court overruled the challenge for cause regarding Douglas Payne.

The Court discussed the seating of the prospective jurors now that Jose Salazar had been excused for cause.

Court recessed at 4:04 p.m.

Court reconvened at 4:04 p.m.

The Court noted the presence of Counsel, the Defendant, and the prospective jurors.

The Court advised that prospective juror, Jose Salazar, had been excused for cause and he was replaced by Gregory Huston.

Gregory Huston introduced himself.

The Court asked general questions of Gregory Huston. The State asked supplemental questions. Defense counsel asked supplemental questions.

The State passed the panel for cause.

Defense counsel passed the panel for cause.

The Court explained the peremptory challenge process to the prospective jury panel, and advised the panel that they would be excused so that Counsel could exercise their peremptory challenges. The Court admonished the prospective jurors pursuant to NRS 175.121.

The Court recessed at 4:13 p.m.

Court reconvened at 4:23 p.m. with Counsel and the Defendant present outside the presence of the prospective jurors the purpose of exercising peremptory challenges.

The State's first peremptory challenge was juror number 1, Hope Garvin.

Defense counsel's first peremptory challenge was juror number 11, Michael Robinson.

The State's second peremptory challenge was juror number 4, Andrew Allen.

Defense counsel's second peremptory challenge was juror number 5, Timina Shupe.

The State's third peremptory challenge was juror number 12, Jacob Adams.

Defense counsel's third peremptory challenge was juror number 2, Jose Marin-Gonzalez.

The State's fourth peremptory challenge was juror number 15, Jennifer Archuleta.

Defense counsel's fourth peremptory challenge was juror number 19, Ginger Moschetti.

The State's fifth peremptory challenge was juror number 22, William Johnny.

Defense counsel's fifth peremptory challenge was juror number 14, Mercedes Woster.

The State's sixth peremptory challenge was juror number 25, Donald Schumacher.

Defense counsel's sixth peremptory challenge was juror number 21, Douglas Payne.

The State's seventh peremptory challenge was juror number 6, Tricia Shelley.

Defense counsel's seventh peremptory challenge was juror number 18, Rafael Betancourt.

The State's eighth peremptory challenge was juror number 27, Jessica Mauchley.

Defense counsel's eighth peremptory challenge was juror number 20, Matthew Nicholls.

The State's alternate peremptory challenge was juror number 29, Shania Jimenez.

Defense counsel's alternate peremptory challenge was juror number 30, Allan Wise.

Court recessed at 4:36 p.m.

Court reconvened at 4:39 p.m.

The Court noted the presence of Counsel, the Defendant, and the prospective jurors.

The Clerk called the names of the 12 trial jurors and the 2 alternates, to wit: June Gandolfo, Kyle Oliver, Michael Holbert, Kristi Nuzum-Ojala, Maria Bement, Nina Eshelman, Shaun Merrill, Curtis Whittaker, Bryon Elumbaugh, Nicholas Christensen, Adam Layton, Kevin Engelmeier, Eric Shannon and Gregory Huston.

The Court thanked and excused those not called to serve as jurors.

The 12 Jurors and the 2 Alternates were sworn by the Clerk to try the case.

The Court admonished the Jury and the Alternates pursuant to NRS 175.121 and informed them of their right to take notes pursuant to NRS 175.131.

Court recessed for evening break at 5:00 p.m.

Court reconvened at 5:01 p.m. outside the presence of the Jury and the Alternates.

The Court advised that the Motion to Dismiss was denied and a written order will be entered. The Court advised that it would reserve judgment regarding Defense counsel's instruction regarding adverse inference until all the evidence was presented at trial.

The State inquired regarding its Notice of Unavailability of a Witness.

Defense counsel presented a statement and advised that it would not present argument.

The Court advised that it would permit the reading of the testimony of Ruta Murphy from the preliminary hearing transcript.

The State advised that it would have a caseworker read the transcript testimony of Ruta Murphy. The State advised that the questions by Defense counsel would not be read.

Defense counsel agreed.

The Court advised Counsel to discuss and prepare a copy of the transcript with the agreed upon stricken questions.

The State advised that Defense counsel presented concerns of Ms. Murphy possibly having a felony conviction.

Defense counsel requested a copy of the criminal history record of Ruta Murphy.

The Court **ORDERED** the State to provide a copy of the criminal history record of Ruta Murphy to Defense counsel.

Court recessed at 5:10 p.m.

JURY TRIAL
Day Two – July 7, 2021

The Court reconvened at 8:39 a.m. outside the presence of the Jury and the Alternates.

The Court noted the presence of Counsel and the Defendant.

The Court advised that it would read Jury Instructions No. 1 and No. 2 and inquired if Counsel stipulate that it need not be reported.

The State and Defense counsel stipulated that the reading of Jury Instruction No. 1 and No. 2 need not be reported.

The State advised that the criminal history record of Ruta Murphy had been provided to Defense counsel.

The Court noted that the preliminary hearing transcript of the testimony of Ruta Murphy had been marked as Plaintiff's Exhibit 137.

Court recessed at 8:43 a.m.

Court reconvened at 8:55 a.m.

The Court noted the presence of Counsel and the Defendant.

Counsel stipulated to the presence of the Jury and the Alternates.

The Court advised that it would read Jury Instructions No. 1 and No. 2 at this time.

Counsel stipulated that the Court Reporter would not report the reading of Jury Instruction No. 1 and No. 2.

The Court read Jury Instruction No. 1 and No. 2.

The Clerk read the Second Amended Criminal Information omitting the formal parts reads as follows.

Tyler J. Ingram presented an opening statement on behalf of the State.

Matthew Pennell presented an opening statement on behalf of the Defendant.

The Court directed the State to call its first witness.

Rosendo Herrera-Quintero was sworn and examined on direct by the State. The Witness identified the Defendant. The State continued direct examination of the Witness.

The Court admonished the Jury and the Alternates pursuant to NRS 175.121.

Court recessed at 9:47 a.m.

Court reconvened at 10:01 a.m.

The Court noted the presence of Counsel and the Defendant.

Counsel stipulated to the presence of the Jury and the Alternates.

Rosendo Herrera-Quintero resumed the stand and was reminded by the Court that he was still under oath.

The State continued direct examination of the Witness. The State offered Plaintiff's Exhibit 76, Photograph Herrera-Quintero Close-Up, Plaintiff's Exhibit 78, Photograph of Broken Mirror Inside Southern X-Posure, and Plaintiff's Exhibit 80, Photograph of Herrera-Quintero Close-Up of Lip, for admission.

There being no objection, the Court **ORDERED** Plaintiff's Exhibit 76, Photograph Herrera-Quintero Close-Up, Plaintiff's Exhibit 78, Photograph of Broken Mirror Inside Southern X-Posure, and Plaintiff's Exhibit 80, Photograph of Herrera-Quintero Close-Up of Lip, admitted.

Plaintiff's Exhibit 76, Plaintiff's Exhibit 78, and Plaintiff's Exhibit 80 were published to the Jury.

The State continued direct examination of the Witness. The State played Plaintiff's Exhibit 106, DVD - Southern X-Posure Surveillance Video and Still Photos, for the jury to view and continued to examine the Witness on direct while stopping and starting the video. The State concluded examination.

Defense counsel requested to speak with the State briefly.

The State and Defense counsel exited the courtroom.

Counsel returned and advised that they were ready to proceed.

Defense counsel examined the Witness on cross examination.

The Court admonished the Jury and the Alternates pursuant to NRS 175.121.

The Court advised the witness, Rosendo Herrera-Quintero, of the rule of exclusion.

Court recessed for morning break at 10:57 a.m.

Court reconvened at 11:10 a.m.

The Court noted the presence of Counsel and the Defendant.

Counsel stipulated to the presence of the Jury and the Alternates.

Rosendo Herrera-Quintero resumed the stand and was reminded by the Court that he was still under oath.

The State examined the Witness on redirect. Defense counsel examined the Witness on recross examination.

The Court inquired if there were any jury questions.

One question was submitted by Juror No. 10.

One Question was submitted by Juror No. 2.

One question was submitted by Juror No. 3.

One question was submitted by Juror No. 7.

Counsel approached the bench for a sidebar.

The Court asked the question submitted by Juror No. 7, Juror No. 2, Juror No. 3, and Juror No. 10.

The State presented follow-up questions. Defense counsel had no follow-up questions.

The Witness was excused subject to recall.

The State advised that caseworker, Carrissa Anchando, would be assisting in the reading of the Preliminary Hearing Transcript of witness, Ruta Murphy.

Counsel stipulated that the transcript of Ruta Murphy would be read by Carrisa Anchando.

The State and Carrissa Anchando began reading the transcript testimony of Ruta Murphy.

Defense counsel began reading its portion of the cross examination from the preliminary hearing transcript and Carissa Anchondo read the testimony of Ruta Murphy.

Counsel concluded reading of the testimony from the transcript that was marked as Plaintiff's Exhibit 137.

Manuel Ruiz Barbosa was sworn and examined on direct by the State. The State played Plaintiff's Exhibit 106, DVD – Southern X-Posure Surveillance Video and Still Photos, and continued to examine the Witness on direct examination. The Witness identified the Defendant. The State continued direct examination of the Witness.

The Court admonished the Jury and the Alternates pursuant to NRS 175.121.

Court recessed for lunch break at 12:02 p.m.

Court reconvened at 12:02 p.m. outside the presence of the Jury and the Alternates.

The Court and Counsel discussed the testimony of Ruta Murphy.

Court recessed at 12:05 p.m.

Court reconvened at 1:26 p.m. outside the presence of the Jury and the Alternates.

The Court noted the presence of Counsel and the Defendant.

Defense advised that it stipulates to allow the State to continue direct examination.

Court recessed at 1:27 p.m.

Court reconvened at 1:29 p.m.

The Court noted the presence of Counsel and the Defendant.

Counsel stipulated to the presence of the Jury and the Alternates.

Manuel Ruiz Barbosa resumed the stand and was reminded by the Court that he was still under oath.

The State continued direct examination of the Witness. The State offered Plaintiff's Exhibit 139, Photograph Parking Lot, for admission.

There being no objection, the Court **ORDERED** Plaintiff's Exhibit 139, Photograph Parking Lot, admitted.

The State continued direct examination of the Witness. The State offered Defendant's Exhibit H, Photograph Side Front Door 20:41:50, for admission.

There being no objection, the Court **ORDERED** Defendant's Exhibit H, Photograph Side Front Door 20:41:50, admitted.

The State continued direct examination of the Witness. The State offered Defendant's Exhibit G, Photograph of Side Front Door, for admission.

There being no objection, the Court **ORDERED** Defendant's Exhibit G, Photograph Side Front Door 20:41:22, admitted.

Defendant's Exhibit G and Defendant's Exhibit H were published to the Jury.

Defense counsel examined the Witness on cross examination. The State examined the Witness on redirect examination. The State offered Plaintiff's Exhibit 106, DVD - Southern X-Posure Surveillance Video and Still Photos, for admission. Defense counsel requested a sidebar.

The Court and Counsel took a sidebar at 1:41 p.m.

The Court **ORDERED** Plaintiff's Exhibit 106, DVD - Southern X-Posure Surveillance Video and Still Photos, admitted.

No recross examination by Defense counsel.

The Court inquired if there were any jury questions.

One question was submitted by Juror No. 10.

The Court and Counsel took a sidebar at 1:48 p.m.

Court reconvened at 1:49 p.m.

The Court noted the presence of Counsel and the Defendant.

The one question submitted by Juror No. 10 was asked by the Court.

The State advised that Defense counsel agreed to reopen examination.

Defense counsel agreed to allow the State to reopen examination.

The State examined the Witness on direct examination. Defense counsel examined the Witness on cross examination. Redirect by the State. No recross by Defense counsel.

The Court inquired if there were any jury questions.

There being no jury questions, the Witness was excused subject to recall.

Officer Fernando Uribe was sworn and examined on direct by the State. Defense counsel examined the Witness on cross examination. The State examined the Witness on redirect examination. The State offered Plaintiff's Exhibit 111, Bullet Casing, for admission.

There being no objection, the Court **ORDERED** Plaintiff's Exhibit 111, Bullet Casing, admitted.

Defense counsel examined the Witness on recross examination.

The Court inquired if there were any jury questions.

One question was submitted by Juror No. 3.

The Court and Counsel took a sidebar at 2:18 p.m.

The one question submitted by Juror No. 3 was asked by the Court.

The State presented follow up examination. The State offered Plaintiff's Exhibit 77, Photograph Bullet Casing Inside Southern X-Posure Close-up, for admission.

There being no objection, the Court **ORDERED** Plaintiff's Exhibit 77, Photograph Bullet Casing Inside Southern X-Posure Close-up, admitted.

The State continued follow-up examination of the Witness. The State offered Plaintiff's Exhibit 140, Diagram Drawn by Fernando Uribe, for admission.

There being no objection, the Court **ORDERED** Plaintiff's Exhibit 140, Diagram Drawn by Fernando Uribe, admitted.

Plaintiff's Exhibit 140, Diagram Drawn by Fernando Uribe, was published to the Jury and Alternates.

There being no further jury questions the Witness was advised by the Court of the rule of exclusion and was excused subject to recall.

Andrew Schumaker was sworn and examined on direct by the State. Defense counsel examined the Witness on cross examination. Redirect by the State. Recross by Defense counsel.

The Court inquired if there were any jury questions.

One question was submitted by Juror No. 11.

The Court and Counsel took a sidebar at 2:38 p.m.

The one question by Juror No. 11 was asked by the Court.

The State asked follow-up questions. Defense counsel had no follow-up questions.

The Witness was excused.

The Court admonished the Jury and the Alternates pursuant to NRS 175.121.

Court recessed for afternoon break at 2:44 p.m.

Court reconvened at 3:02 p.m.

The Court noted the presence of Counsel and the Defendant.

Counsel stipulated to the presence of the Jury and the Alternates.

Officer Miguel Pantelakis was sworn and examined on direct by the State. The State offered Plaintiff's Exhibit 138, Google Earth Map, for admission.

There being no objection, the Court **ORDERED** Plaintiff's Exhibit 138 Google Earth Map, for admission.

Plaintiff's Exhibit 138, Google Earth Map, was published to the Jury and Alternates.

The State continued direct examination of the Witness. Defense counsel examined the Witness on cross examination. Defense counsel offered Defendant's Exhibit P, Photograph of Patrol Vehicle Mirror, and Defendant's Exhibit Q, Photograph of Patrol Vehicle Mirror from Front, for admission.

There being no objection, the Court **ORDERED** Defendant's Exhibit P, Photograph of Patrol Vehicle Mirror, and Defendant's Exhibit Q, Photograph of Patrol Vehicle Mirror from Front, admitted.

Defense counsel continued cross examination of the Witness. Redirect by the State. Recross examination by Defense counsel.

Defendant's Exhibit P, Photograph of Patrol Vehicle Mirror, and Defendant's Exhibit Q, Photograph of Patrol Vehicle Mirror from Front, were published to the jury.

The Court inquired if there were any jury questions.

One question was submitted by Juror No. 10.

The Court and Counsel took a sidebar at 4:11 p.m.

The question submitted by Juror No. 10 was asked by the Court.

No follow-up by the State.

Defense counsel presented follow-up questions.

The Witness was advised by the Court of the rule of exclusion and was excused subject to recall.

Alejandro Sanchez was sworn and examined on direct by the State. The State played Plaintiff's Exhibit 103, DVD Sanchez Dash Camera Video.

The Court advised the Witness that the rule of exclusion.

The Court admonished the Jury and the Alternates pursuant to NRS 175.121.

Court recessed for evening break at 4:54 p.m.

JURY TRIAL
Day Three – July 8, 2021

Court reconvened at 9:21 a.m.

The Court noted the presence of Counsel and the Defendant.

Counsel stipulated to the presence of the Jury and the Alternates.

Alejandro Sanchez resumed the stand and was reminded by the Court that he was still under oath.

The State continued playing Plaintiff's Exhibit 103, DVD Sanchez Dash Camera Video. The State continued to examine the Witness on direct examination. The State offered Plaintiff's Exhibit 103, DVD Sanchez Dash Camera Video, for admission.

There being no objection, the Court **ORDERED** Plaintiff's Exhibit 103, DVD Sanchez Dash Camera Video, for admission.

The State continued direct examination of the Witness. The State played Plaintiff's Exhibit 102, DVD Sanchez Body Camera Video, and stopped and started the video while continuing to examine the Witness on direct. The State advised that Defense counsel stipulated to the admission of Plaintiff's Exhibit 102, DVD Sanchez Body Camera Video.

Defense counsel so stipulated.

The Court **ORDERED** Plaintiff's Exhibit 102, DVD Sanchez Body Camera Video, admitted.

The State continued playing Plaintiff's Exhibit 102, DVD Sanchez Body Camera Video, and stopped and started the video while examining the Witness on direct.

Defense counsel examined the Witness on cross examination. Redirect by the State.

Defense counsel requested a recess be taken to allow additional time to review Plaintiff's Exhibit 102, DVD Sanchez Body Camera Video.

The Court admonished the Jury and the Alternates pursuant to NRS 175.121.

Court recessed at 10:38 a.m.

Court reconvened at 11:07 a.m.

The Court noted the presence of Counsel and the Defendant.

Counsel stipulated to the presence of the Jury and the Alternates.

Alejandro Sanchez resumed the stand and was reminded by the Court that he was still under oath.

Defense counsel offered Defendant's Exhibit C, CD Audio Interview with Officer Alejandro Sanchez, for admission.

There being no objection, the Court **ORDERED** Defendant's Exhibit C, CD Audio Interview with Officer Alejandro Sanchez, admitted.

Defense counsel continued recross examination while starting and stopping Defendant's Exhibit C, CD Audio Interview with Officer Alejandro Sanchez.

The State requested to present follow-up questions. The State recalled the Witness and examined the Witness on direct examination. Defense counsel examined the Witness on cross examination. No redirect by the State.

The Court inquired if there were any jury questions.

There being no jury questions, the Court advised the Witness of the rule of exclusion and he was excused subject to recall.

Retired Officer Peter Turner was sworn and examined on direct by the State. The Witness identified the Defendant. The State continued direct examination of the Witness. The State offered Plaintiff's Exhibit 86, Photograph Black Gun Holster, for admission.

There being no objection, the Court **ORDERED** Plaintiff's Exhibit 86, Photograph Black Gun Holster, admitted.

Defense counsel examined the Witness on cross examination. No redirect by the State.

The Court inquired if there were any jury questions.

There being no jury questions, the Witness was excused.

Jason Abrams was sworn and examined on direct by the State. The Witness identified the Defendant. The State continued direct examination of the Witness. Defense counsel examined the Witness on cross examination. No redirect by the State.

The Court inquired if there were any jury questions.

There being no jury questions, the Court advised the Witness of the rule of exclusion and he was excused subject to recall.

Officer Brad Hillaker was sworn and examined on direct by the State. The State offered Plaintiff's Exhibit 98, Photograph Glock 19 9mm Handgun with Green Marker 12, for admission.

There being no objection, the Court **ORDERED** Plaintiff's Exhibit 98, Photograph Glock 19 9mm Handgun with Green Marker 12, admitted.

Plaintiff's Exhibit 98 was published to the Jury.

The State continued direct examination of the Witness. Defense counsel examined the Witness on cross examination. Redirect by the State. Recross by Defense counsel.

The Court inquired if there were any jury questions.

One question was submitted by Juror No. 3.

One question was submitted by Juror No. 6.

One question was submitted by Juror No. 7.

The Court and Counsel took a sidebar at 12:06 p.m.

The Court asked the one question submitted by Juror No. 3, the one question submitted by Juror No. 6, and the one question submitted by Juror No. 7.

The State nor Defense counsel had any follow-up questions.

There being no further jury questions, the Witness was excused.

The Court admonished the Jury and the Alternates pursuant to NRS 175.121.

Court recessed for lunch break at 12:14 p.m.

Court reconvened at 1:22 p.m. outside the presence of the Jury and the Alternates.

The Court noted the presence of Counsel and the Defendant.

The State advised that would be requesting that the Defendant to display his scars tomorrow to the Jury and the Alternates and presented supporting case law.

Defense counsel advised that it would research the matter further.

The Court advised that this matter would be addressed tomorrow upon the State's request.

Court recessed at 1:25 p.m.

Court reconvened at 1:31 p.m.

The Court noted the presence of Counsel and the Defendant.

Counsel stipulated to the presence of the Jury and the Alternates.

Deputy Billy Hood was sworn and examined on direct by the State. Defense counsel examined the Witness on cross examination. Defense counsel offered Plaintiff's Exhibit 6, Deputy Hood Report, for identification. Defense counsel continued to examine the Witness on cross examination. No redirect by the State.

The Court inquired if there were any jury questions.

There being no jury questions, the Witness was advised by the Court of the rule of exclusion and he was excused subject to recall.

The State offered Plaintiff's Exhibit 105, DVD Red Garter Casino Surveillance Video, for admission pursuant to stipulation.

Defense counsel stipulated to the admission of Plaintiff's Exhibit 105.

The Court **ORDERED** Plaintiff's Exhibit 105, DVD Red Garter Casino Surveillance Video, admitted.

The State played Plaintiff's Exhibit 105, DVD Red Garter Casino Surveillance Video.

Sgt. Rick Moore was sworn and examined on direct by the State. Defense counsel examined the Witness on cross examination. No redirect.

The Court inquired if there were any jury questions.

There being no jury questions, the Witness was excused.

Detective Michael Marshowsky was sworn and examined on direct by the State. Defense counsel examined the Witness on cross examination. No redirect.

The Court inquired if there were any jury questions.

The State advised that it spoke with Defense counsel who agreed to examine the Witness on redirect.

The Court advised the State to proceed.

The State examined the Witness on redirect. No recross by Defense Counsel.

The Court inquired if there were any jury questions.

One question was submitted by Juror No. 3.

The Court and Counsel took a sidebar at 2:05 p.m.

The Court asked the one question submitted by Juror No. 3.

The State had no follow-up questions.

Defense counsel presented follow-up questions.

The Witness was excused.

Investigator John Cessford was sworn and examined on direct by the State. The State offered Plaintiff's Exhibit 86, Photograph Black Gun Holster, for admission and continued direct examination of the Witness. The State offered Plaintiff's Exhibit 87, Photograph Bullet Casing with Green Marker 1; Plaintiff's Exhibit 88, Photograph Bullet Casing with Green Marker 1 Close-up; and Plaintiff's Exhibit 89, Photograph Bullet Casing with Green Marker 2, for admission

There being no objection, the Court **ORDERED** Plaintiff's Exhibit 86, Photograph Black Gun Holster; Plaintiff's Exhibit 87, Photograph Bullet Casing with Green Marker 1; Plaintiff's Exhibit 88, Photograph Bullet Casing with Green Marker 1 Close-up; and Plaintiff's Exhibit 89, Photograph Bullet Casing with Green Marker 2, admitted.

The State continued direct examination of the Witness. The State offered Plaintiff's Exhibit 90, Photograph Bullet Casing with Green Marker 3, 4, 5; Plaintiff's Exhibit 91, Photograph Bullet Casing with Green Marker 6; Plaintiff's Exhibit 92, Photograph Bullet Casing with Green Marker 7; Plaintiff's Exhibit 93, Photograph Hat with Green Marker 8; Plaintiff's Exhibit 94, Photograph Bullet

Casing with Green Marker 16; Plaintiff's Exhibit 95, Photograph Bullet Casing with Green Marker 9; Plaintiff's Exhibit 96, Photograph Bullet Casing with Green Marker 10; Plaintiff's Exhibit 97, Photograph Bullet Casing with Green Marker 11; Plaintiff's Exhibit 98, Photograph Glock 19 9MM Handgun with Green Marker 12; Plaintiff's Exhibit 81, Photograph Bullet Casing with Marker 4; Plaintiff's Exhibit 75, Photograph Officer Vehicle Passenger Side View and Car; Plaintiff's Exhibit 75A, Photograph Back Patrol Marker 2 & 3; Plaintiff's Exhibit 64, Photograph Bullet Casing with Marker 14; Plaintiff's Exhibit 65, Photograph Officer Vehicle at Scene; Plaintiff's Exhibit 66, Photograph Bullet Casing with Marker 2; Plaintiff's Exhibit 67, Photograph Bullet Casing with Marker 3; Plaintiff's Exhibit 68, Photograph Bullet Casing with Marker 4; Plaintiff's Exhibit 69, Photograph Bullet Casing with Marker 5; Plaintiff's Exhibit 70, Photograph Bullet Casing with Marker 6; Plaintiff's Exhibit 71, Photograph Bullet Casing with Marker 7; Plaintiff's Exhibit 72, Photograph Officer Vehicle as Scene Back View of Car; Plaintiff's Exhibit 73, Photograph Officer Vehicle as Scene Driver's Side View and Car; Plaintiff's Exhibit 41, Photograph Firearm and Cellphone; Plaintiff's Exhibit 42, Photograph Hat; Plaintiff's Exhibit 43, Photograph Car and Hat; Plaintiff's Exhibit 44, Photograph Car and Hat Close-up; Plaintiff's Exhibit 83, Photograph Car with Shoes and Pants; and Plaintiff's Exhibit 84, Photograph Shoes and Pants, for admission.

There being no objection, the Court **ORDERED** Plaintiff's Exhibit 90, Photograph Bullet Casing with Green Marker 3, 4, 5; Plaintiff's Exhibit 91, Photograph Bullet Casing with Green Marker 6; Plaintiff's Exhibit 92, Photograph Bullet Casing with Green Marker 7; Plaintiff's Exhibit 93, Photograph Hat with Green Marker 8; Plaintiff's Exhibit 94, Photograph Bullet Casing with Green Marker 16; Plaintiff's Exhibit 95, Photograph Bullet Casing with Green Marker 9; Plaintiff's Exhibit 96, Photograph Bullet Casing with Green Marker 10; Plaintiff's Exhibit 97, Photograph Bullet Casing with Green Marker 11; Plaintiff's Exhibit 98, Photograph Glock 19 9MM Handgun with Green Marker 12; Plaintiff's Exhibit 81, Photograph Bullet Casing with Marker 4; Plaintiff's Exhibit 75, Photograph Officer Vehicle Passenger Side View and Car; Plaintiff's Exhibit 75A, Photograph Back Patrol Marker 2 & 3; Plaintiff's Exhibit 64, Photograph Bullet Casing with Marker 14; Plaintiff's Exhibit 65, Photograph Officer Vehicle at Scene; Plaintiff's Exhibit 66, Photograph Bullet Casing with Marker 2; Plaintiff's Exhibit 67, Photograph Bullet Casing with Marker 3; Plaintiff's Exhibit 68, Photograph Bullet Casing with Marker 4; Plaintiff's Exhibit 69, Photograph Bullet Casing with Marker 5; Plaintiff's Exhibit 70, Photograph Bullet Casing with Marker 6; Plaintiff's Exhibit 71, Photograph Bullet Casing with Marker 7; Plaintiff's Exhibit 72, Photograph Officer Vehicle as Scene Back View

of Car; Plaintiff's Exhibit 73, Photograph Officer Vehicle as Scene Driver's Side View and Car; Plaintiff's Exhibit 41, Photograph Firearm and Cellphone; Plaintiff's Exhibit 42, Photograph Hat; Plaintiff's Exhibit 43, Photograph Car and Hat; Plaintiff's Exhibit 44, Photograph Car and Hat Close-up; Plaintiff's Exhibit 83, Photograph Car with Shoes and Pants; and Plaintiff's Exhibit 84, Photograph Shoes and Pants, admitted.

No cross examination by Defense counsel.

The Court inquired if there were any jury questions.

There being no jury questions, the Witness was excused.

Detective Nicholas Stake was sworn and examined on direct by the State. The State offered Plaintiff's Exhibit 127, Black Gun Holster, for admission.

Defense counsel examined the Witness on voir dire. Defense counsel had no objection.

There being no objection, the Court **ORDERED** Plaintiff's Exhibit 127, Black Gun Holster, admitted.

The State continued direct examination of the Witness. The State offered Plaintiff's Exhibit 129, White/Gray Socks with Blood, for admission.

There being no objection, the Court **ORDERED** Plaintiff's Exhibit 129, White/Gray Socks with Blood, admitted.

The State continued direct examination of the Witness.

The Court admonished the Jury and the Alternates pursuant to NRS 175.121.

Court recessed for afternoon break at 2:51 p.m.

Court reconvened at 4:10 p.m.

The Court noted the presence of Counsel and the Defendant.

Counsel stipulated to the presence of the Jury and the Alternates.

Detective Nicholas Stake resumed the stand and was reminded by the Court that he was still under oath.

The State continued direct examination of the Witness. The State offered Plaintiff's Exhibit 124, Gray/Black Ball Cap, for admission.

There being no objection, the Court **ORDERED** Plaintiff's Exhibit 124, Gray/Black Ball Cap, admitted.

The State continued direct examination of the Witness. The State offered Plaintiff's Exhibit 128, 1 Pair of White Tennis Shoes, for admission.

There being no objection, the Court **ORDERED** Plaintiff's Exhibit 128, 1 Pare of White Tennis Shoes, admitted.

The State continued direct examination of the Witness. The State offered Plaintiff's Exhibit 130, Black Jeans and White Belt with Blood, for admission.

There being no objection, the Court **ORDERED** Plaintiff's Exhibit 130, Black Jeans and White Belt with Blood, admitted.

The State continued direct examination of the Witness. The State offered Plaintiff's Exhibit 125, Glock 19 9MM Handgun, for admission.

Defense counsel examined the Witness on voir dire and advised that it had no objection.

There being no objection, the Court **ORDERED** Plaintiff's Exhibit 125, Glock 19 9MM Handgun, admitted.

The State continued direct examination of the Witness. The State offered Plaintiff's Exhibit 113, 9MM Spent Casing, for admission.

There being no objection, the Court **ORDERED** Plaintiff's Exhibit 113, 9MM Spent Casing, admitted.

The State offered Plaintiff's Exhibit 114, 9MM Spent Casing, for admission.

There being no objection, the Court **ORDERED** Plaintiff's Exhibit 114, 9MM Spent Casing, admitted.

The State continued direct examination of the Witness. The State offered Plaintiff's Exhibit 115, 9MM Spent Casing, for admission.

There being no objection, the Court **ORDERED** Plaintiff's Exhibit 115, 9MM Spent Casing, admitted.

The State continued direct examination of the Witness. The State offered Plaintiff's Exhibit 116, 9MM Spent Casing, for admission.

There being no objection, the Court **ORDERED** Plaintiff's Exhibit 116, 9MM Spent Casing, admitted.

The State continued direct examination of the Witness. The State offered Plaintiff's Exhibit 117, 9MM Spent Casing, for admission.

There being no objection, the Court **ORDERED** Plaintiff's Exhibit 117, 9MM Spent Casing, admitted.

The State continued direct examination of the Witness. The State offered Plaintiff Exhibit 118, 9MM Spent Casing, for admission.

There being no objection, the Court **ORDERED** Plaintiff Exhibit 118, 9MM Spent Casing, admitted.

The State continued direct examination of the Witness. The State offered Plaintiff's Exhibit 119, 9MM Spent Casing, for admission.

There being no objection, the Court **ORDERED** Plaintiff Exhibit 119, 9MM Spent Casing, admitted.

The State continued direct examination of the Witness. The State offered Plaintiff's Exhibit 121, 9MM Spent Casing, for admission.

There being no objection, the Court **ORDERED** Plaintiff's Exhibit 121, 9MM Spent Casing, admitted.

The State continued direct examination of the Witness. The State offered Plaintiff's Exhibit 126, 9MM Spent Casing, for admission.

There being no objection, the Court **ORDERED** Plaintiff's Exhibit 126, 9MM Spent Casing, admitted.

The State continued direct examination of the Witness. The State offered Plaintiff's Exhibit 122, 9MM Spent Casing, for admission.

There being no objection, the Court **ORDERED** Plaintiff's Exhibit 122, 9MM Spent Casing, admitted.

The State continued direct examination of the Witness. The State offered Plaintiff's Exhibit 123, 9MM Spent Casing, for admission.

There being no objection, the Court **ORDERED** Plaintiff's Exhibit 123, 9MM Spent Casing, admitted.

The State continued direct examination of the Witness. The Witness identified the Defendant. The State continued direct examination of the Witness. The State offered Plaintiff's Exhibit 99, Photograph Martinez DNA Swab, for admission.

There being no objection, the Court **ORDERED** Plaintiff's Exhibit 99, Photograph Martinez DNA Swab, admitted.

The State continued direct examination of the Witness. The State offered Plaintiff's Exhibit 100, Photograph Martinez Jail Identification Band, for admission

There being no objection, the Court **ORDERED** Plaintiff's Exhibit 100, Photograph Martinez Jail Identification Band, admitted.

The State continued direct examination of the Witness. The State offered Plaintiff's Exhibit 132, 2 Buccal Swabs, for admission.

There being no objection, the Court **ORDERED** Plaintiff's Exhibit 132, 2 Buccal Swabs, admitted.

The State continued direct examination of the Witness. The State offered Plaintiff's Exhibit 135, Washoe County Crime Lab Examination Request for Dated 07/02/2018, for admission.

There being no objection, the Court **ORDERED** Plaintiff's Exhibit 135, Washoe County Crime Lab Examination Request for Dated 07/02/2018, admitted.

The State continued direct examination of the Witness.

The Court admonished the Jury and the Alternates pursuant to NRS 175.121.

Court recessed for evening break at 4:54 p.m.

Court reconvened at 4:54 p.m. outside the presence of the Jury and the Alternates.

The Court noted the presence of Counsel and the Defendant.

Defense counsel advised that it stipulated to the admission of Defendant's Exhibit O, Photograph of Airbag Deployed in Car.

The State stipulated to its admission.

The Court **ORDERED** Defendant's Exhibit O, Photograph of Airbag Deployed in Car, admitted.

Court recessed at 4:56 p.m.

JURY TRIAL
Day Four – July 9, 2021

Court reconvened at 8:26 a.m. outside the presence of the Jury and the Alternates.

The Court noted the presence of Counsel and the Defendant.

The State presented an oral motion to allow the Defendant to show his scars to the jury after the presentation of its case and advised that it previously presented supporting case law to the Court and presented argument.

The Court inquired regarding taking a photo of the scars.

Defense counsel advised that it would speak with the Defendant further regarding possibly taking photographs of the scars.

Court recessed at 8:37 a.m.

Court reconvened at 9:05 a.m. outside the presence of the Jury and the Alternates.

The Court noted the presence of Counsel and the Defendant.

The Court noted that Defense counsel and the Defendant had a private discussion in another room and inquired if Defense counsel had sufficient time to discuss with the Defendant regarding displaying his scars to the jury. The Court noted that photographs had not been taken previously of the Defendant's injuries and scars.

Defense counsel advised that the Defendant agreed to photographs being taken of the scars.

The State advised that Detective Stake had a camera available to take photographs.

The Court advised that a recess would be taken to allow photographs to be taken of the Defendant's injury scars.

Court recessed at 9:14 a.m.

Court reconvened at 9:47 a.m. outside presence of Jury and the Alternates.

The Court noted the presence of Counsel and the Defendant.

The Court noted that Detective Stake took photographs of the Defendant's calf and abdomen.

The State advised that Detective State took photographs of the Defendant's left leg, right calf, and abdomen.

The Court noted that Detective State was on the stand and he was reminded by the Court that he was still under oath.

The Court and Counsel discussed the photographs that were taken.

The State advised that the photographs were on a thumb drive and was marked as Plaintiff's Exhibit 142.

The Court canvassed the Defendant regarding proceeding with showing photographs of his injury.

The Defendant advised that he understood and agreed to show photographs of his injury scars.

The State advised that he was present in the room when the photographs were taken and asked the Defendant if he was comfortable with the State being in the room.

Defense counsel confirmed that the Defendant had no objection to the State being present during photographing.

The Defendant advised that he had no objection to the State being present during photographing.

The Court found that the Defendant waived his fourth amendment rights knowingly, intelligently, and voluntarily and elected to have photographs of his injuries.

Court recessed at 9:55 a.m.

Court reconvene at 9:57 a.m.

The Court noted the presence of Counsel and the Defendant.

Counsel stipulated to the presence of the Jury and the Alternates.

Detective Nicholas Stake resumed the stand and was reminded by the Court that he was still under oath.

The State continued direct examination of the Witness. The State offered Plaintiff's Exhibit 45, Photograph of Officer Vehicle Light with Bullet Hole; Plaintiff's Exhibit 52, Photograph of Officer Vehicle Grill with Bullet Hole; Plaintiff's Exhibit 51, Photograph of Officer Vehicle Grill Close Up with Bullet Hole; Plaintiff's Exhibit 50, Photograph Officer Vehicle Running Board with Bullet Hole; Plaintiff's Exhibit 49, Photograph Officer Vehicle Side View; Plaintiff's Exhibit 47, Photograph of Officer Vehicle Front Bumper Close Up with Bullet Hole; Plaintiff's Exhibit 46, Photograph of Officer Vehicle Front Bumper with Bullet Hole; and Plaintiff's Exhibit 53, Photograph of Car with Bullet Hole, for admission.

There being no objection, the Court **ORDERED** Plaintiff's Exhibit 45, Photograph of Officer Vehicle Light with Bullet Hole; Plaintiff's Exhibit 52, Photograph of Officer Vehicle Grill with Bullet Hole; Plaintiff's Exhibit 51, Photograph of Officer Vehicle Grill Close Up with Bullet Hole; Plaintiff's Exhibit 50, Photograph Officer Vehicle Running Board with Bullet Hole; Plaintiff's Exhibit 49, Photograph Officer Vehicle Side View; Plaintiff's Exhibit 47, Photograph of Officer Vehicle Front Bumper Close Up with Bullet Hole; Plaintiff's Exhibit 46, Photograph of Officer Vehicle Front Bumper with Bullet Hole; and Plaintiff's Exhibit 53, Photograph of Car with Bullet Hole, admitted.

The State continued direct examination of the Witness. The State offered Plaintiff's Exhibit 142, USB Drive - Photographs of Defendant, for admission.

There being no objection, the Court **ORDERED** Plaintiff's Exhibit 142, USB Drive - Photographs of Defendant, admitted.

Defense counsel examined the Witness on cross examination. No redirect.

The Court inquired if there were any jury questions.

One question was submitted by Juror No. 12.

One question was submitted by Juror No. 3.

The Court and Counsel took a sidebar at 10:14 a.m.

The one question submitted by Juror No. 3 was asked by the Court.

The Court advised that a portion of the question submitted by Juror No. 12 pertained to testimony by Officer Uribe. The other portion of the question submitted by Juror No. 12 was asked by the Court.

The State presented follow-up questions.

No follow-up by Defense counsel.

The Court reminded the Witness of the rule of exclusion and he was excused subject to recall.

Jason Vanderward, Ogden City Police Officer, was sworn and examined on direct by the State. The Witness identified the Defendant. Defense counsel examined the Witness on cross examination. No redirect by the State.

The Court inquired if there were any jury questions.

There being no jury questions, the Witness was excused.

Utah Highway Patrol, Craig Ward, was sworn and examined on direct by the State. Defense counsel examined the Witness on cross examination. No redirect by the State.

The Court inquired if there were any jury questions.

There being no jury questions, the Witness was excused.

Dr. Amy Chattin, Criminalist for Washoe County Crime Lab, was sworn and examined on direct by the State. The State requested that the Witness give her opinion regarding processing and screening of DNA samples.

Defense counsel had no objection.

The Court advised that Ms. Chattin would be permitted to give her opinion on the areas regarding processing and screening of DNA samples.

The State continued direct examination of the Witness. Defense counsel examined the Witness on voir dire. The State continued direct examination of the Witness. Defense counsel examined the Witness on cross examination. No redirect by the State.

The Court inquired if there were any jury questions.

There being no jury questions, the Witness was excused.

The State offered Plaintiff's Exhibit 17, Dr. Chatting - Washoe Co. Forensic Science Division Report, for admission.

There being no objection, the Court **ORDERED** Plaintiff's Exhibit 17, Dr. Chatting - Washoe Co. Forensic Science Division Report, admitted.

The Court admonished the Jury and the Alternates pursuant to NRS 175.121.

Court recessed for break at 11:25 a.m.

Court reconvened at 11:35 a.m.

The Court noted the presence of Counsel and the Defendant.

Counsel stipulated to the presence of the Jury and the Alternates.

Brittney Chilton was sworn and examined on direct by the State. The State requested that the Witness be allowed to give her opinion regarding DNA.

Defense counsel had no objection.

The Court advised that Witness would be allowed to give her opinion regarding DNA.

The State continued direct examination of the Witness. The State offered Plaintiff's Exhibit 18, Chilton Report - Washoe Co. Forensic Science Division, for admission.

There being no objection, the Court **ORDERED** Plaintiff's Exhibit 18, Chilton Report - Washoe Co. Forensic Science Division, admitted.

Defense counsel examined the Witness on cross examination. Redirect by the State. Recross by Defense counsel.

The Court inquired if there were any jury questions.

There being no jury questions, the Witness was excused.

The State offered Plaintiff's Exhibit 136, Washoe County Crime Lab Examination Request Form Dated 05/30/2019, for admission pursuant to stipulation.

Defense counsel so stipulated.

The Court **ORDERED** Plaintiff Exhibit 136, Washoe County Crime Lab Examination Request Form Dated 05/30/2019, admitted.

The State rested its case-in-chief at 12:06 p.m.

The Court admonished the Jury and the Alternates pursuant to NRS 175.121.

Court recessed for lunch break at 12:07 p.m.

Court reconvened at 1:49 a.m. outside the presence of the Jury and the Alternates.

The Court noted the presence of Counsel and the Defendant.

The Court canvassed the Defendant regarding his right to testify.

The Defendant advised that he had had sufficient time to discuss the matter with his attorney and was comfortable with his decision.

Defense counsel advised that the parties stipulated to admit Defendant's Exhibit V, Deputy McKinney Redacted Report, and Defendant's Exhibit W, Transcript Redacted Brent Anderson.

The State so stipulated.

Court recessed at 2:01 p.m.

Court reconvened at 2:03 p.m.

The Court noted the presence of Counsel and the Defendant.

Counsel stipulated to the presence of the Jury and the Alternates.

The Court noted that the State had rested its case-in-chief and advised Defense counsel to proceed.

Defense counsel and the State stipulated to the admission of Defendant's Exhibit V, Deputy McKinney Redacted Report, and Defendant's Exhibit W, Redacted Transcript of Brent Anderson,

The Court **ORDERED** Defendant's Exhibit V, Deputy McKinney Redacted Report, and Defendant's Exhibit W, Redacted Transcript of Brent Anderson, admitted.

Defense counsel called advised that it would have an employee of the Public Defender's Office assist in reading Defendant's Exhibit W, Redacted Transcript of Brent Anderson.

Defense counsel concluded.

Defense counsel requested that Defendant's Exhibit V, Deputy McKinney Redacted Report, be published to the Jury.

There being no objection, Defendant's Exhibit V, Deputy McKinney Redacted Report, was published to the Jury.

Defense counsel called the Defendant to testify on his own behalf.

Anthony Martinez was sworn and was examined on direct by Defense counsel. The State examined the Witness on cross examination.

The Court and Counsel took a sidebar at 2:42 p.m.

Court reconvened at 3:08 p.m.

The Court advised that a recess would be taken and admonished the Jury and the Alternates pursuant to NRS 175.121.

Court recessed at 3:09 p.m.

Court reconvened at 3:38 p.m.

The Court noted the presence of Counsel and the Defendant.

Counsel stipulated to the presence of the Jury and the Alternates.

The Defendant, Anthony Martinez, resumed the stand and was reminded by the Court that he was still under oath.

The State continued direct examination of the witness, Anthony Martinez. The State offered Plaintiff's Exhibit 144, Photograph, and Plaintiff's Exhibit 145, Photograph, for admission.

There being no objection, the Court **ORDERED** Plaintiff's Exhibit 144, Photograph, and Plaintiff's Exhibit 145, Photograph, admitted.

The State continued direct examination of the Witness. Defense counsel examined the Witness on cross examination.

The Court, the State, Defense counsel and the Defendant took a sidebar at 4:11 p.m.

The Court noted the Defendant, Anthony Martinez, resumed the stand and was reminded by the Court that he was still under oath.

Defense counsel continued redirect examination of the Witness. No recross examination by the State.

The Court inquired if there were any jury questions.

One question was submitted by Juror No. 1.

Two questions were submitted by Juror No. 2.

One question was submitted by Juror No. 3.

The Court and Counsel took a sidebar at 4:18 p.m.

The Court noted the Defendant, Anthony Martinez, was still on the stand and reminded him that he was still under oath.

The Court asked the one question submitted by Juror No. 2 and asked the one question submitted by Juror No. 3. The one question submitted by Juror No. 1 was not asked.

Defense counsel had no follow up questions.

The State presented a follow-up question.

The Witness was excused.

Defense counsel requested to speak with the Defendant briefly before playing a video.

The Court admonished the Jury and the Alternates pursuant to NRS 175.121.

Court recessed for afternoon break at 4:28 p.m.

Court reconvened at 4:44 p.m.

The Court noted the presence of Counsel and the Defendant.

Counsel stipulated to the presence of the Jury and the Alternates.

The Court advised the Jury and Alternates that one of the Jury Questions that had been submitted was not asked due to the rules of evidence.

Defense counsel advised that the State stipulated to the admission of Defendant's Exhibit B, CD Audio Interview with Officer Pantelakis.

The State so stipulated.

The Court **ORDERED** Defendant's Exhibit B, CD Audio Interview with Officer Pantelakis, be admitted pursuant to stipulation.

Defense counsel played Defendant's Exhibit B, CD Audio Interview with Officer Pantelakis, in its entirety.

Defense counsel rested its case-in-chief at 5:20 p.m.

The Court admonished the Jury and the Alternates pursuant to NRS 175.121.

Court recessed for evening break at 5:23 p.m.

JURY TRIAL
Day Five – July 13, 2021

Court convened at 8:32 a.m.

The Court noted the presence of Counsel and the Defendant.

Counsel stipulated to the presence of the Jury and the Alternates.

The Court noted that Defense counsel had previously rested its case-in-chief and inquired if the State had any rebuttal witnesses.

The State called its first rebuttal witness.

Officer Fernando Uribe resumed the stand and was reminded by the Court that he was still under oath. The State examined the Witness on direct examination. Witness examined on cross by Defense counsel. No redirect by the State.

The Court inquired if there were any jury questions.

One question was submitted by Juror No. 7.

One question was submitted by Juror No. 10.

The Court and Counsel took a sidebar at 8:41 a.m.

The Court asked the one question asked by Juror No. 7.

The Court asked the one question submitted by Juror No. 10.

The State had no follow up questions.

Defense counsel asked a follow-up questions.

The State asked a follow up question.

Defense counsel asked a follow-up question.

The Witness was excused.

Lt. Mike Silva was sworn and examined on direct by the State. The Witness identified the Defendant. The State continued direct examination of the Witness. The State identified Plaintiff's Exhibit 146, CD - Audio Jail Recording, and played the audio recording. The State continued direct examination of the Witness.

The State offered Plaintiff's Exhibit 146, CD - Audio Jail Recording, for admission.

There being no objection, the Court **ORDERED** Plaintiff's Exhibit 146, CD - Audio Jail Recording, admitted.

Defense counsel examined the Witness on cross examination. No redirect by the State.

The Court inquired if there were any jury questions.

There being no jury questions, the Witness was excused.

The State advised that it had no further rebuttal witnesses.

Defense counsel advised that it had no surrebuttal witnesses.

The Court advised the Jury and the Alternates that the evidentiary portion of the trial was concluded and further advised that a recess would be taken in order for the Court and Counsel to finalize the Jury Instructions.

The Court admonished the Jury and the Alternates pursuant to NRS 175.121.

Court recessed at 9:06 a.m.

Court reconvened at 2:11 p.m. with Counsel and the Defendant present outside the presence of the Jury and the Alternates for the purpose of settling the Jury Instructions and Verdict Forms.

The Court noted it had a packet of Jury Instructions numbered 1 through 60 including 35A and 48A and inquired if Counsel had any objection.

The State had no objection to the Jury Instructions.

Defense counsel presented objection and presented argument regarding its Proposed Defense Instruction A and requested an instruction be given regarding adverse inference.

The State submitted the matters.

The Court rejected proposed Defense Instruction A and it was filed in open court.

The Court inquired if Counsel had any proposed jury instructions.

The State had no proposed jury instruction.

Defense counsel presented argument regarding a proposed instruction regarding battery with the use of a deadly weapon regarding the gun being used to bludgeon and not used as a deadly weapon.

The Court denied Defense counsel's proposed instruction.

The Court inquired if there was any objection to the one Form of Verdict.

The State had no objection to the one Form of Verdict.

Defense counsel had no objection.

The Court inquired if Counsel had any proposed forms of verdict.

The State nor Defense counsel did not have any proposed forms of verdict.

Court adjourned at 2:25 p.m.

Court reconvened at 2:53 p.m.

The Court noted the presence of Counsel and the Defendant.

Counsel stipulated to the presence of the Jury and the Alternates.

The State presented an oral motion to dismiss Count 7.

Defense counsel had no objection.

The Court **ORDERED** Count 7: Discharging a Firearm within a Structure in a Populated Area, be dismissed.

The Court inquired if Counsel stipulated to the reading of the Instructions need not be reported.

Counsel stipulated that the reading of the Instructions need not be reported.

The Court advised that the Jury Instructions and the Form of Verdict had been settled in Open Court and it would not read Jury Instructions No. 1 and No. 2, as they had been previously read. The Court advised that it would provide copies of the Jury Instructions to the jury during deliberation.

The Court read Jury Instructions No. 3 through No. 60 including 35A and 48A.

Tyler J. Ingram presented closing argument on behalf of the State.

Matthew Pennell presented closing argument on behalf of the Defendant.

The Court admonished the Jury and the Alternates pursuant to NRS 175.121.

Court recessed for break at 4:59 p.m.

Court reconvened at 5:10 p.m.

The Court noted the presence of Counsel and the Defendant.

Counsel stipulated to the presence of the Jury and the Alternates.

Tyler J. Ingram gave rebuttal argument.

The Bailiff, Carlos Nunes, was sworn and the Jury was released to begin deliberations.

The Court advised the Jury of the option to proceed with deliberation tonight or tomorrow morning.

The Court disclosed that Eric Shannon and Gregory Huston were the alternate jurors and instructed them to remain available via telephone. The Court admonished the Alternates pursuant to NRS 175.121.

The Court advised the Jury that they would be excused to the deliberation room to pick a foreperson and to decide if they wished to proceed with deliberation tonight.

Court recessed at 5:31 p.m.

Court reconvened at 5:42 p.m. outside the presence of the Jury.

The Court noted the presence of Counsel and the Defendant. The Court advised that it would have another Bailiff sworn to assist.

Adrienne Perry was sworn.

Court recessed at 5:43 p.m.

Court reconvened at 8:03 p.m. outside the presence of the Jury.

The Court noted the presence of Counsel and the Defendant.

The Court advised that one question was submitted by the Jury.

The Court advised that Counsel had

Court recessed at 8:04 p.m.

A call was received at 8:12 p.m. that the Jury had reached a verdict.

Court reconvened at 8:18 p.m. at the call of the Jury.

The Court noted the presence of the parties.

The Clerk called the roll of the Jury.

The Court asked the Jury if they had reached a verdict.

The foreperson, Michael Holbert, advised that a verdict had been reached and provided the Forms of Verdict for the Court's review.

The Court requested that the Clerk read the Verdict into the record.

The Clerk read the Verdict: **Guilty of Count 1: Attempted Murder with the Use of a Deadly Weapon; Not Guilty of Count 2: Attempted Murder with the Use of a Deadly Weapon; Guilty of Count 3: Battery with a Deadly Weapon; Guilty of Count 4: Assault with a Deadly Weapon; Not**

Guilty of Count 5: Assault with a Deadly Weapon; Not Guilty of Count 6: Attempted Robbery with the Use of a Deadly Weapon; Guilty of Count 8: Eluding a Police Officer in a Manner Posing Danger to Persons or Property; and Guilty of Count 9: Kidnapping in the Second Degree with the Use of a Deadly Weapon.

Court and Counsel took a sidebar at 8:24 p.m.

Both the State and Defense counsel waived the polling of the jury.

The Court thanked and excused the Jury at 8:32 p.m.

The Court advised the Defendant that the State moved to dismiss Count 9 during sidebar and **ORDERED** Count 9: Possession of a Firearm by a Person Previously Convicted of a Felony Offense, a Category B felony as Defined by NRS 202.360.1, be dismissed.

The Court **ORDERED** a Presentence Investigation Report due two weeks prior to sentencing and a sentencing date would be scheduled on a non-law and motion date in approximately 60 days.

The Defendant was remanded to the custody of the Elko Sheriff's Department.

Court adjourned at 8:34 p.m.

**IN THE FOURTH JUDICIAL DISTRICT COURT
IN AND FOR THE COUNTY OF ELKO, STATE OF NEVADA**

RECORD OF COURT PROCEEDINGS

Present - Honorable ALVIN R. KACIN, District Judge,
and Officers of the Court.

STATE OF NEVADA,

Plaintiff,

Date: 10/01/21

VS.

Case No.: CR-FP-16-9651

Dept: 2

ANTHONY CHRIS ROBERT
MARTINEZ,

Defendant.

State of Nevada represented by Tyler J. Ingram, Esq.
Defendant present, in custody, and represented by
Matthew Pennell, Esq.
Court Clerk, Darla Malotte, present.
Peggy Isom present as Court Reporter.

SENTENCING HEARING

Court convened at 2:51 p.m.

The Court noted the presence of the parties.

This was the date and time set for sentencing.

The Court advised that a jury trial was held and a verdict was entered on July 13, 2021 an the jury found the Defendant Guilty of Count 1, not guilty of Count 2, Guilty of Count 3 and Count 4, Not Guilty of Count 6, Count 7 was dismissed during trial, guilty of Count 8, and the State moved to dismissed Count 9 – Possession of a Firearm by a Person Previously Convicted of a Felony Offense, and guilty of Count 10. The Court advised that the verdict form reflected Count 10 as Count 9 since the trial was originally going to be bifurcated on Count 9.

The Court advised that a Motion for New Trial was filed by Defense counsel on July 19, 2021 regarding Count 3 and Count 4, Assault with a Deadly Weapon.

The Court noted that the State wished to pursue habitual criminal and defense was opposing.

All parties advised they were in receipt of the Presentence Investigation Report.

The Court noted that it received the Notice of Restitution filed by the State and the victim impact statement of Sgt. Pantalakis.

The State made a correction to the report.

Defense counsel made corrections to the report.

The parties agreed that the Defendant had credit for 1,208 days previously served.

The Court noted the corrections to the report by interlineation.

The Court inquired if either party had evidence to present for sentencing.

The State advised that Officer Pantelakis was not available today for testimony.

The Court advised that during the trial it had miss-instructed the jury as to Count 3 and Count 4 regarding the element of the offense and defense filed a motion for a new trial on July 19, 2021 as to Count 3 and Count 4.

The State requested to submit briefs regarding the motion for new trial and the sentence today would determine the Defendant's other case.

The State advised that it would not be pursuing habitual criminal and presented a statement.

The Court advised that it would be dismissing any count that may be outstanding regarding a habitual criminal charge.

The State requested restitution in the amount of \$2,150.00 and presented argument regarding sentencing.

Defense counsel presented a recommendation on behalf of the Defendant.

The Court advised the Defendant of his right to make a statement on his own behalf.

The Defendant addressed the Court.

After being canvassed by the Court, both parties advised that there was no cause why formal judgment should not be entered at this time.

The Court **ORDERED** a Judgment of Conviction be entered against the Defendant finding the Defendant guilty of COUNT 1: COUNT 1: ATTEMPTED MURDER WITH THE USE OF A DEADLY WEAPON, A CATEGORY B FELONY AS DEFINED BY NRS 193.330, 200.010, 200.020, 200.030 AND 193.165. (NOC 50031); COUNT 8: ELUDING A POLICE OFFICER IN A

MANNER POSING DANGER TO PERSONS OR PROPERTY, A CATEGORY B FELONY AS DEFINED BY NRS 484B.550. (NOC 53833); COUNT 10: KIDNAPPING, SECOND DEGREE, WITH THE USE OF DEADLY WEAPON, by guilty verdict entered on July 13, 2021.

The matter being submitted;

The Court **ORDERED** the Defendant to pay a \$25.00 administrative assessment fee, \$3.00 genetic administrative assessment fee, \$150.00 genetic testing fee, submit to testing to determine his genetic markers, pay \$1,800.00 restitution to the City of West Wendover, pay \$350.00 extradition fees, and be sentenced as to **COUNT 1** to serve a maximum of 240 months in the Nevada Department of Corrections with minimum parole eligibility after 96 months with credit for 1,208 days previously served; and be sentenced as to **COUNT 8** to serve a maximum of 72 months in the Nevada Department of Corrections with a minimum parole eligibility after 28 months, to be served concurrently with Count 1; and be sentenced as to **Count 10** to serve a maximum of 180 months in the Nevada Department of Corrections with a minimum parole eligibility after 72 months, to be served consecutively to Count 1 and Count 8.

The Court **FURTHER ORDERED** the consecutive deadly weapon enhancement for Count 1 to serve a maximum of 240 months with a minimum term of 96 months and the consecutive deadly weapon enhancement for Count 10 to serve a maximum of 180 months with a minimum term of 72 months.

The Court **FURTHER ORDERED** the maximum aggregate term be 840 months and the minimum aggregate term of 336 months in the Nevada Department of Corrections.

Defense counsel inquired regarding its Motion for New Trial regarding Count 3 and Count 4.

The Court discussed possibly granting the motion.

The State advised that it would stipulate to a new trial and was willing to set a new trial date.

Defense counsel advised that the Defendant would not be waiving his right to a speedy trial.

The Court advised that a trial date would be scheduled.

The Defendant was remanded to the custody of the Elko County Sheriff's Department.

Court adjourned at 4:23 p.m.

**ECDC-CRFP-16-9651 - STATE OF NEVADA VS. MARTINEZ, ANTHONY
CHRIS ROBERT**

CASE ID: 18-2611

JUDGE: ALVIN R KACIN

Number	Description	Location	Marked Dt	Admitted Dt
A	DETECTIVE MCKINNEY'S REPORT	Elko County Clerk's Office	6/10/2021	6/10/2021
A	CD - WWPD DISPATCH CALLS	Elko County Clerk's Office	6/30/2021	
B	DETECTIVE MOORE'S REPORT	Elko County Clerk's Office	6/10/2021	6/10/2021
B	CD - AUDIO INTERVIEW W/ PANTELAKIS	Elko County Clerk's Office	6/30/2021	7/9/2021
C	PICTURES	Elko County Clerk's Office	6/10/2021	6/10/2021
C	CD - AUDIO INTERVIEW W/ SANCHEZ	Elko County Clerk's Office	6/30/2021	7/8/2021
D	CD - AUDIO INTERVIEW W/ ABRAMS	Elko County Clerk's Office	6/30/2021	
E	CD - INTERVIEW W/ TURNER	Elko County Clerk's Office	6/30/2021	
F	PHOTOGRAPH - DASH CAMERA	Elko County Clerk's Office	6/30/2021	
G	PHOTOGRAPH - OUTSIDE OF CLUB #1	Elko County Clerk's Office	6/30/2021	7/7/2021
H	PHOTOGRAPH - OUTSIDE OF CLUB #2	Elko County Clerk's Office	6/30/2021	7/7/2021
I	PHOTOGRAPH - SCRATCH ON FRONT OF PATROL CAR	Elko County Clerk's Office	6/30/2021	
J	PHOTOGRAPH - FRONT OF PATROL CAR WITH YELLOW MARKERS	Elko County Clerk's Office	6/30/2021	
K	PHOTOGRAPH - MARKER 8 WITH ITEM	Elko County Clerk's Office	6/30/2021	
L	PHOTOGRAPH - PANTS AND SHOES ON GROUND	Elko County Clerk's Office	6/30/2021	
M	PHOTOGRAPH - BLOOD ON CURB WITH PLASTIC	Elko County Clerk's Office	6/30/2021	
N	PHOTOGRAPH - BLOOD OUTSIDE VEHICLE DOOR	Elko County Clerk's Office	6/30/2021	
O	PHOTOGRAPH - AIRBAG DEPLOYED IN CAR	Elko County Clerk's Office	6/30/2021	7/8/2021
P	PHOTOGRAPH - PATROL VEHICLE MIRROR	Elko County Clerk's Office	6/30/2021	7/7/2021
Q	PHOTOGRAPH - PATROL VEHICLE MIRROR FROM FRONT	Elko County Clerk's Office	6/30/2021	7/7/2021
R	PHOTOGRAPH - FRONT OF PATROL CAR WITH YELLOW MARKER #11	Elko County Clerk's Office	6/30/2021	
S	PHOTOGRAPH - PATROL CAR GRILL	Elko County Clerk's Office	6/30/2021	
T	PHOTOGRAPH - CASING ON GROUND	Elko County Clerk's Office	6/30/2021	
U	PHOTOGRAPH - INSIDE CLUB	Elko County Clerk's Office	6/30/2021	
001	OFFICER URIBE REPORT	Elko County Clerk's Office	7/1/2021	
002	SGT. PETRO REPORT	Elko County Clerk's Office	7/1/2021	
003	OFFICER TURNER REPORT	Elko County Clerk's Office	7/1/2021	
004	SGT. ABRAMS REPORT	Elko County Clerk's Office	7/1/2021	
005	DET. SGT. HILLAKER REPORT	Elko County Clerk's Office	7/1/2021	
006	DEPUTY HOOD REPORT	Elko County Clerk's Office	7/1/2021	
007	DEPUTY HOOD SUPPLEMENTAL REPORT	Elko County Clerk's Office	7/1/2021	
008	DEPUTY HOOD SUPPLEMENTAL REPORT - PATROL UNIT #1223	Elko County Clerk's Office	7/1/2021	
009	DEPUTY HOOD SUPPLEMENTAL REPORT - RED GARTER CASINO SURVEILLANCE	Elko County Clerk's Office	7/1/2021	
010	SGT. MOORE REPORT	Elko County Clerk's Office	7/1/2021	

011	SGT. MOORE SUPPLEMENTAL REPORT - EVIDENCE ITEMS FROM BARBOSA	Elko County Clerk's Office	7/1/2021	
012	DET. CESSFORD REPORT	Elko County Clerk's Office	7/1/2021	
013	DET. STAKE REPORT	Elko County Clerk's Office	7/1/2021	
014	DET. STAKE SUPPLEMENTAL REPORT - DNA SEARCH WARRANT	Elko County Clerk's Office	7/1/2021	
015	DET. STATE SUPPLEMENTAL REPORT - DNA SWAB FROM OFFICER	Elko County Clerk's Office	7/1/2021	
016	TROOPER WARD REPORT	Elko County Clerk's Office	7/1/2021	
017	CHATTIN REPORT - WASHOE CO. FORENSIC SCIENCE DIVISION	Elko County Clerk's Office	7/1/2021	7/9/2021
018	CHILTON REPORT - WASHOE CO. FORENSIC SCIENCE DIVISION	Elko County Clerk's Office	7/1/2021	7/9/2021
019	DET. MCKINNEY REPORT	Elko County Clerk's Office	7/1/2021	
020	DET. MCKINNEY SEARCH WARRANT OF CAR	Elko County Clerk's Office	7/1/2021	
021	UTAH HIGHWAY PATROL - TROOPER RICHES REPORT	Elko County Clerk's Office	7/1/2021	
022	SGT. SILVA REPORT	Elko County Clerk's Office	7/1/2021	
023	MANUEL BARBOSA WRITTEN STATEMENT	Elko County Clerk's Office	7/1/2021	
024	ANDREW SCHUMAKER WRITTEN STATEMENT	Elko County Clerk's Office	7/1/2021	
025	BRENT ANDERSON WRITTEN STATEMENT	Elko County Clerk's Office	7/1/2021	
026	JUAN VILLEGAS WRITTEN STATEMENT	Elko County Clerk's Office	7/1/2021	
027	HERRERA-QUINTERO PRELIMINARY HEARING TRANSCRIPT	Elko County Clerk's Office	7/1/2021	
028	MANUEL BARBOSA PRELIMINARY HEARING TRANSCRIPT	Elko County Clerk's Office	7/1/2021	
029	MURPHY PRELIMINARY HEARING TRANSCRIPT	Elko County Clerk's Office	7/1/2021	
030	OFFICER URIBE PRELIMINARY HEARING TRANSCRIPT	Elko County Clerk's Office	7/1/2021	
031	OFFICER PANTELAKIS PRELIMINARY HEARING TRANSCRIPT	Elko County Clerk's Office	7/1/2021	
032	OFFICER SANCHEZ PRELIMINARY HEARING TRANSCRIPT	Elko County Clerk's Office	7/1/2021	
033	ABRAMS PRELIMINARY HEARING TRANSCRIPT	Elko County Clerk's Office	7/1/2021	
034	DEPUTY HOOD PRELIMINARY HEARING TRANSCRIPT	Elko County Clerk's Office	7/1/2021	
035	SGT. MOORE PRELIMINARY HEARING TRANSCRIPT	Elko County Clerk's Office	7/1/2021	
036	DET. CESSFORD PRELIMINARY HEARING TRANSCRIPT	Elko County Clerk's Office	7/1/2021	
037	ANDERSON PRELIMINARY HEARING TRANSCRIPT	Elko County Clerk's Office	7/1/2021	
038	VILLEGAS PRELIMINARY HEARING TRANSCRIPT	Elko County Clerk's Office	7/1/2021	
039	DET. MARSHOWSKY HEARING ON MOTION TRANSCRIPT	Elko County Clerk's Office	7/1/2021	
040	SGT. MOORE HEARING ON MOTION TRANSCRIPT	Elko County Clerk's Office	7/1/2021	
041	PHOTOGRAPH - FIREARM AND CELLPHONE	Elko County Clerk's Office	7/1/2021	7/8/2021
042	PHOTOGRAPH - HAT	Elko County Clerk's Office	7/1/2021	7/8/2021
043	PHOTOGRAPH - CAR AND HAT	Elko County Clerk's Office	7/1/2021	7/8/2021
044	PHOTOGRAPH - CAR AND HAT - CLOSEUP	Elko County Clerk's Office	7/1/2021	7/8/2021

045	PHOTOGRAPH - OFFICER VEHICLE LIGHT WITH BULLET HOLE	Elko County Clerk's Office	7/1/2021	7/9/2021
046	PHOTOGRAPH - OFFICER VEHICLE FRONT BUMPER WITH BULLET HOLE	Elko County Clerk's Office	7/1/2021	7/9/2021
047	PHOTOGRAPH - OFFICER VEHICLE FRONT BUMPER CLOSE UP WITH BULLET HOLE	Elko County Clerk's Office	7/1/2021	7/9/2021
048	PHOTOGRAPH - OFFICER VEHICLE BACK VIEW	Elko County Clerk's Office	7/1/2021	
049	PHOTOGRAPH - OFFICER VEHICLE SIDE VIEW	Elko County Clerk's Office	7/1/2021	7/9/2021
050	PHOTOGRAPH - OFFICER VEHICLE RUNNING BOARD WITH BULLET HOLE	Elko County Clerk's Office	7/1/2021	7/9/2021
051	PHOTOGRAPH - OFFICER VEHICLE GRILL CLOSE UP W/ BULLET HOLE	Elko County Clerk's Office	7/1/2021	7/9/2021
052	PHOTOGRAPH - OFFICER VEHICLE GRILL WITH BULLET HOLE	Elko County Clerk's Office	7/1/2021	7/9/2021
053	PHOTOGRAPH - CAR WITH BULLET HOLE	Elko County Clerk's Office	7/1/2021	7/9/2021
054	PHOTOGRAPH - HAT	Elko County Clerk's Office	7/1/2021	
055	PHOTOGRAPH - GLOCK 19 9MM HANDGUN	Elko County Clerk's Office	7/1/2021	
056	PHOTOGRAPH - GLOCK 19 9MM HANDGUN - CLOSEUP OF MUZZEL	Elko County Clerk's Office	7/1/2021	
057	PHOTOGRAPH - GLOCK 19 9MM HANDGUN - CLOSEUP OF GRIP WITH MAGAZINE	Elko County Clerk's Office	7/1/2021	
058	PHOTOGRAPH - WHITE NIKES WITH BLOOD	Elko County Clerk's Office	7/1/2021	
059	PHOTOGRAPH - WHITE NIKES BACK VIEW WITH BLOOD	Elko County Clerk's Office	7/1/2021	
060	PHOTOGRAPH - WHITE NIKES SIDE VIEW WITH BLOOD	Elko County Clerk's Office	7/1/2021	
061	PHOTOGRAPH - WHITE SOCKS WITH BLOOD	Elko County Clerk's Office	7/1/2021	
062	PHOTOGRAPH - JEANS WITH WHITE BELT WITH BLOOD	Elko County Clerk's Office	7/1/2021	
063	PHOTOGRAPH - WHITE SHIRT WITH BLOOD	Elko County Clerk's Office	7/1/2021	
064	PHOTOGRAPH - BULLET CASING WITH MARKER 14	Elko County Clerk's Office	7/1/2021	7/8/2021
065	PHOTOGRAPH - OFFICER VEHICLE AT SCENE	Elko County Clerk's Office	7/1/2021	7/8/2021
066	PHOTOGRAPH - BULLET CASING WITH MARKER 2	Elko County Clerk's Office	7/1/2021	7/8/2021
067	PHOTOGRAPH - BULLET CASING WITH MARKER 3	Elko County Clerk's Office	7/1/2021	7/8/2021
068	PHOTOGRAPH - BULLET CASING WITH MARKER 4	Elko County Clerk's Office	7/1/2021	7/8/2021
069	PHOTOGRAPH - BULLET CASING WITH MARKER 5	Elko County Clerk's Office	7/1/2021	7/8/2021
070	PHOTOGRAPH - BULLET CASING WITH MARKER 6	Elko County Clerk's Office	7/1/2021	7/8/2021
071	PHOTOGRAPH - BULLET CASING WITH MARKER 7	Elko County Clerk's Office	7/1/2021	7/8/2021
072	PHOTOGRAPH - OFFICER VEHICLE AS SCENE BACK VIEW AND CAR	Elko County Clerk's Office	7/1/2021	7/8/2021
073	PHOTOGRAPH - OFFICER VEHICLE AS SCENE DRIVERS SIDE VIEW AND CAR	Elko County Clerk's Office	7/1/2021	7/8/2021
074	PHOTOGRAPH - OFFICER VEHICLE SIDE LIGHT WITH BULLET HOLE AND CAR	Elko County Clerk's Office	7/1/2021	
075	PHOTOGRAPH - OFFICER VEHICLE PASSENGER SIDE VIEW AND CAR	Elko County Clerk's Office	7/1/2021	7/8/2021
075A	PHOTOGRAPH - BACK PATROL MARKER 2 & 3	Elko County Clerk's Office	7/1/2021	7/8/2021
076	PHOTOGRAPH - HERRERA-QUINTERO CLOSE-UP	Elko County Clerk's Office	7/1/2021	7/7/2021
077	PHOTOGRAPH - BULLET CASING INSIDE SOUTHERN X-POSURE CLOSE-UP	Elko County Clerk's Office	7/1/2021	7/7/2021

078	PHOTOGRAPH - BROKEN MIRROR INSIDE SOUTHERN X-POSURE	Elko County Clerk's Office	7/1/2021	7/7/2021
079	PHOTOGRAPH - MIRROR PIECES INSIDE SOUTHERN X-POSURE	Elko County Clerk's Office	7/1/2021	
080	PHOTOGRAPH - HERRERA-QUINTERO CLOSE-UP OF LIP	Elko County Clerk's Office	7/1/2021	7/7/2021
081	PHOTOGRAPH - BULLET CASING WITH MARKER 4	Elko County Clerk's Office	7/1/2021	7/8/2021
082	PHOTOGRAPH - CLOSE-UP OF OFFICER VEHICLE LIGHT WITH BULLET HOLE	Elko County Clerk's Office	7/1/2021	
083	PHOTOGRAPH - CAR WITH SHOES AND PANTS	Elko County Clerk's Office	7/1/2021	7/8/2021
084	PHOTOGRAPH - SHOES AND PANTS	Elko County Clerk's Office	7/1/2021	7/8/2021
085	PHOTOGRAPH - BLOOD ON GROUND OUTSIDE OF DEFENDANT'S CAR	Elko County Clerk's Office	7/1/2021	
086	PHOTOGRAPH - BLACK GUN HOLSTER	Elko County Clerk's Office	7/1/2021	7/8/2021
087	PHOTOGRAPH - BULLET CASING WITH GREEN MARKER 1	Elko County Clerk's Office	7/1/2021	7/8/2021
088	PHOTOGRAPH - BULLET CASING WITH GREEN MARKER 1 CLOSE-UP	Elko County Clerk's Office	7/1/2021	7/8/2021
089	PHOTOGRAPH - BULLET CASING WITH GREEN MARKER 2	Elko County Clerk's Office	7/1/2021	7/8/2021
090	PHOTOGRAPH - BULLET CASING WITH GREEN MARKER 3, 4, 5	Elko County Clerk's Office	7/1/2021	7/8/2021
091	PHOTOGRAPH - BULLET CASING WITH GREEN MARKER 6	Elko County Clerk's Office	7/1/2021	7/8/2021
092	PHOTOGRAPH - BULLET CASING WITH GREEN MARKER 7	Elko County Clerk's Office	7/1/2021	7/8/2021
093	PHOTOGRAPH - HAT WITH GREEN MARKER 8	Elko County Clerk's Office	7/1/2021	7/8/2021
094	PHOTOGRAPH - BULLET CASING WITH GREEN MARKER 16	Elko County Clerk's Office	7/1/2021	7/8/2021
095	PHOTOGRAPH - BULLET CASING WITH GREEN MARKER 9	Elko County Clerk's Office	7/1/2021	7/8/2021
096	PHOTOGRAPH - BULLET CASING WITH GREEN MARKER 10	Elko County Clerk's Office	7/1/2021	7/8/2021
097	PHOTOGRAPH - BULLET CASING WITH GREEN MARKER 11	Elko County Clerk's Office	7/1/2021	7/8/2021
098	PHOTOGRAPH - GLOCK 19 9MM HANDGUN WITH GREEN MARKER 12	Elko County Clerk's Office	7/1/2021	7/8/2021
099	PHOTOGRAPH - MARTINEZ DNA SWAB	Elko County Clerk's Office	7/1/2021	7/8/2021
1	FLASH DRIVE	Elko County Clerk's Office	6/10/2021	6/10/2021
100	PHOTOGRAPH - MARTINEZ JAIL IDENTIFICATION BAND	Elko County Clerk's Office	7/1/2021	7/8/2021
101	DVD - SURVEILLANCE VIDEO WEST WENDOVER WILL	Elko County Clerk's Office	7/1/2021	
102	DVD - SANCHEZ BODY CAMERA VIDEO	Elko County Clerk's Office	7/1/2021	7/8/2021
103	DVD - SANCHEZ DASH CAMERA VIDEO	Elko County Clerk's Office	7/1/2021	7/8/2021
104	DVD - URIBE BODY CAMERA VIDEO	Elko County Clerk's Office	7/1/2021	
105	DVD - RED GARTER CASINO SURVEILLANCE VIDEO	Elko County Clerk's Office	7/1/2021	7/8/2021
106	DVD - SOUTHERN X-POSURE SURVEILLANCE VIDEO AND STILL PHOTOS	Elko County Clerk's Office	7/1/2021	7/7/2021
107	CD - AUDIO - RADIO TRAFFIC	Elko County Clerk's Office	7/1/2021	
108	CD - AUDIO INTERVIEW OF PANTELAKIS	Elko County Clerk's Office	7/1/2021	

109	CD - AUDIO INTERVIEW OF SANCHEZ	Elko County Clerk's Office	7/1/2021	
110	USB - UTAH HIGHWAY PATROL CRIME SCENE SCAN	Elko County Clerk's Office	7/1/2021	
111	PHYSICAL EVIDENCE - BULLET CASING	Elko County Clerk's Office	7/1/2021	7/7/2021
112	PHYSICAL EVIDENCE - WHITE SHIRT WITH POSSIBLE BLOOD	Elko County Clerk's Office	7/1/2021	
113	PHYSICAL EVIDENCE - 9MM SPENT CASING (G1)	Elko County Clerk's Office	7/1/2021	7/8/2021
114	PHYSICAL EVIDENCE - 9MM SPENT CASING (G2)	Elko County Clerk's Office	7/1/2021	7/8/2021
115	PHYSICAL EVIDENCE - 9MM SPENT CASING (G3)	Elko County Clerk's Office	7/1/2021	7/8/2021
116	PHYSICAL EVIDENCE - 9MM SPENT CASING (G4)	Elko County Clerk's Office	7/1/2021	7/8/2021
117	PHYSICAL EVIDENCE - 9MM SPENT CASING (G5)	Elko County Clerk's Office	7/1/2021	7/8/2021
118	PHYSICAL EVIDENCE - 9MM SPENT CASING (G6)	Elko County Clerk's Office	7/1/2021	7/8/2021
119	PHYSICAL EVIDENCE - 9MM SPENT CASING (G7)	Elko County Clerk's Office	7/1/2021	7/8/2021
120	***NO EXHIBIT MARKED***	Elko County Clerk's Office	7/1/2021	
121	PHYSICAL EVIDENCE - 9MM SPENT CASING (G9)	Elko County Clerk's Office	7/1/2021	7/8/2021
122	PHYSICAL EVIDENCE - 9MM SPENT CASING (G10)	Elko County Clerk's Office	7/1/2021	7/8/2021
123	9MM SPENT CASING (G11)	Elko County Clerk's Office	7/1/2021	7/8/2021
124	PHYSICAL EVIDENCE - GRAY/BLACK BALL CAP	Elko County Clerk's Office	7/1/2021	7/8/2021
125	PHYSICAL EVIDENCE - GLOCK 19 9MM HANDGUN	Elko County Clerk's Office	7/1/2021	7/8/2021
126	PHYSICAL EVIDENCE - 9MM SPENT CASING (G16)	Elko County Clerk's Office	7/1/2021	7/8/2021
127	PHYSICAL EVIDENCE - BLACK GUN HOLSTER	Elko County Clerk's Office	7/1/2021	7/8/2021
128	PHYSICAL EVIDENCE - 1 PAIR OF WHITE TENNIS SHOES	Elko County Clerk's Office	7/1/2021	7/8/2021
129	PHYSICAL EVIDENCE - WHITE/GRAY SOCKS WITH BLOOD	Elko County Clerk's Office	7/1/2021	7/8/2021
130	PHYSICAL EVIDENCE - BLACK JEANS/WHITE BELT WITH BLOOD	Elko County Clerk's Office	7/1/2021	7/8/2021
131	PHYSICAL EVIDENCE - BAG WITH MISC. CLOTHING & EQUIPMENT	Elko County Clerk's Office	7/1/2021	
132	PHYSICAL EVIDENCE - 2 BUCCAL SWABS	Elko County Clerk's Office	7/1/2021	7/8/2021
133	CERTIFIED ELKO COUNTY JAIL BOOKING PACKET	Elko County Clerk's Office	7/1/2021	
134	CERTIFIED UTAH MOTOR VEHICLE INFORMATION	Elko County Clerk's Office	7/1/2021	
135	WASHOE COUNTY CRIME LAB EXAMINATION REQUEST FORM DATED 07/02/2018	Elko County Clerk's Office	7/1/2021	7/8/2021
136	WASHOE COUNTY CRIME LAB EXAMINATION REQUEST FORM DATED 05/30/2019	Elko County Clerk's Office	7/1/2021	7/9/2021
137	TRANSCRIPT - RUTA MURPHY	Elko County Clerk's Office	7/7/2021	
138	PHOTOGRAPH - GOOGLE EARTH (*PRELIMINARY HEARING EXHIBIT 72)	Elko County Clerk's Office	7/7/2021	7/7/2021
139	PHOTOGRAPH - PARKING LOT	Elko County Clerk's Office	7/7/2021	7/7/2021
140	DIAGRAM DRAWN BY FERNANDO URIBE	Elko County Clerk's Office	7/7/2021	7/7/2021
141	REPORT - SGT. CHRIS BREWER	Elko County Clerk's Office	7/8/2021	
142	USB THUMBDRIVE - PHOTOS OF DEF	Elko County Clerk's Office	7/9/2021	7/9/2021
143	U.S. DISTRICT COURT CONVICTION	Elko County Clerk's Office	7/9/2021	
144	PHOTOGRAPH - (*PRELIM EXHIBIT 37)	Elko County Clerk's Office	7/9/2021	7/9/2021
145	PHOTOGRAPH - (*PRELIM EXHIBIT 38)	Elko County Clerk's Office	7/9/2021	7/9/2021
146	CD - AUDIO JAIL RECORDING	Elko County Clerk's Office	7/13/2021	7/13/2021

2	BODY CAMERA FOOTAGE	Elko County Clerk's Office	6/10/2021	6/10/2021
V	DEPUTY MCKINNEY REDACTED REPORT	Elko County Clerk's Office	7/9/2021	7/9/2021
W	TRANSCRIPT REDACTED - BRENT ANDERSON	Elko County Clerk's Office	7/9/2021	7/9/2021

Case No. CR-FP-16-9651

Dept. No. 2

FILED

2021 OCT 28 PM 2:35

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
IN AND FOR THE COUNTY OF ELKO, STATE OF NEVADA

ELKO CO DISTRICT COURT
CLERK _____ DEPUTY am

ANTHONY CHRIS ROBERT MARTINEZ,
Appellant,

vs.

CLERK'S CERTIFICATION

THE STATE OF NEVADA,
Respondent,
_____ /

I, KRISTINE JAKEMAN, the duly elected, acting and qualified County Clerk and Ex-Officio Clerk of the District Court of the Fourth Judicial District of the State of Nevada, in and for the County of Elko, do hereby certify that the annexed are true, full and correct copies of certain documents in Case No. CR-FP-16-9651 Dept.2, ANTHONY CHRIS ROBERT MARTINEZ, Appellant, vs. STATE OF NEVADA, Respondent, as appears on file and of record in my office.

WITNESS My Hand and Seal of said Court on October 28, 2021.

KRISTINE JAKEMAN, ELKO COUNTY CLERK

By

Annette Marshall
Annette Marshall, DEPUTY CLERK

CERTIFICATE OF SERVICE

I hereby certify that I caused to be sent electronically and/or mailed a certified copy of the annexed documents in Case No. Case No. CR-FP-16-9651 Dept.2, ANTHONY CHRIS ROBERT MARTINEZ, Appellant, vs. STATE OF NEVADA, Respondent, as appears on file and of record in this Court, to the following:

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Nevada Attorney General
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Carson City, NV 89701-4717

DATED this 28th, day of October, 2021.



Annette Marshall, Deputy Clerk