

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID ANDREW COIL,
Appellant(s),

vs.

THE STATE OF NEVADA,
Respondent(s),

Electronically Filed
Feb 04 2022 03:45 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Case No: C-16-318335-1
Related Case A-21-839320-W
Docket No: 84107

RECORD ON APPEAL VOLUME 2

ATTORNEY FOR APPELLANT
DAVID COIL # 1189948,
PROPER PERSON
P.O. BOX 650
INDIAN SPRINGS, NV 89070

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

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C-16-318335-1

State of Nevada

vs

DAVID COIL

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1 because Mr. Matsuda is ready to try this case in a week.

2 THE DEFENDANT: No, he's not.

3 THE COURT: He says he is.

4 THE DEFENDANT: I disagree with him.

5 THE COURT: I understand that but he's going to be ready so are you telling
6 me that if you are representing yourself you're not going to be ready to go to trial
7 next week?

8 THE DEFENDANT: No.

9 THE COURT: So you would be asking for a continuance?

10 THE DEFENDANT: Yes.

11 THE COURT: Do you understand the fact that you lack personal knowledge
12 of the rules of procedure or the rule of evidence will not a be reason for this Court to
13 ignore those rules?

14 THE DEFENDANT: Yes.

15 THE COURT: You understand that if you represent yourself you will be giving
16 up the right to later claim that you did not have effective legal representation?

17 THE DEFENDANT: Yes.

18 THE COURT: Do you understand that you are charged with the following
19 crimes? You are charged with sex trafficking of a child under 18 years of age,
20 soliciting prostitution, pandering and attempt sex trafficking of a child under the age
21 of 18.

22 THE DEFENDANT: Yes, I've read the charges.

23 THE COURT: Do you know the elements of those charges?

24 THE DEFENDANT: No.

25 THE COURT: You don't know the elements of any of those charges?

1 THE DEFENDANT: No.

2 THE COURT: Do you know the punishment of any of those charges?

3 THE DEFENDANT: No.

4 THE COURT: You understand that the Court is going to order punishment for
5 you if you are convicted of these charges?

6 THE DEFENDANT: Of course.

7 THE COURT: And you have no idea what that is?

8 THE DEFENDANT: {No audible response.}

9 THE COURT: What the punishments are?

10 THE DEFENDANT: No.

11 THE COURT: You understand the Court could order those sentences to run
12 consecutively or concurrently, do you know what that means?

13 THE DEFENDANT: No.

14 THE COURT: You don't know what concurrent means?

15 THE DEFENDANT: No.

16 THE COURT: You don't know what consecutive means?

17 THE DEFENDANT: No.

18 THE COURT: You understand that if you represent yourself you are on your
19 own? I can't advice you as to how you would try this case. I can't go over any - - I
20 will only go over trial sequence as far as jury seating and those things but I can't
21 answer any legal questions.

22 THE DEFENDANT: Yes.

23 THE COURT: Do you understand the defenses that there might be to the
24 charges you face?

25 THE DEFENDANT: Repeat.

1 THE COURT: Do you understand the defenses that there might be to the
2 charges you face?

3 THE DEFENDANT: I don't understand.

4 THE COURT: Do you understand what the possible defenses are to these
5 charges?

6 THE DEFENDANT: No.

7 THE COURT: Okay. You understand that Mr. Matsuda may be aware of
8 ways of defending these charges but you're not aware of those because you're not a
9 lawyer.

10 THE DEFENDANT: Yes.

11 THE COURT: You understand that you must proceed by asking questions of
12 the witnesses. You can't make statements that are not questions and you're not
13 going to be allowed to simply argue with the witnesses?

14 THE DEFENDANT: May I retract my plea - - my request?

15 THE COURT: So now you don't want to represent yourself?

16 THE DEFENDANT: All right. I think that's very smart so you're going to go
17 forward with Mr. Matsuda. Mr. Matsuda is ready to go to trial. This is going to be 7
18 to 10 witnesses, three to four days. Can Mr. Matsuda, Mr. Martinez and Mr. Arnold
19 and Ms. Thomson approach?

20 (Off record bench conference.)

21 THE COURT: Trial Monday morning at 10:30 here. Mr. Matsuda, Mr.
22 Martinez, can you please submit your jury instructions. This is going to last three or
23 four days, we can get them next week. You don't have to have them done by
24 Friday. If any issues come up just let me know.

25 MR. MATSUDA: Thank you, Your Honor.

1 MR. MARTINEZ: You said 10:30?

2 THE COURT: Yeah, Monday morning at 10:30. We'll go right after the
3 calendar.

4

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6

(Proceedings concluded at 10:07 a.m.)

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

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Victoria W. Boyd

7-6-2018

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Victoria W. Boyd
Court Recorder/Transcriber

Date

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1 RTRAN

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DISTRICT COURT
CLARK COUNTY, NEVADA

6

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8 STATE OF NEVADA,

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9 Plaintiff,

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10 vs.

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11 DAVID COIL,

11

12 Defendant.

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13

BEFORE THE HONORABLE TIERRA JONES, DISTRICT COURT JUDGE

14

**MONDAY, JULY 31, 2017
RECORDER'S TRANSCRIPT RE:
JURY TRIAL**

15

16

17

APPEARANCES:

18

19 For the State:

19

SAM MARTINEZ, Esq.
Chief Deputy District Attorney

20

21

For the Defendant:

JEFF MATSUDA, Esq.

22

23

24

25

RECORDED BY: VICTORIA BOYD, COURT RECORDER

1 Las Vegas, Nevada, Monday, July 31, 2017 at 9:33 a.m.

2
3
4 THE COURT: Mr. Martinez is here on behalf of the State. This case was
5 supposed to begin a jury trial this morning; however it was brought to my attention
6 late last week that there is some discovery that has come to light in this case during
7 the pretrials and that in light of that this case was going to be continued.

8 MR. MATSUDA: That is correct, Your Honor.

9 MR. MARTINEZ: That's correct, Your Honor.

10 THE COURT: Does anyone else have anything you'd like to add to the
11 record?

12 MR. MATSUDA: Just a possible date we were discussing if it was good with
13 the Court.

14 THE COURT: Okay. Just one second.

15 Mr. Coil, was that your understanding?

16 THE DEFENDANT: Yes, I learned that last week.

17 THE COURT: And I learned it last week as well so this trial date is going to
18 be continued. I did meet with the parties and they explained to me exactly what the
19 discovery issues were, and I believe that it's a basis for a continuance so the
20 continuance will be granted. The new trial date will be - -

21 MR. MARTINEZ: We were wondering if September 25th would be available
22 for the Court.

23 THE COURT: The Court is here. We're in our criminal stack. That's fine.
24 And you can get your witnesses here by then?

25 MR. MARTINEZ: Yes, Your Honor.

1 THE CLERK: September 18th at 8:30 for calendar. September 25th at 10:30
2 a.m.

3 MR. MARTINEZ: Thank you, Your Honor.

4 MR. MATSUDA: Thank you.

5

6 (Proceedings concluded at 9:34 a.m.)

7

8

9

10 ATTEST: I do hereby certify that I have truly and correctly transcribed the
11 audio/video proceedings in the above-entitled case to the best of my ability.
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Victoria W. Boyd

7-13-18

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Victoria W. Boyd
Court Recorder/Transcriber

Date

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1 RTRAN

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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

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8 THE STATE OF NEVADA,
9 Plaintiff,

CASE#: C318335
DEPT. X

10 vs.

11 DAVID COIL,

12 Defendant.

13
14 BEFORE THE HONORABLE TIERRA JONES, DISTRICT COURT JUDGE
15 MONDAY, SEPTEMBER 25, 2017

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

18
19 APPEARANCES:

20 For the State:

SAMUEL MARTINEZ, ESQ.
Chief Deputy District Attorney
CHRISTOPHER HAMNER, ESQ.
Chief Deputy District Attorney

21
22
23 For the Defendant:

JESS MATSUDA, ESQ.

24
25 RECORDED BY: VICTORIA BOYD, COURT RECORDER

1 Las Vegas, Nevada, Monday, September 25, 2017

2 [Hearing began at 10:05 a.m.]

3 THE COURT: Mr. Coil is present in custody. Mr. Matsuda is
4 here on his behalf. We have Mr. Hamner and Mr. Martinez here on
5 behalf of the State. Mr. Coil, we put this on calendar today for you to
6 have a Faretta canvas because if you are going to represent yourself,
7 that issue needs to be resolved today and not tomorrow while I have a
8 jury outside. Is that still your desire to go forward with your Faretta
9 canvas?

10 THE DEFENDANT: Yes, ma'am.

11 THE COURT: Okay. Mr. Mat – you have spoken with Mr.
12 Matsuda today?

13 THE DEFENDANT: Yes I have. And he --

14 THE COURT: And that's still your desire?

15 THE DEFENDANT: He came to see me Saturday and gave
16 me more information on the Faretta which made it a whole lot easier to
17 understand. So I would extend appreciation to him.

18 THE COURT: Okay. Well, Mr. Matsuda's a good lawyer. All
19 right, so it's still your desire to go forward with your Faretta canvas?

20 THE DEFENDANT: Yes.

21 THE COURT: Okay. So, sir, do you understand you have the
22 right to have a lawyer represent you and that the Court has appointed a
23 lawyer to represent you?

24 THE DEFENDANT: Yes.

25 THE COURT: And have you thought this mater through and

1 you're certain that you wish to proceed without a lawyer?

2 THE DEFENDANT: Yes.

3 THE COURT: Sir, are you currently under the influence of any
4 medication, alcohol, or drugs at this time?

5 THE DEFENDANT: No.

6 THE COURT: Do you – is there anything affecting your
7 understanding of what's happening here today?

8 THE DEFENDANT: Only sleep deprivation.

9 THE COURT: So you don't understand what's happening
10 here today?

11 THE DEFENDANT: I do understand, but it's a little harder.

12 THE COURT: Have you experienced any mental health
13 issues?

14 THE DEFENDANT: No.

15 THE COURT: Sir, do you have any competency issues?

16 THE DEFENDANT: No.

17 THE COURT: Do you have any physical health issues that
18 prevent you from understanding what's happening here today?

19 THE DEFENDANT: Not physical but I'm saying no, I have
20 arthritis, but that's not [inaudible].

21 THE COURT: Sir, are you a United States citizen?

22 THE DEFENDANT: Yes, I am.

23 THE COURT: Sir, do you understand that Mr. Matsuda has
24 experience in handling criminal matters, in particular has handled
25 several criminal jury trials? Do you understand that Mr. Matsuda –

1 THE DEFENDANT: Oh yes, yes.

2 THE COURT: -- is an experienced lawyer who has handled
3 several jury trials?

4 THE DEFENDANT: Yes.

5 THE COURT: Sir, you have -- you understand you have the
6 Constitutional right to have an attorney represent you at all times?

7 THE DEFENDANT: Yes.

8 THE COURT: Sir, do you understand that if you represent
9 yourself, you are going to be required to do everything, then, the
10 attorney does?

11 THE DEFENDANT: Yes.

12 THE COURT: Sir, you understand the attorney will investigate
13 your case, talk to witnesses, study the law and defend you at trial?

14 THE DEFENDANT: Repeat that, sorry, the first word?

15 THE COURT: Do you understand that an attorney will
16 investigate your case, talk to witnesses, study the law and defend you at
17 trial?

18 THE DEFENDANT: Oh, yes, yes.

19 THE COURT: Do you understand that any defendant who
20 represents himself may give the negative feeling toward the jury since
21 there's not a lawyer here handling your case?

22 THE DEFENDANT: Yes, that's possible.

23 THE COURT: Do you under -- have you ever represented
24 yourself before in a criminal action?

25 THE DEFENDANT: Uh, only as far as bankruptcy and

1 divorce.

2 THE COURT: Did you have a jury trial?

3 THE DEFENDANT: No.

4 THE COURT: What happened in that bankruptcy case?

5 THE DEFENDANT: Um, we won.

6 THE COURT: You won? Who's we?

7 THE DEFENDANT: Uh, we joint -- my wife and I filed jointly.

8 THE COURT: And who represented you? You represented

9 you both?

10 THE DEFENDANT: Yes, we were pro se.

11 THE COURT: Sir, do you have any educational background

12 in legal matters?

13 THE DEFENDANT: Negative.

14 THE COURT: What is the extent of your educational

15 background?

16 THE DEFENDANT: Uh, I had two semesters in junior college,

17 psychology and an FCC license for broadcasting and provisional

18 training.

19 THE COURT: So you have no legal training?

20 THE DEFENDANT: No.

21 THE COURT: Sir, do you have a general understanding of

22 the English language?

23 THE DEFENDANT: Yes.

24 THE COURT: Are you familiar with the Eighth Judicial District

25 Court rules?

1 THE DEFENDANT: Repeat?

2 THE COURT: Are you familiar with the Eighth Judicial District
3 Court rules, the rules that govern the Eighth Judicial District Court?

4 THE DEFENDANT: No.

5 THE COURT: You've never heard of them?

6 THE DEFENDANT: No.

7 THE COURT: Do you understand that they control the way a
8 criminal case proceeds through the system and the way trials proceed?

9 THE DEFENDANT: I believe that.

10 THE COURT: Do you understand you'll be bound by these
11 rules in the same manner as anyone else?

12 THE DEFENDANT: Yes.

13 THE COURT: Do you understand that you'll be held to the
14 same standard as any lawyer who might appear in a similar matter?

15 THE DEFENDANT: Yes.

16 THE COURT: Sir, are you familiar with the rules of evidence
17 that are used in the State of Nevada?

18 THE DEFENDANT: No.

19 THE COURT: Do you understand that these rules controls
20 what evidence may be introduced at trial?

21 THE DEFENDANT: I believe that, yes.

22 THE COURT: Do you understand you'll be required to follow
23 these rules in the same way as any other person who appears in this
24 court?

25 THE DEFENDANT: Yes.

1 THE COURT: What does that mean to you since you don't
2 understand what the rules are?

3 THE DEFENDANT: It means what I may choose to represent,
4 I'll need to get permission to represent.

5 THE COURT: You don't get to ask me questions during trial.
6 That's not how trial works.

7 THE DEFENDANT: Well, what evidence I can come up with,
8 if I come up with any, since it's been over a year since the incident, it
9 would be –

10 THE COURT: You understand the trial starts tomorrow?

11 THE DEFENDANT: Your Honor, I need time to get my
12 witnesses and documents together.

13 THE COURT: Well you're set for trial tomorrow. We are
14 going to trial tomorrow on this case. Tomorrow at 1:30 I have a jury set
15 to come in and hear this case.

16 THE DEFENDANT: So, there's no way I can have a fair trial?

17 THE COURT: You can have a fair trial. Mr. Matsuda's ready
18 to go.

19 THE DEFENDANT: No, he's not. He does not have my
20 witnesses.

21 THE COURT: He's represented to me he's ready to go. So,
22 Mr. Matsuda's ready to go, but if you represent yourself like we've been
23 talking about, you're going to be held to the same standard as him. I'm
24 going to make him go to trial tomorrow at 1:30, so you're going to trial
25 tomorrow at 1:30.

1 THE DEFENDANT: With no witnesses and no documents
2 that I need?

3 THE COURT: Sir, you wanted to represent yourself. You
4 brought this to my attention last Wednesday.

5 THE DEFENDANT: Yes.

6 THE COURT: So.

7 THE DEFENDANT: Because my counsel has not prepared
8 for my case.

9 THE COURT: I understand, sir, but your counsel's ready to
10 go to trial. So your trial date is tomorrow, tomorrow at 1:30.

11 THE DEFENDANT: Okay, I cannot have a fair trial. I'm at the
12 mercy of the Court. That means I withdraw my motion. He's now in
13 charge because I can't proceed without my witnesses, without my
14 documents, to represent my innocence.

15 THE COURT: Well, sir, the trial's tomorrow. So if you want to
16 withdraw your motion to have a Faretta, Mr. Matsuda has represented to
17 me he is ready to go.

18 THE DEFENDANT: I withdraw.

19 THE COURT: Okay, your motion is withdrawn. Mr. Matsuda
20 is going to represent you. Gentlemen, we'll be here tomorrow at 1:30 for
21 trial.

22 MR. MATSUDA: Yes, Your Honor.

23 MR. MARTINEZ: Just one more thing, Your Honor, the
24 Defendant filed a fugitive document, a motion to dismiss Mr. Matsuda. I
25 got that on Friday afternoon.

1 THE COURT: Okay. And I haven't seen it, but it's a fugitive
2 document, because Mr. Matsuda is the counsel of record.

3 MR. MARTINEZ: Right. I think it got set for November 29th,
4 so.

5 THE COURT: Okay, we'll go ahead and vacate that day,
6 because we're having a trial on this case tomorrow.

7 MR. MARTINEZ: Thank you, Your Honor.

8 THE COURT: Thank you.

9 MR. MATSUDA: Thank you.

10 MR. HAMNER: Thanks, Your Honor.

11 [Hearing concluded at 10:16 a.m.]

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

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CARRIE HANSEN
Court Recorder/Transcriber



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DISTRICT COURT
CLARK COUNTY, NEVADA

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THE STATE OF NEVADA,

CASE#: C318335

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Plaintiff,

DEPT. X

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vs.

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DAVID COIL,

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Defendant.

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BEFORE THE HONORABLE TIERRA JONES, DISTRICT COURT JUDGE
WEDNESDAY, NOVEMBER 8, 2017

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

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APPEARANCES:

20

For the State:

SAMUEL MARTINEZ, ESQ.
Chief Deputy District Attorney

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For the Defendant:

JESS MATSUDA, ESQ.

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RECORDED BY: VICTORIA BOYD, COURT RECORDER

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Las Vegas, Nevada, Wednesday, November 8, 2017

[Hearing began at 10:03 a.m.]

THE COURT: -- been waiting for you.

MR. MARTINEZ: I apologize. I've -- just so that you're aware, I've been in Department XII, where we just had a trial, and there's a -- some jury issues. They're deliberating. And we've been trying to resolve that and it took longer than I thought it would. Or else I would have come here first. I apologize.

THE COURT: Noted. C318335, State of Nevada versus David Coil. Mr. Coil is present in custody. Mr. Matsuda is here on his behalf. We have Mr. Martinez here on behalf of the State. This is the date and time set for sentencing. Are both parties prepared to go forward?

MR. MARTINEZ: Yes, Your Honor.

MR. MATSUDA: Yes, Your Honor.

THE COURT: And Mr. Martinez, I was notified that you have a victim speaker.

MR. MARTINEZ: Yes, we did make that reservation just out of an abundance of caution.

THE COURT: Okay.

MR. MARTINEZ: I did speak with her today and she wishes to not address the Court, but she is here.

THE COURT: Okay, okay. And I saw that she was here. Okay. This is the result of a guilty plea in -- during jury trial, so Mr.

1 Martinez, you have the full right to argue.

2 MR. MARTINEZ: Thank you, Your Honor. I'd like to first
3 address P and P's recommendation of concurrent time between all the
4 counts and then including on the E felonies probation for some reason.
5 I'm not sure where that's coming from, since Count 1 is mandatory
6 prison.

7 THE COURT: Well it's mandatory.

8 MR. MARTINEZ: Count 1 is –

9 THE COURT: Right, but it's mandatory.

10 MR. MARTINEZ: -- mandatory prison.

11 THE COURT: I have to give him probation on –

12 MR. MARTINEZ: Well –

13 THE COURT: He has to receive probation on 2 through 5
14 because it's a Cat E, and unless –

15 MR. MARTINEZ: I –

16 THE COURT: -- he meets one of those three requirements,
17 it's mandatory.

18 MR. MARTINEZ: Yeah, but he can – he – I mean, there's no
19 way he can do probation.

20 THE COURT: I completely – no, I completely understand that
21 and I intend to structure a sentence in according with that – in
22 accordance with that, but I mean, it's mandatory. It's a Cat E and he
23 doesn't meet any of the three requirements. So it's a requirement.

24 MR. MARTINEZ: That's fine. I mean, if he's not physically
25 capable –

1 THE COURT: I understand that.

2 MR. MARTINEZ: -- of doing that, and so mostly what I'm
3 troubled by is the concurrent time recommendation under the facts of
4 this case.

5 A lot of times as prosecutors and defense attorneys, we have
6 such high caseloads that we come through and we do sentencings and
7 then we move onto the next case, move onto the next case. And I think
8 this was kind of a unique opportunity for us in the sense that we heard
9 from the victim firsthand exactly what this defendant did to her, how he
10 victimized her, how he took advantage of her situation that was going on
11 in her life, and the result of that, of what her demeanor was like on the
12 stand and how that -- this has actually affected her. And this is year --
13 more than a year later, and she had to relive this on the stand.

14 We're talking about this young woman who was in a stage of
15 her life where she was lost, she didn't know what to do, and what the
16 defendant was doing, his behavior was so predatory, he was actually
17 brazen enough to post advertisements online for women, young women
18 that are her age, as young as 14, he was advertising for, to perform
19 these sexual acts. He didn't try to hide it. He was just completely -- he
20 knew exactly what he was doing, he knew the exact type of victims to
21 pursue, and he took that path and he took it for a long time and never
22 got caught.

23 This isn't some random event where he just maybe got high
24 one day and did something stupid or got drunk and did something
25 stupid. This was a calculated, predatory type behavior that needs to be

1 punished to the fullest extent. She was not the only female in that
2 house. I mean, this had been going on for some time. And the
3 defendant didn't think twice about it. He thought it was just fine. He
4 justified it in his mind in however many ways he could. But he not only
5 solicited these young women to come and work for him in his house and
6 do those types of things, but he participated in that sexual activity.

7 And I know that it wasn't per se illegal as far as of the age of
8 consent is concerned, but he knew she was a child under the age of 18.
9 And again, it's not illegal, but he not only solicited and lured these young
10 women, but he participated in the activity as well. And I think, you know,
11 again, as defense attorneys, prosecutors, the Court, we move onto our
12 next cases all the time, but the victim in this case is going to have to deal
13 with this the rest of her life and think about what happened,
14 unfortunately. The defendant, there's, you know, he's got a five year
15 minimum sentence coming up.

16 Now, what makes this case even more troubling is when
17 Metro was notified about these advertisements, I think just to make sure,
18 just to be sure, they to their credit sent an undercover detective to pose
19 as a female under the age of 18, and start sending him text messages,
20 and he texted back in the same predatory manner. You heard his own
21 voice at that Wendy's restaurant about how he was talking about, oh you
22 can do whatever you want, you can do whatever you want, oh you're so
23 beautiful, you're perfect for this, oh. And he even referenced the victim
24 in that conversation saying that she makes loads of money, she's
25 gorgeous, she's – does this, she does that, and she's just so amazing,

1 she's kind of lost right now with her family. And you hear him as it's
2 happening. You see the effect that it has on the victim.

3 And at a minimum, Your Honor, I think the Count 1, which is a
4 5 to life, should run consecutive at least to the Attempt Sex Trafficking of
5 a Child Under 18 Years of Age. The Pandering is a lesser included of
6 the Attempt Sex Trafficking, so I don't know that he needs to be
7 sentenced – I think we can dismiss that count.

8 THE COURT: Okay.

9 MR. MARTINEZ: But I think the Attempt Sex Trafficking of a
10 Child, which is a B Felony, 2 to 20, he should get the max of an 8 to 20,
11 because it's a completely different person. And yes, it's an undercover
12 detective. So she knew what she was getting herself into, it's a different
13 situation, but it shows the type of predatory behavior. He is on tape,
14 following up on his advertisements, that he claims, oh, I'm just joking
15 around, there's not really going to be 15 year olds coming here, 16 year
16 olds coming here. Well, that's not true.

17 And that type of behavior was going to continue until Metro
18 was able to stop it and until this victim had the courage to come forward
19 and do what she did and face the man that victimized her. And so, what
20 we're asking for at a minimum – I think everything should be – run
21 consecutive, but at a minimum, 5 to life on Count 1, and an 8 to 20 to
22 run consecutive on the last count, is I think is appropriate. It sends a
23 message to this community, especially to this defendant that this
24 behavior is not only not – should not be tolerated, it is dangerous, it is
25 predatory, and it takes advantage of the most vulnerable young women

1 and men in this community, and he deserves to do every single minute
2 of that 13 years to life. And that's what we're asking for. We'll submit it
3 based on that.

4 THE COURT: Thank you, Mr. Martinez. Mr. Coil, what if
5 anything would you like to say to me before I pronounce sentencing
6 against you?

7 THE DEFENDANT: Um, I am speechless, I'm sorry to say. I
8 want to apologize to the Court for my behavior. I want to apologize to
9 Ms. Perez my behavior. I had no intentions of doing this. That was not
10 my intent ever.

11 THE COURT: Doing what? You had no intentions of doing
12 what?

13 THE DEFENDANT: Bringing the ladies into my house for
14 illegal act. I was approached by a lady who wanted to rent a room of my
15 house to do body rubs in my house.

16 THE COURT: To do what?

17 THE DEFENDANT: To do the body rubs.

18 THE COURT: Okay.

19 THE DEFENDANT: And she wanted to rent one of the rooms
20 in my house to do it on her own.

21 THE COURT: Okay.

22 THE DEFENDANT: I think if [inaudible] around my house. I'm
23 not home much. She wanted to do it. I said okay, fine. She brought in
24 other ladies and they did it. I wasn't home. They were running their own
25 business. And it grew and grew and –

1 THE COURT: And at some point, you became involved in
2 this.

3 THE DEFENDANT: Yes, I did.

4 THE COURT: Because you're the one who recruited Ms.
5 Perez and you're the one who participated in these acts with her that
6 you pled guilty to, so I'm not really concerned about what these other
7 ladies were doing, who was renting a room in your house. I'm more
8 concerned about what happened after you got involved.

9 THE DEFENDANT: I merely facilitated what they wanted to
10 do. I gave them a place to do it. For the most part, the girls ran the
11 show. They ran everything.

12 THE COURT: Right, but you were involved in these sex acts,
13 because when Ms. Perez testified, here in the jury trial, you were here, I
14 was here, we were all here at the same time, her testimony was not that
15 you were not an active participant. You were participating in this. You
16 received these sexual acts as well. You received benefits, correct?

17 THE DEFENDANT: Yes, I did receive benefits.

18 THE COURT: Okay. And, when the undercover Metro officer
19 shows up, it's you who's having this other – this conversation with the
20 Metro officer, right?

21 THE DEFENDANT: Sorry, I missed that.

22 THE COURT: The conversation that the State played in their
23 opening with the undercover Metro officer when you got arrested?

24 THE DEFENDANT: Okay.

25 THE COURT: That was you who had that conversation with

1 the Metro officer, right?

2 THE DEFENDANT: Yes.

3 THE COURT: Okay. So you were involved in these activities.

4 THE DEFENDANT: I was involved in helping the girls find
5 work, yes.

6 THE COURT: Okay, you didn't care about how young they
7 were?

8 THE DEFENDANT: Oh yes, I did. To my knowledge, not one
9 person in my house was under 18.

10 THE COURT: Except you told the Metro cop that Ms. Perez
11 was under the age of 18.

12 THE DEFENDANT: No, I never mentioned her.

13 THE COURT: Well, whoever you were talking about when
14 you were on the phone with the Metro cop, that call that the State played
15 in their opening statement?

16 THE DEFENDANT: Yes.

17 THE COURT: You told that Metro cop that this girl, who was
18 having the family problems and making tons of money, was not 18. You
19 told them an age that was under 18.

20 THE DEFENDANT: Yes.

21 THE COURT: Did you not?

22 THE DEFENDANT: She's emancipated. She showed me her
23 paperwork.

24 THE COURT: Right, but did you believe she was under the
25 age of 18?

1 THE DEFENDANT: She told me she was, because she's
2 emancipated.

3 THE COURT: Okay.

4 THE DEFENDANT: So, she came in – or a couple weeks, did
5 well, and she had family problems, had to leave.

6 THE COURT: Okay.

7 THE DEFENDANT: But she was an adult going to court.

8 THE COURT: Okay.

9 THE DEFENDANT: Does that –

10 THE COURT: So you're not referring to Ms. Perez in the call
11 you had with the Metro –

12 THE DEFENDANT: No, no.

13 THE COURT: -- detective? Okay. How old did you think Ms.
14 Perez was?

15 THE DEFENDANT: Eighteen or nineteen.

16 THE COURT: She looks like she's 12 as she's sitting over
17 there in the corner right now. So, how did you believe that?

18 THE DEFENDANT: When I met her, she looked a whole lot
19 older. The lady that was with me agreed she looked 18, identification
20 said 18. We agreed and believed it.

21 THE COURT: Okay. So what else do you want me to know,
22 Mr. Coil?

23 THE DEFENDANT: Um, I guess I'm looking at a life sentence
24 in prison, so.

25 THE COURT: Well we went over that when you entered your

1 plea that that was the punishment on Count 1.

2 THE DEFENDANT: Yes. I'm as sorry as I know how to be
3 and that's not good enough.

4 THE COURT: That's not good enough for who?

5 THE DEFENDANT: For anyone who – I'm sorry to the Court,
6 I'm sorry to her, I'm sorry for Mr. Matsuda, I am – I'm an old man who
7 didn't know what I was getting into, truly, I didn't know what I was getting
8 into. I got involved with several ladies. I was having fun. I was helping
9 them out. I didn't profit from any of it. I was having fun helping them
10 out. And I'm in trouble, more than I ever thought possible, my life is
11 over. So, whatever you deem necessary, Your Honor, is what's going to
12 happen. And I apologize to Court again.

13 THE COURT: Well, you don't have to apologize to me. I'm
14 not the person who's suffering as a result of this. I'm not suffering at all.
15 I'm not the person who was injured at all in any of this activity.

16 THE DEFENDANT: May I address her, Your Honor?

17 THE COURT: No, you may not.

18 THE DEFENDANT: Thank you, then I wish to apologize to
19 our victim in this case.

20 THE COURT: Our victim? She's your victim.

21 THE DEFENDANT: Okay, my victim. I'm s – I'm not speaking
22 well, Your Honor, I'm quite nervous and shaky, and I'm surprised I even
23 talked this much.

24 THE COURT: Anything else you want me to know, Mr. Coil?

25 THE DEFENDANT: No.

1 THE COURT: Mr. Matsuda?

2 MR. MATSUDA: Thank you, Your Honor. Your Honor, what
3 we have here is a 64 year old gentleman who has zeros across the
4 board. So ostensibly for 62 years of his life, he remained trouble-free.
5 He was a law abiding citizen until this incident popped up. He does
6 have medical issues. I think he – he believes he has skin cancer. He's
7 been trying to get checked out at CCDC for that. Again, he is 64, no
8 criminal history.

9 And as Your Honor recalls, this is a case where we were
10 trying to negotiate it. It didn't really work out. So ultimately we were set
11 for trial. We had the trial. Ms. Perez took the stand. She related what
12 happened. And the following day, before my cross examination, Mr. Coil
13 called me in the back and said hey, I just want to plead. And I think that
14 has to count for something. Because he saw what he did. He had the
15 night to think about it and he said, I just want to plead. I said, do you
16 want me to go to the State and see if I can get some kind of plea deal. It
17 wasn't offered, but I was going to see if I could do it, he said no, I'm just
18 going to plead straight up. So it shows that he took full responsibility.
19 He saw his actions or what manifested from his actions. And he felt bad,
20 he was remorseful.

21 Because of that, Your Honor, what we're asking for is – and
22 again, I want to stress the fact that he has no criminal history at all. He's
23 64. He does have some trade skills. He was married at some point. He
24 has two kids. He had his own business. He was fairly successful until
25 this happened. Because of all that, what we're asking for is the 5 to life

1 but run concurrent with all the Counts.

2 THE COURT: Thank you, Mr. Matsuda. These cases are
3 very difficult because you always have someone whose life has been
4 changed forever. If you punch somebody in the face, they're going to
5 heal. They may require a stitch or two, but they're going to heal. If you
6 steal somebody's credit, they're going to heal. But these type of
7 wounds, what you left with Ms. Perez, I don't know that she's ever going
8 to heal from those. I don't know that she can. She was such a young,
9 impressionable girl when she met you. And it all went downhill from
10 there. Somebody your age coming into the life of somebody who's Ms.
11 Perez's age, you are like a grandfather to her. My grandfather would
12 have never involved me in any of these type of activities. A grandfather
13 is a protector. That's somebody who's supposed to be looking out for
14 you. Not somebody who's going to have fun while you make money.
15 That's not the role of somebody who comes into the life of a young,
16 impressionable girl.

17 And it is amazing to me that at no point in your mind did this
18 not seem okay. And I don't know what girl you met, but when I saw Ms.
19 Perez when she testified and when I saw her today, when she testified,
20 we had to put some sort of contraption on the microphone to hear her
21 because he voice is so soft. If I was walking down the street and saw
22 her at the grocery store, she looks to me like she's 12, maybe 15.
23 There's no way I'm mistaking her as a fully grown woman. And I don't
24 believe for one second that you did either.

25 And it's so troubling because Mr. – and I believe everything

1 Mr. Matsuda says, and Mr. Matsuda says what you said to him about,
2 okay I saw what I did to her. But now you are standing here today taking
3 absolutely no responsibility. You said, well, I didn't profit from anything.
4 Do you think Ms. Perez is going to walk away from this with any kind of
5 profit? Do you think there's any amount of money in the world that's
6 going to take away what you did to her? Who cares if you didn't make
7 any money? That doesn't make this right.

8 And at no point -- you said, well, I don't speak well. A three-
9 year-old can say I'm sorry. It doesn't take that long to say I'm sorry.
10 This should have never happened. Someone who's a first grader can
11 get those words out of their mouth. So, it doesn't matter whether you
12 can speak well or whether you can't. I was waiting to hear, this should
13 have never happened. I bet she saw me as the father figure. I should
14 have never put her in this position. But your position is, well, I didn't
15 profit from any of it. And it's these other ladies who were living in the
16 house. But the testimony that I heard is the sexual favors that were
17 being given to you. The testimony that I heard was the State's opening
18 statement where that call was played where you are bragging to this
19 Metro detective about this young girl and all the money that she's
20 making. And that is just appalling to me. It is just appalling to me.

21 And if there was something I could do today that would take
22 away everything that she has suffered, I would do that. But no matter
23 what I do, that's not going to happen. She's going to walk out of here
24 today just knowing that you went to prison. It may begin her healing
25 process, but it's certainly not going to complete it. The scars you left on

1 her are just going to be lifelong scars that she is never – and not only
2 her, I mean we're having a lot of talk about Ms. Perez because she's
3 here and she was the witness whose testimony we made it through at
4 trial. But there's other victims in this case. It's not just her. It's not like
5 she was the only person that you had in this house. There are other
6 victims in this case who are injured just as much as she was.

7 And see – did you see on the P – well, you and Mr. Matsuda, I
8 have a question for you. On the PSI, it says there's some \$2500 AA fee,
9 pursuant to AB 241. AB 241 talks about baby carriers.

10 MR. MARTINEZ: Talks about what?

11 THE COURT: AB 241 from the 2017 Legislative session is
12 about carrying a baby in a baby carrier. So, I have no idea how that
13 would in any way apply to this case, but I don't know if you guys know
14 different.

15 MR. MARTINEZ: I – I have – to be honest, I have no idea
16 what that is.

17 THE COURT: Because I pulled AB 241, and from the 2017
18 session, it deals with a baby carrier. So I don't think it's applicable.

19 MR. MARTINEZ: I don't think there's a baby carrier in this
20 case.

21 THE COURT: I don't either, so I'm not going to impose that.
22 And there's no registration requirements on this?

23 MR. MARTINEZ: There is a sex offender registration
24 requirement.

25 THE COURT: Okay.

1 MR. MARTINEZ: And – on this case, but no lifetime
2 supervision on sex trafficking of children, unfortunately.

3 THE COURT: So there is sex offender registration?

4 MR. MARTINEZ: Right. For both the sex trafficking and the
5 attempt sex trafficking.

6 THE COURT: Okay. And what's the statute on that, Mr.
7 Martinez? Do you?

8 MR. MARTINEZ: The statute for sex offender registration?

9 THE COURT: Yeah, because it's not in the PSI.

10 MR. MARTINEZ: It's – I believe it's 147D, NRS 147D.

11 THE COURT: Let me just pull it really quick to make sure I'm
12 doing this correctly, 147?

13 MR. MARTINEZ: I believe so.

14 THE COURT: 174?

15 MR. MARTINEZ: Isn't that what I said?

16 THE COURT: That's not it either.

17 MR. MARTINEZ: I'm just kidding, 174, that's right. Maybe.

18 THE COURT: It's 179. It's 179D.

19 MR. MARTINEZ: So I think you'll see that 201.300.2(a) is
20 going to be listed as one of the offenses that requires sex offender
21 registration.

22 THE COURT: Okay. Mr. Coil, in accordance with the laws of
23 the State of Nevada, you're going to be adjudicated guilty of Count 1,
24 Sex Trafficking of a Child Under the Age of 18; Count 2, Soliciting
25 Prostitution; Count 3, Soliciting Prostitution; Count 4, Soliciting

1 Prostitution; Count 5, Soliciting Prostitution; Count 6, Attempt Sex
2 Trafficking of a Child Under the Age of 18. Count 7 is going to be
3 dismissed by the State today, so you will not be sentenced on Count 7.

4 In addition to the \$25 administrative assessment fee, the \$150
5 DNA assessment fee, the \$3 DNA assessment fee, and the \$250
6 Indigent Defense fee, on Count 1, you are sentenced to life with parole
7 eligibility after 60 months has been served; on Count 2, you are
8 sentenced to 12 to 30 months in the Nevada Department of Corrections.
9 That sentence is suspended and you are placed on probation for a
10 period of time not to exceed three years with the only condition being
11 364 days in the Clark County Detention Center. That count will run
12 concurrent to Count 1. On Count 3, you are sentenced to 12 to 30
13 months in the Nevada Department of Corrections. That sentence will be
14 suspended. You are placed on probation for a period of time not to
15 exceed three years, the only condition being 364 days in the Clark
16 County Detention Center, concurrent to Count 2. Count 4, you are
17 sentenced to 12 to 30 months in the Nevada Department of Corrections.
18 That sentence is suspended and you are placed on probation for a
19 period of time not to exceed three years with the only condition being
20 364 days in the Clark County Detention Center, concurrent to Count 3.
21 On Count 5, you are sentenced to 12 to 30 months in the Nevada
22 Department of Corrections. That sentence is suspended. You are
23 placed on probation for a period of time not to exceed three years, with
24 the only condition being 364 days in the Clark County Detention Center.
25 That sentence will run concurrent to Count 4. On Count 6, you are

1 sentenced to 72 to 180 months in the Nevada Department of
2 Corrections. That sentence will run consecutive to Count 5. Count 7
3 was dismissed by the State, for an aggregate total of life with parole
4 eligibility in – beginning after 132 months have been served and you
5 have 443 days credit for time served. And pursuant to NRS 179D, you
6 are ordered to register as a sex offender upon your release from custody
7 or upon your completion of probation or parole. Do you understand your
8 registration as a sex offender?

9 THE DEFENDANT: Yes, I think I do.

10 THE COURT: You'll be ordered to register as a sex offender
11 when you are released from prison.

12 THE DEFENDANT: What does that mean?

13 THE COURT: You will go down to Parole and Probation and
14 register as a sex offender and complete all the sex offender
15 requirements.

16 THE DEFENDANT: Oh, okay.

17 THE COURT: Do you have any other questions?

18 THE DEFENDANT: Me? No.

19 THE COURT: Thank you, sir. Thank you. Oh.

20 MR. MARTINEZ: Just one clarification, Your Honor, if I may. I
21 think – we filed an amended information fixing some language and then
22 we had switched Count 6 and Count 7 –

23 THE COURT: Seven.

24 MR. MARTINEZ: So Count 6 is the Attempt Sex Trafficking
25 and Count 7 is a Pandering.

1 THE COURT: Right.

2 MR. MARTINEZ: And I think you may have –

3 THE COURT: No, I sentenced him on Count 6 and you

4 dismissed Count 7, which is what you said, right? You dismissed the

5 Pandering?

6 MR. MARTINEZ: Okay, I thought you had said the other. So I

7 just wanted to make sure.

8 THE COURT: No, no, I sentenced him on Count 6 and then

9 you dismissed Count 7 –

10 MR. MARTINEZ: Okay, perfect

11 THE COURT: -- which was the Pandering.

12 MR. MARTINEZ: That's correct.

13 THE COURT: Yes.

14 MR. MARTINEZ: Thank you.

15 MR. MATSUDA: Thank you, Your Honor.

16 THE COURT: Thank you.

17 MR. MARTINEZ: And I apologize for being late.

18 THE COURT: Coming in here late, then trying to correct me.

19 [Hearing concluded at 10:27 a.m.; recalled at 10:28 a.m.]

20 THE COURT: Can we go back on the record in State versus

21 David Coil?

22 MR. MATSUDA: Okay, it's 443, sorry I missed that.

23 THE COURT: Yes, we are back on the record in Coil. And

24 his credit? I gave him credit.

25 MR. MARTINEZ: Yep.

1 MR. MATSUDA: Oh, I'm sorry, I must have missed that.
2 MR. MARTINEZ: 443.
3 THE COURT: Yeah, I was like I gave him whatever was listed
4 in the PSI. I don't know.
5 MR. MATSUDA: Okay, my apologies, Your Honor.
6 THE COURT: It's okay, yeah.

7 [Hearing concluded at 10:28 a.m.]

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


CARRIE HANSEN
Court Recorder/Transcriber



1 RTRAN

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DISTRICT COURT
CLARK COUNTY, NEVADA

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THE STATE OF NEVADA,

CASE#: C318335

9

Plaintiff,

DEPT. X

10

vs.

11

DAVID COIL,

12

Defendant.

13

14

BEFORE THE HONORABLE TIERRA JONES, DISTRICT COURT JUDGE

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MONDAY, SEPTEMBER 18, 2017

16

**RECORDER'S TRANSCRIPT OF HEARING:
CALENDAR CALL**

17

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19

APPEARANCES:

20

For the State:

SAMUEL MARTINEZ, ESQ.

21

Chief Deputy District Attorney

22

CHRISTOPHER HAMNER, ESQ.

23

Chief Deputy District Attorney

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For the Defendant:

JESS MATSUDA, ESQ.

RECORDED BY: VICTORIA BOYD, COURT RECORDER

1 Las Vegas, Nevada, Monday, September 18, 2017
2 [Hearing began at 8:57 a.m.]
3 THE COURT: Are here on behalf of the State.
4 MR. MARTINEZ: Good morning, Your Honor.
5 THE COURT: Gentlemen, where are we?
6 MR. MATSUDA: Good morning, Your Honor.
7 THE COURT: Good morning, Mr. Matsuda.
8 MR. MARTINEZ: The State has extended an offer to the
9 defendant, a new one.
10 THE COURT: Okay.
11 MR. MARTINEZ: So we're waiting to hear if that's going to
12 even be a possibility. Mr. –
13 MR. MATSUDA: Your Honor, I did hear from the State.
14 Currently discussing it with my client right now. I did again talk to the
15 State last week. I understand Mr. Hamner and Mr. Martinez are in trial.
16 MR. MARTINEZ: That's correct.
17 MR. MATSUDA: I did speak to my client about that. And if we
18 could maybe put this out for 30 days on a status check?
19 THE COURT: Well, hold on. So, you two are in trial?
20 MR. MARTINEZ: That's correct.
21 THE COURT: On something else?
22 MR. HAMNER: Yes, Your Honor.
23 MR. MARTINEZ: Yes.
24 THE COURT: Wow. Okay, so you two are in trial. So it's
25 going to be the State's request to continue?

1 MR. MATSUDA: I think we can mutual, Your Honor. There's
2 no objection from the defense.

3 THE COURT: Okay, and Mr. Coil, have you spoken to Mr.
4 Matsuda in regards to this?

5 THE DEFENDANT: No, I haven't.

6 THE COURT: All right. Mr. Matsuda, do you want to talk to
7 your client?

8 MR. MATSUDA: Sure.

9 THE COURT: Okay. We're going to trail this and come back
10 to it.

11 [Matter trailed at 8:58 a.m.; recalled at 9:10 a.m.]

12 THE COURT: Mr. Matsuda is here on his behalf. We have
13 Mr. Martinez and Mr. Hamner here on behalf of the State.

14 MR. MARTINEZ: Thank you, Your Honor.

15 THE COURT: So it's my understanding the State is
16 requesting a continuance of this trial date?

17 MR. MARTINEZ: No, not necessarily. Could we approach?

18 THE COURT: Yes.

19 THE DEFENDANT: Your Honor, also I'd like to talk to you.

20 THE COURT: Well, hold on. Remember, we've gone over
21 this. It's not your turn.

22 THE DEFENDANT: I'm asking.

23 [Bench conference between the Court and counsel; not recorded.]

24 THE COURT: Okay, Mr. Coil, what do you want to say?

25 THE DEFENDANT: I have a motion I'd like to present to the

1 Court. I apologize it's so late, but commissary is not delivering
2 envelopes, so I had to deliver it myself.

3 THE COURT: A motion for what?

4 THE DEFENDANT: Dismiss counsel and assert my right to
5 Sixth Amendment for self-representation.

6 THE COURT: So you want to have a Faretta?

7 THE DEFENDANT: Yes.

8 MR. MARTINEZ: Your Honor, if you recall, last time he failed
9 the Faretta miserably.

10 THE COURT: I understand that, yes.

11 MR. MARTINEZ: So, we're ready to go forward.

12 THE COURT: Okay, Mr. Matsuda?

13 MR. MATSUDA: I'm ready, Your Honor.

14 THE COURT: Well, I mean, this is the deal, Mr. Coil. You
15 have to file your motions just like everybody else. They can't come in
16 here at calendar call and start filing motions, so you can't do that either.
17 So, if you want to have a Faretta, we can have a Faretta the morning of
18 trial.

19 THE DEFENDANT: What does that mean?

20 THE COURT: You could do it Tuesday morning, because
21 we're going to trial Tuesday.

22 THE DEFENDANT: Okay.

23 THE COURT: So, Tuesday morning – well, Tuesday at 1:30
24 we're going to trial in here.

25 MR. MATSUDA: Thank you, Your Honor.

1 MR. MARTINEZ: Thank you, Your Honor.
2 THE CLERK: September 26th at 10:30.
3 THE COURT: 1:30.
4 THE CLERK: Oh, 1:30.
5 THE COURT: They need an afternoon start, yeah, they need
6 an afternoon start.
7 THE CLERK: Okay.

8 [Hearing concluded at 9:13 a.m.]

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


CARRIE HANSEN
Court Recorder/Transcriber



RTRAN

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

THE STATE OF NEVADA,)	
)	
Plaintiff,)	CASE NO. A-16-318335-1
)	
vs.)	DEPT. NO. X
)	
DAVID ANDREW COIL,)	
)	
Defendant.)	
_____)	

BEFORE THE HONORABLE TIERRA JONES, DISTRICT COURT JUDGE

TUESDAY, SEPTEMBER 26, 2017

RECORDER'S TRANSCRIPT OF:

JURY TRIAL - DAY 1

**PARTIAL TRANSCRIPT
(EXCLUDES JURY VOIR DIRE)**

APPEARANCES:

FOR THE STATE:	SAMUEL MARTINEZ, ESQ. CHRISTOPHER HAMNER, ESQ. Chief Deputy District Attorneys
FOR THE DEFENDANT:	JESS MATSUDA, ESQ.

RECORDED BY: VICTORIA BOYD, COURT RECORDER
TRANSCRIBED BY: VERBATIM DIGITAL REPORTING, LLC

1 LAS VEGAS, NEVADA, TUESDAY, SEPTEMBER 26, 2017

2 [Case called at 1:40 P.M.]

3 THE COURT: State of Nevada versus David Andrew
4 Coil. Mr. Coil is present with his attorney, Mr. Matsuda.
5 And Mr. Martinez and Mr. Hamner are here for the State. This
6 is the date and time set for trial. My Marshal went down to
7 get the jury. Are there any matters we need to deal with
8 outside the presence?

9 MR. MARTINEZ: Yes, Your Honor. First, the State
10 has filed an Amended Information not adding additional
11 charges, just language to the first count that mirrors what is
12 reflected in the statute for sex trafficking of a child. It
13 doesn't add any new charges, there's nothing new factually
14 from the discovery that impacts that. We're just having it
15 mirror the statute.

16 And also, we switched Count 6 and Count 7. It makes
17 more sense that way, I think, to the jury because the
18 pandering would be a lesser included of the -- of the attempt
19 sex trafficking of a child.

20 THE COURT: Okay. And so -- but the -- Count 6 and
21 Count 7.

22 MR. MARTINEZ: Correct. The language was not
23 changed in those.

24 THE COURT: Okay. And Mr. Matsuda, have you seen
25 these changes?

1 MR. MATSUDA: I have, Your Honor. I have spoken to
2 Mr. Martinez yesterday and today and he did advise me that
3 that was going to happen. We have no objection.

4 THE COURT: Okay. So based upon that, the Amended
5 Information we'll be proceeding on. And has there been any
6 offers extended in this case?

7 MR. MARTINEZ: There has, Your Honor. We at the
8 previous, I believe it was a calendar call, we had offered and
9 attempt sex trafficking a child right to argue which is a B
10 Felony with a range of 2 to 20 and it's probationable.

11 The defendant rejected that. We counter offered
12 with an e-felony and requesting credit for time served. The
13 State rejected that counter offer and now there's no --
14 there's no negotiation on the table now.

15 THE COURT: And, Mr. Coil, is that your
16 understanding of how that procedure took place?

17 THE DEFENDANT: Yes, ma'am.

18 THE COURT: Okay. So based upon that you rejected
19 that offer and then you extended them a counter that they
20 didn't accept?

21 THE DEFENDANT: Yes, ma'am.

22 THE COURT: Okay. So at this point there are no
23 negotiations on the table, State?

24 MR. MARTINEZ: That's correct.

25 THE COURT: Okay. So based upon that we're ready to

1 go to trial. Anything else, Mr. Matsuda? Did you have
2 anything outside the presence?
3 MR. MATSUDA: I do not, Your Honor.
4 THE COURT: Okay. Anything else?
5 MR. MARTINEZ: Not from the State.
6 THE COURT: Okay. So we have the jury selection.
7 Does either side have any questions about jury selection?
8 MR. MARTINEZ: No, Your Honor.
9 MR. MATSUDA: No, Your Honor.
10 THE COURT: Okay. I'll ask the general questions.
11 What is each side's opinion, before the jury comes -- I -- I
12 don't think we're getting a jury today. I think it's highly
13 likely they're coming back tomorrow. What is your opinion of
14 me telling them that early on instead of at 5:00 o'clock?
15 MR. MARTINEZ: I think that's fine. I don't -- the
16 State doesn't have an issue either way. I'm hopeful that we
17 can open tomorrow and maybe start with a witness, but I don't
18 know how long it will take.
19 THE COURT: Yeah.
20 MR. MARTINEZ: It just depends on the panel.
21 MR. MATSUDA: Are we starting in the morning or
22 afternoon tomorrow?
23 THE COURT: Let me check. Let me see how long -- 21
24 pages -- we'll start in the morning. We'll start at 10:30.
25 MR. MATSUDA: And Your Honor, do you have a -- I'm

1 sorry, Your Honor, do you happen to have a ballpark for
2 Thursday and Friday's start times?

3 THE COURT: Thursday we -- Thursday we can't start
4 until 11:00, because I have an evidentiary hearing in the
5 morning at 9:00.

6 MR. MATSUDA: Okay.

7 THE COURT: So Thursday we'll be starting at 11:00.
8 And then Friday we're going to start at 9:00.

9 MR. MATSUDA: Okay.

10 THE COURT: Because we have all day on Friday.

11 MR. MARTINEZ: We'll probably be done on Friday,
12 then.

13 THE COURT: You think we'll finish on Friday? I'm
14 going to tell them we can possibly go into Monday just to be
15 safe --

16 MR. MARTINEZ: That's fine.

17 THE COURT: -- because I hate that look on their
18 face when we're not done.

19 MR. MARTINEZ: Just in case the voir dire takes two
20 days or three days, then it might -- then it'll go to --

21 THE COURT: Voir dire will not take three days in
22 District Court 10.

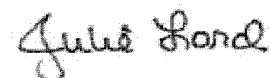
23 (Pause in the proceedings)

24 (Court went off the record at 1:46 p.m. until 2:12 p.m.)

25 (Prospective jurors enter at 2:12 p.m.)

1 (Prospective jurors exit the courtroom at 4:52 p.m.)
2 (Outside the presence of the prospective jurors)
3 THE COURT: And for the record, we are outside the
4 presence of our jury panel.
5 Does either side have anything they wish to put on
6 the record outside the panel -- presence of the jury?
7 MR. MARTINEZ: No, Your Honor.
8 MR. HAMNER: No, Your Honor.
9 MR. MATSUDA: No, Your Honor.
10 THE COURT: Okay. We'll resume tomorrow morning at
11 11:00 o'clock. As soon as I finish my calendar, we'll be
12 ready to go.
13 MR. HAMNER: Thank you very much.
14 (Court recessed at 4:53 p.m., until Wednesday,
15 September 27, 2017, at 11:18 A.M.)
16 * * * * *

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



JULIE LORD, INDEPENDENT TRANSCRIBER
VERBATIM DIGITAL REPORTING, LLC



RTRAN

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

THE STATE OF NEVADA,)	
)	
Plaintiff,)	CASE NO. A-16-318335-1
)	
vs.)	DEPT. NO. X
)	
DAVID ANDREW COIL,)	
)	
Defendant.)	
)	

BEFORE THE HONORABLE TIERRA JONES, DISTRICT COURT JUDGE

WEDNESDAY, SEPTEMBER 27, 2017

**RECORDER'S TRANSCRIPT OF:
JURY TRIAL - DAY 2**

**PARTIAL TRANSCRIPT
(EXCLUDES JURY VOIR DIRE)**

APPEARANCES:

FOR THE STATE:	SAMUEL MARTINEZ, ESQ. CHRISTOPHER HAMNER, ESQ. Chief Deputy District Attorneys
FOR THE DEFENDANT:	JESS MATSUDA, ESQ.

RECORDED BY: VICTORIA BOYD, COURT RECORDER
TRANSCRIBED BY: VERBATIM DIGITAL REPORTING, LLC

1 LAS VEGAS, NEVADA, WEDNESDAY, SEPTEMBER 27, 2017

2 (Proceedings from 11:18 A.M. to 3:05 P.M. not transcribed)

3 * * * * *

4 THE COURT: State?

5 MR. MARTINEZ: Thank you, Your Honor.

6 STATE'S OPENING STATEMENT

7 MR. MARTINEZ: Ladies and gentlemen, the first voice
8 you're going to hear is of the defendant, David Coil. He's
9 going to be in the middle of the conversation with the lead
10 detective in this case, Detective Robert Wright, and he's
11 being asked questions about posting ads on Craigslist for
12 naked body rubs, for girls between the ages of 14, 15, 16 and
13 17 years old. That's the topic of conversation. And the
14 first voice you're going to hear is that of the defendant.

15 (Playing recording)

16 MR. MARTINEZ: The defendant's words, "It doesn't
17 hurt to ask." We're going to get back to that conversation in
18 just a minute, but first, you're going to hear from Italia
19 Perez. During this time frame that you heard in the Amended
20 Information, she's 16, 17 years old. Birthday's July 30th,
21 1999.

22 And she was in a situation in her life where she had
23 a lot of siblings. Her parents had lost their home. Really,
24 the only place they could find was the Siegel Suites, a
25 two-bedroom apartment. You're going to hear she had lots of

1 siblings, lots of kids in there, kind of crazy, and she
2 decided to move in with her sister, who wasn't there.

3 She stopped going to school. She felt like she
4 needed to help pay the bills while she was living with her
5 sister. She needed money to survive. So she went on
6 Craigslist and saw one of the defendant's ads requesting,
7 asking for, recruiting teenage girls to do naked body rubs and
8 showing pictures of cash, talking about making thousands of
9 dollars.

10 So she sends him an e-mail and says what will this
11 job be? This is in response to the ad. There's an e-mail
12 associated with the ad. What will this job be? I'm 16. She
13 actually tells him, I'm 16. He says, thank you for
14 responding. It's body rubs, not massage. And the defendant
15 says, 16 is fine, no problem.

16 So they eventually arrange to meet at a Carl's Jr.,
17 that's near the defendant's residence, which is at 9578 Silver
18 Mine Street in Las Vegas, Nevada here in Clark County. They
19 meet at the Carl's Jr., they talk a little bit, and then he
20 takes Italia to his house where an interview begins.

21 They go in, make themselves comfortable on the
22 couch, and one of the rules -- and you're going to -- we're
23 going to talk about this later as well. One of the number one
24 rules in the defendant's house, if you go in there, you have
25 to take off all of your clothes, including the defendant. So

1 the first thing they do is take off all of their clothes and
2 they're in the defendant's house naked for the interview.

3 There's alcohol available. Italia has a few drinks
4 and starts to get drunk. But she -- in that state she tells
5 the defendant, you know what, once she realizes what it is and
6 the defendant describes that it's not massages, it's naked
7 body rubs, including rubbing penises as a part of a body rub,
8 of men, grown men.

9 So she says, you know what, this isn't for me. I
10 don't think I'm going to be able to do this. But she feels
11 bad because she feels like she wasted his time, this
12 16-year-old feels bad for wasting the defendant's time. So
13 she says how can I make it up to you? Is there something I
14 can do? I'm sorry I wasted your time.

15 And he says, well, how about you give me a body rub?
16 Okay. So he takes her down the hallway in his house and
17 there's a room. He doesn't have any clothes on, she doesn't
18 have any clothe on, he lays facedown on the table, and he
19 starts to tell Italia, this is how you do a body rub. He
20 starts instructing her. Telling her where to touch him, what
21 lotion to use, and then he rolls over on to his back. So he's
22 telling her where to massage him. All over his back, legs,
23 and he rolls over. He's telling her how to use the oil, how
24 to use the lotion, which body parts.

25 And he has her -- he has this 16-year-old Italia

1 work her way to his penis to where he instructs her to start
2 rubbing it, he requests it, until he ejaculates. When that
3 happens, he takes out \$200 cash and gives it to Italia. And
4 at that moment, Italia is like wow, that was kind of easy. I
5 just made 200 bucks. So she changes her mind and says maybe
6 -- you know, maybe I should work for this guy.

7 So she changes her mind. Her nickname is Venus in
8 the house. And you're going to learn that there are multiple
9 females in the house that have nicknames that walk around the
10 house naked. And there's actually a list that the defendant
11 posts up on the house, it's called rules of the naked house.
12 You must be naked and this is why. This is how you pay me.
13 You walk naked around the house around me and you show me the
14 money. He doesn't take the money from the females in the
15 house.

16 But the way you pay him is you don't have any
17 clothes on in his house and you show him all the money that
18 you're making. Because he wants to be able to brag about
19 Italia. He wants to be able to brag about the other females.
20 One of the rules is you can't be there when you're on your
21 period.

22 Then he says, you can't have sex. You can straddle
23 a guy, just make sure the penis doesn't go all the way in.
24 Just no sex. But it doesn't apply to the possible oral sex.
25 Those are the defendant's words on his list.

1 And he's also talking about quote/unquote "hand
2 jobs" as part of the body rub. From October to June or July
3 of 2016, Italia is working multiple times a week at the
4 defendant's house without any clothes on. She's being
5 advertised on Craigslist by the defendant and performs
6 approximately, 200 sex acts, three of which -- at least three
7 of which were on the defendant himself in the interview and
8 then throughout that almost a year he was a customer of
9 16-year-old Italia.

10 One of the common practices at the house is the
11 defendant takes pictures Italia, he takes pictures of the
12 other females that are working there in order for him to be
13 able to post and advertise them to do naked body rubs. He
14 takes photos inside and outside the residence.

15 The only time that you see -- the only time the
16 girls are allowed to wear any sort of clothing is when they're
17 posting photographs, posing for photographs for the
18 advertisements the defendant posts on Craigslist.

19 These photos here are of Italia that the defendant
20 took and posted on Craigslist. While Italia is working at the
21 defendant's house, she meets somebody by the name of
22 Alexandria Diaz, and you're going to hear from her. She's
23 approximately, 22 years old when this is all happening and her
24 house name, nickname is Tawney (phonetic). Sort of the same
25 idea, the defendant takes pictures of her. She abides by the

1 same rules. She has to walk around naked whenever she has a
2 customer. When she's done, she has to show the defendant the
3 cash.

4 He gets excited, encourages them, good job, I get to
5 brag about you know, keep up the good work. Does that with
6 Italia. Does that with Tawney and the other females that work
7 at the house.

8 So they met -- Alexandria and Italia, they meet,
9 they become friends, and they sees -- Alexandria sees Italia
10 multiple times working at the defendant's residence giving
11 these naked body rubs that include hand jobs and other things.

12 The defendant tells Alexandria that Italia's
13 actually 18 years old. And Italia later tells Alexandria that
14 she's 16. There comes a point in time, like I said, in the
15 summer of 2016 that Italia just can't do this anymore. She
16 doesn't want to live this lifestyle. She doesn't want to work
17 for the defendant. She doesn't want to live at his house.
18 She doesn't want to work at his house.

19 So she contacts somebody that she trusts, a former
20 English teacher from her high school, Ricardo Estrada, and she
21 sends him a direct message on Facebook saying this is what
22 happened in my life. This was the situation I was in and this
23 is why I started doing these naked body rubs. This is what's
24 going on with my family and I didn't know what else to do. I
25 had to survive and this is what I did and I don't want to do

1 it anymore. What should I do? What am I supposed to do?

2 So as a teacher should and he does, he Mr. Estrada
3 calls the police and reports what Italia said was happening at
4 the defendant's house and what the defendant was having Italia
5 do.

6 So the Las Vegas Metropolitan Police Department gets
7 involved and starts investigating. They start looking at the
8 defendant's ads that he's posting. They start researching
9 what his cell phone number is. They look at what Italia's
10 cell phone number is. And you're going to hear from somebody
11 by the name of Opal Deeds. You heard in the last count -- or
12 the second to last count, count six, I believe, in the attempt
13 sex trafficking, there's somebody by the name of Tiff
14 (phonetic). Opal Deeds is an officer with the Las Vegas
15 Metropolitan Police Department, and she responds in an
16 undercover capacity to one of the ads on Craigslist that the
17 defendant posted. And she pretends to be a 17-year-old.

18 And she tells him, I'm 17 years old. I saw one of
19 your ads on Craigslist. So Metro's investigating this. Let's
20 just make sure. Let's see what's actually happening. They
21 have -- they've interviewed Italia. She's 17 years old now.
22 She was 16 at the time and it's time to investigate and verify
23 this information. So what they do is they send an undercover
24 officer to make sure. Let's what -- let's see what happens.

25 There are text messages that you're going to see

1 back and forth from the defendant's cell phone, and the police
2 officer phone that Opal Deeds, Officer Deeds used. They
3 agreed to meet at Wendy's, and the defendant's clear in his
4 text messages, no sex, but hand jobs are fine.

5 So they agree to meet at a Wendy's by his house.
6 She introduces herself as Tiff. She wears a wire and records
7 the entire conversation with the defendant. And you're going
8 to hear that entire conversation. He thinks Tiff is 17 years
9 old. In his mind, this is a teenage child that's coming to
10 him responding to a Craigslist ad. That's what the evidence
11 is going to show.

12 This is the introduction.

13 (Playing recording)

14 MR. MARTINEZ: So he compliments her. Oh, you're a
15 doll. My goodness, so pretty. You're going to hear that
16 again later. The conversation starts going about what the
17 work responsibilities are. And then the defendant starts
18 specifically talking about Italia.

19 (Playing recording)

20 MR. MARTINEZ: So she's been gone a few weeks.
21 She's had some family issues. Defendant's desperate to find
22 her.

23 (Playing recording)

24 MR. MARTINEZ: I'm desperate to find out what her
25 situation's going to be. Clients love her to death.

1 Sixteen-year-old Italia, they love her to death. These drop
2 dead gorgeous. She's a beautiful girl.

3 (Playing recording)

4 MR. MARTINEZ: Hell no, don't do it for free. If
5 they want oral sex, give it to them, but charge them more
6 money, by all means. Show me the money. Remember, he thinks
7 he's talking to a 17-year-old girl right now. After this
8 conversation, defendant gets arrested and he gets interviewed.

9 And you're going to hear this interview where he
10 admits to many things.

11 (Playing recording of interview)

12 MR. MARTINEZ: Okay. So remember, her nickname in
13 the house was Venus. The advertisements that the defendant
14 posted on Craigslist advertises her as Venus. Me, naked,
15 model quality and the smile that just fully naked, want to
16 join me, I'm not going to start until you are, lay down.
17 Talks about body rubs.

18 (Playing recording of interview)

19 MR. MARTINEZ: So he's identifying Italia in these
20 posts with the detective. The detective shows her two
21 advertisements on Craigslist. He's like, who's -- how are
22 these getting on the Internet? I post them. That's what the
23 defendant says, I post them. Do you know who this is? Venus.
24 Is this one her also? Yes. Me, naked, model quality, fully
25 naked, want to join me, sex is a no-no.

1 And he says that he even knows how old she is and
2 that she just turned 17. How long has she been working at the
3 house? About eight months. The conversation continues.

4 (Playing recording of interview)

5 MR. MARTINEZ: It doesn't hurt to ask. I'm not
6 recruiting, I'm just asking. He's trying to make these --
7 this distinguishable. He wants to create this technicality to
8 justify what he's doing, and that's what the evidence is going
9 to show. That he's trying to sparse out language that he --
10 that justifies what he's trying to accomplish with these
11 teenage girls.

12 It doesn't hurt to ask. I'm not recruiting. I'm
13 just asking. What's the difference? He's posting
14 advertisements. That's what the evidence is going to show.
15 And then he says, well, I'm stupid. It doesn't hurt to ask.
16 Does it hurt to ask?

17 (Playing recording of interview)

18 MR. MARTINEZ: So the NRS is the Nevada Revised
19 Statutes. He says, oh, I've been misreading the law. I
20 didn't realize a hand job was a sex act. Well, gee, it's
21 illegal? And the detective explains it to him. Oh, I guess I
22 just made a mistake this whole time.

23 Detectives end up obtaining a search warrant for his
24 residence. Also his electronics, which include phones,
25 computer, camera SIM card and a thumb drive. There's

1 paperwork that have printed out rules of his house. And they
2 also find in the room where all of these naked body rubs and
3 acts of prostitution are happening.

4 The evidence is going to show that the defendant is
5 running a house of prostitution. This is a place where
6 prostitution is encouraged and allowed, and this is where the
7 evidence will show this is where Italia worked and she was
8 recruited to work.

9 When the detectives search through, pursuant to a
10 search warrant, the defendant's electronic items, like his
11 cell phone, his computer, SIM card, thumb drive, this is what
12 they find in his property, his electronics, pictures of
13 Italia, the same ones that are in the ads that he admitted to
14 posting where he knows she's a 16-year-old girl, a 17-year-old
15 girl and is encouraging her to do these naked body rubs that
16 include hand jobs.

17 This very picture that's in the ad is in his
18 electronic storage. Also, this ad in his electronic storage.
19 There's also pictures, photographs that he took of Alexandria.
20 She goes by Ally and her nickname, if you remember, was
21 Tawney. There was also photographs of cash, hundreds and
22 hundreds of dollars of cash that he would use to recruit --
23 recruit Italia and use in his Craigslist ads.

24 You're going to hear testimony that again, one of
25 the rules of the house, the main rule is you had to be naked

1 in that house. You're going to hear testimony from multiple
2 witnesses that that's how it was, that's practice. And this
3 person at the computer is the defendant's biological daughter,
4 an adult.

5 And if there's -- the evidence is going to show that
6 in his electronic items, picture with his daughter, picture of
7 his driver's license, his passport, picture of the room and
8 the table that's used.

9 Now, this -- ladies and gentlemen, this isn't a
10 case, this isn't a who done it. This isn't even a what
11 happened. The defendant admits to this conduct. And the
12 evidence is going to show is that he tries to use
13 technicalities and other justifications to justify recruiting
14 Italia, a 16-year-old girl to perform sexual acts on grown men
15 repeatedly, including himself.

16 And at the end of this, we're confident that the
17 evidence will show that the defendant's guilty of all the
18 counts. Thank you.

19 THE COURT: Thank you, Mr. Martinez. Mr. Matsuda,
20 do you wish to give an opening statement?

21 MR. MATSUDA: Yes, Your Honor.

22 THE COURT: Okay.

23 DEFENDANT'S OPENING STATEMENT

24 MR. MATSUDA: Good afternoon, again, ladies and
25 gentlemen. Now, what you just heard was what we call a

1 roadmap. It's State's version of what they believe that their
2 evidence is going to show. Now, there's a reason why we took
3 a couple days to choose all of you, because we believe we
4 found people that can be impartial and reserve their judgment
5 until all the facts are out there because as you will see,
6 throughout this trial, there were numerous people living in
7 this house at any given time.

8 There were numerous people with access to computers
9 and phones. So we don't know who sent these out. Pay
10 attention to the alleged victim's testimony because there was
11 no money exchanged between my client and these girls. We want
12 you to reserve your judgment until all the facts are out
13 there. Use your common sense.

14 We are confident at the end of this trial if you do
15 those two things, you'll return a verdict of not guilty on all
16 counts. Thank you, ladies and gentlemen.

17 THE COURT: Thank you, Mr. Matsuda. State, do you
18 have your first witness?

19 MR. MARTINEZ: Yes, Your Honor. State calls Donald
20 Hoier.

21 THE COURT: Is it Coyer?

22 MR. MARTINEZ: Hoier.

23 THE COURT: Hoier, okay.

24 MR. MARTINEZ: With an H.

25 //

1 DETECTIVE DONALD HOIER, STATE'S WITNESS, SWORN
2 THE CLERK: Please be seated, stating your full
3 name, spelling your first and last name for the record.
4 THE WITNESS: Donald Hoier, D-o-n-a-l-d. Last name
5 H-o-i, as in Ida, e-r.
6 THE COURT: Thank you, sir. You may proceed.
7 MR. MARTINEZ: Thank you, Your Honor.
8 DIRECT EXAMINATION
9 BY MR. MARTINEZ:
10 Q Sir, are you retired right now?
11 A Yes, I am.
12 Q What did you retire from?
13 A The Las Vegas Metropolitan Police Department.
14 Q How long did you work for Metro?
15 A A little over 23 years.
16 Q What were your positions with Metro during those 23
17 years?
18 A My first nine years was in patrol. I was promoted
19 to my rank of sergeant in patrol, and then I transferred in
20 2001 to the VICE section.
21 Q And what were your responsibilities in the VICE
22 section?
23 A VICE section really is responsible for investigating
24 all prostitution related crime to include sex trafficking and
25 VICE related theft.

1 Q Approximately, how many investigations did -- were
2 you involved with either in a supervisory capacity or
3 investigating yourself as far as these types of cases are
4 concerned?

5 A The detective cases, I spent -- VICE is -- just to
6 kind of give a little context to what I'm going to tell you.
7 The VICE section is broken up into kind of two different
8 spheres of responsibility. There's a short-term
9 investigation side and the long-term investigation side.

10 So the short-term investigation side would be
11 individuals that would go out and try to identify
12 prostitution, their customers, and make arrests for what are
13 typically misdemeanor type crimes of soliciting prostitution
14 or engaging in prostitution or loitering for the purposes of
15 prostitution.

16 The long-term investigation side would investigate
17 pimps long-term. Those take longer terms, and also the VICE
18 related theft type cases.

19 So for my first eight years in -- assigned to VICE
20 I was an enforcement team sergeant. I was on the short-term
21 investigation side and my last almost six years was on the
22 long-term investigation side. So doing -- the long-term
23 investigations broken down into an adult side and a juvenile
24 side, I ran both of those teams at various times during my
25 tenure in the section.

1 And we would average about 145 cases, it's safe to
2 say, during my -- that time frame, a year, on both the adult
3 and the juvenile side. So during the course of those five
4 years, I'd have to do the math, but, you know, just several
5 hundred cases.

6 Q Okay. And as a part of these investigations that
7 you were either supervising or a part of, were there
8 interviews conducted of victims of trafficking?

9 A Yes.

10 Q Okay. And probably around the same amount of
11 interviews with these victims as you were talking about
12 investigations that you had --

13 A Yeah, some cases there would be more than one victim
14 so there would be multiple victims.

15 Q And also suspect interviews you were involved with
16 as well?

17 A Yes.

18 Q Okay. What training have you received or what have
19 you -- trainings have you given pursuant to your training and
20 experience in this subculture?

21 A A lot of my initial training in the VICE section
22 came from actual on-the-job training. There's really no
23 better place to learn about the subculture and what goes on
24 in this lifestyle than to actually investigate it on a daily
25 basis.

1 So in my eight years on the enforcement side, my
2 team would come into contact with anywhere between 1500 and
3 1750 prostitutes annually. So you figure you're talking and
4 interacting with that many people involved in the lifestyle
5 over the course of eight years and then you factor in the
6 long-term investigations. But I've had some formalized as
7 well.

8 I've been to two different western states, VICE
9 investigators association conferences, which are both 45
10 hours in length. First one in 2001. The second one in 2005.
11 Best training I probably ever received in terms of the
12 subculture occurred in Alexandria, Virginia when I attended
13 the protecting victims of child prostitution, which was also
14 45 hours in length and that was in 2007.

15 I have a -- as far as trainings that I've given,
16 hundreds of hours of training. I've given trainings on the
17 subculture to security professionals here in Las Vegas, to
18 Clark County District Attorney's Office, the Internal Revenue
19 Service agents, I've given trainings to them. Other police
20 departments. I've -- on three different occasions now I have
21 taught at the Utah Sheriff's Association statewide conference
22 that they have each year around this time of the year.

23 I've taught to the FBI in Washington, DC. I was
24 responsible for managing and training a -- it was a diversion
25 program offered by the Las Vegas municipal court alternative

1 sentencing program for both customers of prostitution and
2 prostitutes themselves. I did that for several years. So it
3 was just a lot, a lot of training.

4 Q Have you previously testified as an expert in the
5 Eighth Judicial District Court in the area of
6 pimp/prostitution subculture?

7 A Yes.

8 Q Approximately, how many times?

9 A I believe, this is going to be number nine or number
10 ten.

11 Q In your training and experience and as a patrol
12 officer all the way until today, have you seen generally the
13 pimping and trafficking pimp/prostitution subculture evolve
14 as technology has evolved?

15 A Yes.

16 Q In what way?

17 A In 2001, when I specifically started investigating
18 these types of crimes, the Internet was available, but the
19 use of the Internet by this criminal enterprise, it was kind
20 of in its infancy. So you would see some websites that were
21 devoted specifically to being able to go and find a
22 prostitute, but they were much fewer and farther in between
23 than what they are now.

24 So in 2001, if a person wanted to meet a prostitute
25 or meet somebody who they wanted to recruit into the life of

1 prostitution, that was done predominantly in public in the
2 streets in places where prostitutes would congregate or in
3 places where somebody might be able to find somebody that
4 they could recruit into that lifestyle like a bus station or
5 an arcade or some bus stops, schools, outside of schools,
6 public streets.

7 Fast forward to 2017. There are just a number of
8 websites where one could find the service of a prostitute and
9 with social media, things like Facebook, Instagram and
10 twitter and all these places have provided a pimp an
11 opportunity to have access to people pretty much 24/7 without
12 even leaving the comforts of their own home or the potential
13 victim leaving the comforts of their home.

14 And so whereas in 2001 recruitments were happening
15 on the street, now we're -- when I left it at the agency,
16 you're seeing them happen via computer and people communicate
17 for a short period of time and meet up and off they are to
18 the races.

19 So the Internet and use of social media has become
20 a really huge center piece in regards to recruiting and, you
21 know, engaging in the life of prostitution.

22 Q In your training and experience, when you've
23 investigated these cases, just from the victim side of
24 trafficking, generally speaking, what point in their life is
25 a -- for example, a teenage victim of trafficking, what are

1 they experiences in life generally, that you noticed?

2 A Chaos. To sum it up in one word, chaos. Typically
3 speaking, juveniles are the number one demographic targeted
4 for recruitment into the lifestyle. It's largely because
5 they lack life experience. They have chaotic things or what
6 they themselves view as being chaotic in their own lives that
7 can be exploited by somebody else.

8 So when you factor those things together, they make
9 very good potential victims in -- and targets. But to sum up
10 what's really going on, chaos, and to break that down a
11 little further, chaos can take the form in a number of
12 things, being in a single parent home. Maybe if the victim
13 is with the mother, then the mother maybe has a lot of men in
14 and out of her life, the roles are switched if it's the child
15 is with the male of the family, there's a lot of women in and
16 out. There's really no stability. Maybe there's substance
17 abuse issues within the household. There could be sexual
18 abuse in the household.

19 A lot of chaos and uncertainty in the child
20 victim's life.

21 Q So with that chaos and uncertainty in the child's
22 life, how have you seen traffickers or pimps use that as an
23 opportunity to recruit --

24 A Yes.

25 Q -- these child victims? How have you seen that

1 happen? What types of promises are they giving these
2 victims?

3 A Pimps are very, very good at identifying in a very
4 short period of time things that they can exploit to their
5 advantage. What we see -- had seen -- or what I have
6 personally seen on previous occasions has been they target
7 who have kind of an empathy button to them. They reach out
8 at first and look to see what type of, you know, empathy
9 button that individual has.

10 If they have a high propensity for empathy they can
11 use that to get in. They'll look and get really in a short
12 period of time learn the life story of the victim. And so if
13 the victim, say for instance, is a runaway or there's chaos
14 at home that is not -- they're not liking their situation
15 that they're in, the pimp will try to fill that void through
16 an offer of I can give you a better life, I can give you a
17 much more secure, safe household.

18 Think of Maslow's hierarchy of needs. I have come
19 across a number of pimps that actually will kind of use as a
20 blueprint for recruitment. At your base level you have your
21 physiological needs. That's a very base level of the
22 pyramid. And if you're not all familiar with it, it's set up
23 as a pyramid. It's larger at the bottom, working its way up
24 to the point.

25 At the very bottom is the physiological needs, and

1 those are the things that we all need. We need air to
2 breathe, food, water, clothes, shelter from the elements.
3 Those are our basic needs. So the pimp may find an in there.
4 Then there is the security needs, is the next level
5 of the pyramid. And that's going to be different for
6 everybody, but I think it's fair to say that people want to
7 feel secure that they're not going to lose their
8 physiological needs. So if a victim may have those already,
9 the pimp is just going to move in. They might an in at the
10 security level to say, hey, you know, I can -- I can assure
11 you that you'll never lose those things where it may be kind
12 of tenuous now at the moment.

13 And then there's the next level of being of love
14 and belonging. Everybody wants to feel love and belonging,
15 and if -- that may be an entryway for the pimp where quite
16 frequently we'll see romantic relationships be borne between
17 the trafficker and the victim, where the victim thinks it's
18 going to be a romantic relationship and then it ends up not
19 really being a romantic relationship. The pimp knows it's
20 going to be a business relationship.

21 And then we have esteem. Everybody wants to feel
22 that they're useful and that they -- they're worth something.
23 And so the pimp may find an entry there, and saying, you
24 know, hey, by engaging in prostitution you're doing any of
25 these number of things to give you a purpose in life and it's

1 your bigger part of what you are, you know, with me than what
2 you would be if you weren't with me. You could be a bigger
3 part of something.

4 And then finally, there's the self-actualization of
5 the top level of the pyramid, where you've essentially become
6 all that you can be.

7 So they use that model, and they'll use any number
8 of tricks and gimmicks in between there to find their in and
9 twist that. Sometimes there's violence associated, and
10 sometimes there's not violence associated with it. And
11 really, in the subculture, pimps who are out there actively
12 engaged in this lifestyle would much rather do it without the
13 violence because they're viewed as a higher level, you know,
14 of a more successful pimp, per se, if they don't have to
15 resort to solely violence.

16 I mean, I guess, what I'm trying to say is
17 everybody aspires to be able to use just their gift of gab to
18 get somebody to do what they want as opposed to just
19 resorting to physical violence to do it. Although, we
20 certainly see, you know, both ends of the spectrum and
21 everything in between when it comes to that and pimping.

22 Q In your training and experience, have you seen
23 inducement in the forms of traffickers saying to their
24 victims that what they're doing is not illegal?

25 A Yes.

1 Q And in what way does that induce a teenage victim in
2 your experience? How has that worked?

3 A Whether it's a teenager or an adult, the first thing
4 that comes to mind, at least comes to my mind and people who
5 have any kind of life experience at all that doing something
6 like prostitution related activities is going to be illegal
7 and you could potentially go to jail.

8 So a pimp or a trafficker, however you want to
9 refer to them, will try to soften that blow by saying, you
10 know, what -- if you do act A instead of act B, you're not
11 going to get arrested because it's not against the law.

12 So they'll try to minimize certain things. Like,
13 if you're not actually having intercourse, it's not against
14 the law. So by reducing the perceived risk, especially with
15 a child who doesn't know any better, doesn't have that life
16 experience to know better, it can lower their inhibitions to
17 -- you know, any inhibitions they may have towards engaging
18 in illegal activity to begin with, if that makes sense.

19 Q And in your training and experience, you had
20 mentioned previously how in the early 2000s, in order to
21 encounter or recruit a prostitute or a victim, you had to
22 physically go out into the street and find it; is that
23 correct?

24 A Yes.

25 Q And then as technology has evolved and social media

1 has evolved, it's been easier to recruit -- both recruit and
2 contact victims of trafficking; is that correct?

3 A Yes.

4 Q And patronize them?

5 A Yes.

6 Q Okay. Were you a part of an investigation in this
7 case at all?

8 A No.

9 Q Did you review any documents in this case?

10 A No.

11 Q So your testimony in this is just in the
12 pimp/prostitution subculture; is that correct?

13 A Yes.

14 Q Are you getting paid for this testimony?

15 A No.

16 MR. MARTINEZ: Pass the witness.

17 THE COURT: Mr. Matsuda.

18 MR. MATSUDA: Thank you, Your Honor.

19 CROSS-EXAMINATION

20 BY MR. MATSUDA:

21 Q Mr. Hoier, good afternoon.

22 A Good afternoon.

23 Q How are you doing?

24 A Good. How are you?

25 Q I'm doing fine. Okay, so what -- I'm just going to

1 follow up what Mr. Martinez just said. Everything you just
2 stated is generalizations, correct?

3 A Yes.

4 Q Okay. And in this case, you didn't actually
5 interview the alleged victims?

6 A No, not at all.

7 Q Okay. So Ms. Perez and Ms. Diaz, you never sat down
8 and went into why they may have done these things?

9 A Nope. Wouldn't -- wouldn't be able to recognize
10 them if they walked in the courtroom.

11 Q Okay. And my client, Mr. Coil, back here, did you
12 sit down and talk to him about what was going on?

13 A No, not at all.

14 Q Okay. So everything you just testified is to
15 basically your training and experience into the culture?

16 A Correct.

17 Q And not this specific case?

18 A Correct.

19 Q Thank you.

20 MR. MATSUDA: Nothing further, Your Honor.

21 THE COURT: Any follow-up, Mr. Martinez?

22 MR. MARTINEZ: No, Your Honor.

23 THE COURT: Do any of the ladies and gentlemen of
24 the jury have any questions for this witness? Seeing no
25 response, is this witness to be excused?

1 MR. MARTINEZ: Yes, Your Honor.

2 THE COURT: Sir, you may be excused. Thank you so
3 much --

4 THE WITNESS: Thank you.

5 THE COURT: -- for appearing here today. State, do
6 you have another witness?

7 MR. MARTINEZ: Yes, Your Honor. The State calls
8 Italia Perez. Can we approach real quick?

9 THE COURT: Yes.

10 And I believe, that one of the jurors needs a break
11 so we are going to -- hold on, sir, you can't just -- have a
12 seat. We are going to take a recess for ten minutes.

13 Ladies and gentlemen of the jury, during this
14 recess, you are admonished not to talk or converse amongst
15 yourselves or with anyone else on any subject connected with
16 this trial or read, watch or listen to any report of or
17 commentary on the trial or any person connected with this
18 trial by any medium of information, including without
19 limitation, newspapers, television, the Internet and radio or
20 form or express any opinion on any subject connected with the
21 trial until the case is finally submitted to you.

22 So it is five 'till, so we will return at 4:05.

23 THE MARSHAL: All rise for the jury.

24 (Outside the presence of the jury)

25 THE COURT: State, I don't know if she's out there.

1 MR. MARTINEZ: She's coming now.

2 THE COURT: Oh, okay.

3 (Court recessed at 3:52 p.m. until 4:07 p.m.)

4 (In the presence of the jury)

5 THE MARSHAL: All present, Your Honor.

6 THE COURT: You may be seated. We are back on the

7 record in C-318335, State of Nevada versus David Coil.

8 Mr. Coil is present with his attorney, Mr. Matsuda. The

9 Deputy District Attorneys are here on behalf of State. Do

10 both sides stipulate to the presence of the jury?

11 MR. MARTINEZ: Yes, Your Honor.

12 MR. MATSUDA: Yes, Your Honor.

13 THE COURT: State, call your next witness.

14 MR. MARTINEZ: The State's going to call Italia

15 Perez. And for the record, the State has marked and is

16 moving to admit State's Proposed Exhibits 6 through 46.

17 We've gone over with the defense, those photos and we're

18 moving for their admission now. I don't believe there's an

19 objection.

20 MR. MATSUDA: No objection, Your Honor.

21 THE COURT: No objection. Based on their not being

22 an objection, State's 6 through 46 will be admitted.

23 (State's Exhibits 6 through 46 admitted)

24 //

25 //

1 ITALIA PEREZ, STATE'S WITNESS, SWORN

2 THE CLERK: Please be seated, stating your full

3 name, spelling your first and last name for the record.

4 THE WITNESS: Italia Perez, I-t-a-l-i-a, P-e-r-e-z.

5 THE COURT: And ma'am, you are very, very soft

6 spoken. If you could speak directly into that microphone,

7 thank you so much.

8 MR. MARTINEZ: Can we maybe prop that up so she

9 doesn't have to --

10 THE COURT: Okay.

11 MR. MARTINEZ: -- [inaudible]?

12 DIRECT EXAMINATION

13 BY MR. MARTINEZ:

14 Q Good afternoon, Italia. How are you?

15 A I'm good.

16 Q Okay, can you speak into the microphone?

17 A I'm good.

18 Q How old are you?

19 A I'm 18.

20 Q When's your birthday?

21 A July 30th.

22 Q And what year?

23 A 1999.

24 Q Do you have any brothers and sisters?

25 A Yeah.

1 Q How many brothers?

2 A One brother.

3 Q How many sisters?

4 A Six -- or seven, half sister. One -- one of my

5 sister is a half sister.

6 Q Okay. And where do you fall in the ages?

7 A I'm the third youngest. I have two little sisters.

8 Q I'm going to turn your attention to October of --

9 THE COURT: Can we get that handheld mic for her?

10 THE MARSHAL: Yeah, that's what I'm going to do.

11 THE COURT: Yeah. Would you be more comfortable if

12 you just held the mic instead of you having to keep leaning

13 over?

14 THE WITNESS: Yeah, that's fine.

15 THE COURT: We'll just get you a handheld mic kind

16 of like American Idol, but just the court's version. Is that

17 a little bit more comfortable for you?

18 THE WITNESS: Yeah, that's fine.

19 THE COURT: Okay.

20 BY MR. MARTINEZ:

21 Q So I'm going to turn your attention to October of

22 2015, okay? How old were you at the time?

23 A Sixteen, I think.

24 Q And what was your living situation like at home at

25 that time?

1 A I was living with my sister.

2 Q And how old was the sister that you were living
3 with?

4 A Twenty-three.

5 Q And was there anyone else living there besides the
6 two of you?

7 A It was her, three kids, and her boyfriend and her
8 two roommates.

9 Q During that time frame, were you supposed to be
10 going to school, high school?

11 A Yeah.

12 Q What --

13 A Yes.

14 Q What high school were you supposed to be going to?

15 A Western High School.

16 Q And were you going at that time?

17 A No.

18 Q Where were your parents and the rest of your family
19 at that time?

20 A They were staying in Siegel Suites.

21 Q Were they going through some pretty difficult times?

22 A Yes.

23 Q Okay. And can you tell us just a little bit what
24 was going on during that time?

25 A So my family had lost their house and so they were

1 staying in the hotel.

2 Q They were staying at the Siegel Suites? So what
3 made you decide to live with your sister in October of 2015?

4 A There was a lot of people in the hotel room so I
5 didn't want to stay.

6 Q And did there come a point in time where you felt
7 like you were going to try to make some money?

8 A Yeah.

9 Q What were you trying to make money for?

10 A To -- I don't know, to like -- I don't know, to like
11 live, I guess.

12 Q To live? Okay. Were there bills that needed to be
13 paid at your sister's place?

14 A No, she didn't -- she didn't -- she had everything.

15 Q She had everything she needed?

16 A Yeah. It was for her and her kids and --

17 Q Okay.

18 A -- yeah.

19 Q And what did you feel like your responsibility was?

20 A My responsibility?

21 Q If you had any.

22 A I'm not sure.

23 Q If you didn't, then that's okay.

24 A Just to go to school, I guess.

25 Q But you felt like you needed to earn some money; is

1 that fair to say?

2 A Yes.

3 Q Okay. And you said that it was just to live; is

4 that right?

5 A Yes.

6 Q Did there come a point in time where you were

7 looking on Craigslist for a way to earn some money?

8 A Yes.

9 Q Did you come across an ad that involved body rubs?

10 A Yes.

11 Q And did you respond to the ad?

12 A Yes.

13 Q And was that through e-mail?

14 A Yes.

15 Q And what -- if you recall, what did you say in your

16 e-mail?

17 A I asked about the job, and how much would I be

18 making and what I would be doing.

19 Q Did you also tell -- in your response, did you say

20 how old you were?

21 A Yes.

22 Q And you were 16?

23 A Yes.

24 Q And did you get a response?

25 A Yes.

1 Q What was the response, if you remember?

2 A It was saying -- I think, it was just telling me
3 what the job was and that that was fine.

4 Q And that what was fine?

5 A I don't remember exactly what it said.

6 Q Was it that you were 16 was okay?

7 A I think so, yes.

8 Q Did you eventually exchange phone numbers with the
9 person that you responded to?

10 A Yes.

11 Q And then did you guys start texting each other?

12 A Yeah. Yes.

13 Q Did there come a point in time in October of 2015,
14 where you actually met the individual that was posting the
15 ad?

16 A Yes.

17 Q Do you see that individual in the courtroom today?

18 A Yes.

19 Q Could you point to that individual and describe an
20 article of clothing he's wearing today?

21 A A gray shirt.

22 MR. MARTINEZ: Will the record reflect
23 identification of the defendant?

24 THE COURT: It will.

25 BY MR. MARTINEZ:

1 Q And how did the -- how did you come to meet the
2 defendant?
3 A We met at a -- a fast food chain.
4 Q And WHAT area of town were you guys in at the fast
5 food chain? If you remember.
6 A I don't remember the exact part of town.
7 Q Was it in Las Vegas?
8 A Yes.
9 Q Here in Clark County, Nevada?
10 A Yes.
11 Q And you met the defendant at the fast food
12 restaurant?
13 A Yes.
14 Q What did you guys talk about at the fast food
15 restaurant?
16 A I don't remember.
17 Q Okay. Did you go anywhere from the restaurant?
18 A We went to his house.
19 Q And when you say we, who is we?
20 A Me and another girl.
21 Q Was the other girl at the restaurant, too?
22 A We were in the car.
23 Q You were in the car together?
24 A We never went inside the restaurant.
25 Q So you guys left the restaurant together and then

1 where did you go?

2 A We went to his house.

3 Q And that was still in Las Vegas, in Clark County,
4 Nevada?

5 A Yes.

6 Q Once you got to the house, tell us what happened
7 once you walked inside.

8 A We went inside and I think at some point we took off
9 our clothes and that was -- that's it, yeah.

10 THE COURT: And what was the last thing you said,
11 I'm sorry?

12 THE WITNESS: We took off our clothes.

13 THE COURT: Okay.

14 BY MR. MARTINEZ:

15 Q So the defendant took off his clothes?

16 A At some point, yes.

17 Q And you took off yours?

18 A Yes.

19 Q And did the other female that was there take off her
20 clothes?

21 A Yes.

22 Q After you guys took off your clothes, what happened?

23 A We -- we sat down and talked.

24 Q The three of you?

25 A Yes.

1 Q Do you remember what you guys talked about?

2 A We talked about rules of the house and that was --

3 Q And what were some of the rules of the house that

4 you remember talking about?

5 A You had to be naked at all times, and it's just --

6 it was with the job, like job rules, basically.

7 Q All right. So you had to be naked all the time in

8 the house; is that right?

9 A Yeah.

10 Q Do you remember any other rules off the top of your

11 head?

12 A You had to show him the money you've made before

13 you've left. There was no sex in the bedroom or there was no

14 sex with clients. There was no dating clients.

15 Q All right. And you had to show him the cash that

16 you made?

17 A Yes.

18 Q Did you guys talk about how you were supposed to

19 make the money?

20 A By giving body rubs.

21 Q All right. And was that supposed to be done in a

22 room in the house?

23 A Yeah. Yes.

24 Q Did you talk about how much you were supposed to

25 charge for a body rub?

1 MR. MATSUDA: Your Honor, I'm going to object at
2 this point. I'm not sure if we're talking about the other
3 female that's saying these rules or if it's Mr. Coil.

4 THE COURT: Okay. And I'm going to sustain that.
5 Mr. Martinez, can you clarify that?

6 MR. MARTINEZ: Absolutely.

7 BY MR. MARTINEZ:

8 Q Did the defendant talk about how much you were
9 supposed to charge for body rubs?

10 A Yes.

11 Q How much did he say you were supposed to charge?

12 A 80.

13 Q \$80?

14 A Yes, a donation of 80.

15 Q Did the defendant talk to you about what you were
16 supposed to do in a body rub?

17 A I can't remember.

18 Q Okay. Did he talk about certain parts of the body
19 that you were supposed to touch on a client?

20 A I can't remember.

21 Q Did there come a point in time where you started
22 drinking some alcohol?

23 A Yes.

24 Q Did the defendant call this meeting that you were
25 having in the house an interview?

1 A Yes.

2 Q And do you remember what you were drinking?

3 A I might have -- Tequila and wine.

4 Q Do you remember how much you drank?

5 A I think it was -- it was a decent amount.

6 Q So were you feeling drunk?

7 A Yes.

8 Q Did you -- do you remember if you told the defendant

9 that you were drunk?

10 A I don't remember.

11 Q Okay. Did there come a point in time when you told

12 the defendant that you didn't want to work there?

13 A Yes.

14 Q And that was during the interview?

15 A That was after.

16 Q That was after the interview?

17 A Yeah.

18 Q What -- did the defendant say anything when you said

19 you didn't want to work there?

20 A I had apologized for -- because I had felt bad for

21 wasting the time for coming there, and I had asked him if

22 there was anything I could like do to like make up for it.

23 Q So you felt bad because you felt like you had wasted

24 his time?

25 A Yes.

1 Q What did the defendant say when -- after you asked
2 him if there's anything you could do?
3 A He had asked me to -- well, to give him a rub.
4 Q A rub?
5 A Yes.
6 Q And this is while your guys' clothes was still off?
7 A Yes.
8 Q What happened next?
9 A We had gone to the body rub room and I had given him
10 a rub.
11 Q So when you guys first go into the room, you guys
12 are still in the house; is that right?
13 A Yes.
14 Q And you went into the body rub room; is that right?
15 A Yes.
16 Q What's in there?
17 A It's a massage table and it's -- and a little table
18 with stuff on it.
19 Q What kind of stuff was on the table?
20 A Just little like bottles, that dispenses things.
21 Q And what was -- what was in the bottles, do you
22 remember?
23 A After I had used it, it was oil and there was a
24 bottle of lotion.
25 Q After you guys went into the room, what did the

1 defendant do?

2 A If -- he had laid down on his stomach.

3 Q So he laid down on his stomach?

4 A Yes.

5 Q And he was on the massage table?

6 A Yes.

7 Q After he laid down on his stomach, did he say

8 anything to you?

9 A I think he was -- if I remember correctly, I think

10 he was telling me how to give a body rub.

11 Q Okay. So what kinds of things did he tell you about

12 how to do a body rub?

13 A Basically, just like rub down the back and yeah.

14 Q Okay. So you started on his back?

15 A Yeah.

16 Q And was he giving you instructions on how to do that

17 while you were doing it?

18 A I don't remember.

19 Q Okay. So you started rubbing his back; is that

20 right?

21 A Yes.

22 Q What -- after you were rubbing his back, then what

23 happened next?

24 A He turned over and we started rubbing the front.

25 Q Okay. And he talked to you about using any of the

1 lotion or the oil at that point?

2 A Yeah. You put lotion on -- while you rub anything,
3 you put lotion on the --

4 Q Okay.

5 A -- your hands.

6 Q So he said that -- so for example, you said he was
7 laying on his stomach and you started rubbing his back, and
8 so did he say use lotion when you're rubbing his back?

9 A Yes.

10 Q And then he -- how long do you think you were doing
11 that for, rubbing his back, if you remember?

12 A I don't remember.

13 Q Okay. And eventually he turned over on his back?

14 A Yes.

15 Q And his clothes were still off?

16 A Yes.

17 Q What -- and you indicated previously that you
18 started rubbing the front part of his body; is that correct?

19 A Yes.

20 Q Okay. Where did you start on the front part of his
21 body, where the rubbing start?

22 A I think it might have been the chest or the arms.

23 Q Okay. And did you start there because the defendant
24 asked you to?

25 A I don't remember.

1 Q Okay. What happened after you started rubbing the
2 arms and the -- and his chest?

3 A I think I made my way towards like the legs and the
4 stomach.

5 Q Okay. All right. And was he giving you
6 instructions during this time?

7 A I don't remember.

8 Q After you started rubbing his legs, where did you go
9 to?

10 A His genitals.

11 Q And so in his genital area?

12 A Yes.

13 Q And did he want you to do that?

14 A I think, yes.

15 Q Okay. Was he talking to you during this time?

16 A I don't remember.

17 Q So what part of his genital area did you touch?
18 Like his penis?

19 A Yes.

20 Q And how did you touch it? What did you do? I'm
21 sorry.

22 A It's okay. I'm sorry, what did you say?

23 Q What did you do with his penis? Did you rub it?

24 A Yes.

25 Q Do you know for approximately how long?

1 A I don't remember.

2 Q Okay. Do you need a break?

3 A I'm okay, thank you.

4 Q Did there come a point in time after you were

5 rubbing the defendant's penis that he ejaculated?

6 A Yes.

7 Q And did he say anything to you after that?

8 A I think it was -- it was just -- I mean, he -- he

9 just said I was good, I think. That was -- that's all I

10 remember.

11 THE COURT: And I didn't hear you. What did you

12 just say?

13 THE WITNESS: He -- he said I was good.

14 THE COURT: Okay.

15 BY MR. MARTINEZ:

16 Q And did he give you anything?

17 A It was \$200.

18 Q In cash?

19 A Yes.

20 Q What went on in your mind after he gave you that

21 money?

22 A I -- I liked it. I thought it was cool.

23 Q Did that help change your mind about working at his

24 house?

25 A I did reconsider, yes.

1 Q Why did you reconsider?

2 A It was a lot of money.

3 Q And that was all on the first day that you met him;

4 is that right, the defendant?

5 A Yes.

6 Q What happened after he paid you?

7 A I think I had stayed a little longer, and then I --

8 I had texted a friend that -- like beforehand, like while I

9 was drinking to -- if he could pick me up and so I think I

10 left after that, and my friend picked me up.

11 Q All right. And do you remember how you left it with

12 the defendant as far as if you were going to come back or

13 what was the next step that you guys talked about?

14 A I think I might have said I would think about it or

15 I would come back. I can't remember.

16 Q Okay. Did you eventually go back?

17 A Yeah.

18 Q How long after that first time you were at his house

19 you went back?

20 A I think it was -- I can't remember.

21 Q Okay. Do you think it was more than a day?

22 A I can't remember.

23 Q Okay. Was it during the time frame between August

24 of 2015 and August of 2016?

25 A I can't remember.

1 Q Okay. But you did go back there again, right?

2 A Yes.

3 Q So the next time that you went there, what went on

4 at the house?

5 A I think I had came back and I had like -- I actually

6 worked for the first time.

7 Q And when you say worked, what do you mean?

8 A I had -- we had scheduled appointments and yeah, I

9 had taken clients.

10 Q Were there other females at the house at that time?

11 A I think there were -- there was one other girl. The

12 girl I -- that we picked up -- I mean, that we -- had been

13 with me when we picked her up -- when they had picked me up.

14 Q And do you remember what her name is or was?

15 A I think it was Olive.

16 Q So when you said that there were clients that were

17 scheduled for you, how did that happen? Do you know?

18 A We had posted an ad.

19 Q And when you say we, who are you talking about?

20 A Me and David.

21 Q And David is the defendant?

22 A Yes.

23 Q So you said you posted an ad. Where was the ad

24 posted?

25 A On Craigslist.

1 Q And what was on the ad, do you remember?

2 A It was a photo of me and I think it -- there was --
3 there was text on it, yeah.

4 Q Okay. Advertising body rubs and stuff like that?

5 A Yes.

6 Q And who took that picture for the ad?

7 A That was David.

8 Q Do you remember where you were when he took that
9 picture for the ad?

10 A I'm sorry?

11 Q Do you remember where you were when he took the
12 picture for the ad?

13 A The first time, no.

14 Q What about the second time?

15 A Oh, you mean like in the house?

16 Q Uh-huh.

17 A Yes, I was in the house.

18 Q You were in the house? Did you ever take any -- did
19 the defendant ever take any photos of you like in the
20 backyard, too?

21 A Yes.

22 Q Okay. So inside and outside of the house?

23 A Yes.

24 Q And what were the purpose of those photos?

25 A To put in ads.

1 Q Did the defendant say anything to you while he was
2 taking pictures?
3 A I can't remember.
4 Q How do you know that he posted those on Craigslist?
5 A I was there with him.
6 Q You were there with him --
7 A Yes.
8 Q -- and you saw him post the ads?
9 A Yeah.
10 Q And with your picture?
11 A Yes.
12 Q So on that second time that you went back, there
13 were -- there was an ad placed for you and you had clients
14 coming in; is that correct?
15 A Yes.
16 Q Were these grown adults that came in?
17 A Yes.
18 Q Do you remember how many clients came that first --
19 that second time that you were there?
20 A How many clients? I had stayed there for, I think,
21 it was a day and a night and the next day after that.
22 Q Okay.
23 A Or it might have been -- it was a day, and it was
24 the equivalence of I think it was -- I made like \$2,300 so --
25 Q \$2,300?

1 A Yeah.

2 Q After -- okay, so what kinds of things were you
3 doing with the clients to make that money?

4 A I was giving body rubs.

5 Q And was it the same type of body rub as you did with
6 the defendant?

7 A Yes.

8 Q And what did you charge for the body rubs?

9 A 80.

10 Q And after you were done with a client doing a body
11 rub like you had done with the defendant, what did you do
12 with the money?

13 A I had put it on the table, I think.

14 Q And why did you put it on the table?

15 A I don't know, I just -- I don't -- I just did.

16 Q Before you testified that one of the rules of the
17 house was you had to show him the money; is that right?

18 A Yes.

19 Q Okay. So after these clients paid you, would you
20 show the defendant the money?

21 A Not exactly.

22 Q Okay. What would you do?

23 A I would just put it on the table.

24 Q Okay. And were there times that he saw you put it
25 on the table, the defendant?

1 A Yes.

2 Q And would he say anything to you when he saw you put
3 the money on the table?

4 A I guess, sometimes he would just make comments
5 on --

6 Q He would make comments?

7 A We --

8 Q Both made comments?

9 A Well, I don't remember exactly, but like, whether or
10 not they tipped or like I don't know.

11 Q Okay. So sometimes the clients would tip beyond the
12 \$80 that you were charging; is that correct?

13 A Yeah.

14 Q And then when you were done you put the money on the
15 table?

16 A Yes.

17 Q Did you ever see the defendant taking pictures of
18 the money that was on the table of the cash?

19 A No.

20 Q Okay. Did he ever tell you that you did a good job
21 or anything like that or keep up the good work?

22 A Yes.

23 Q And that's after you would show him the money?

24 A Yes.

25 Q Did you go back another time?

1 A Yes.

2 Q And how often do you think you went during the time
3 that you were working? How many times a week?

4 A I would say it was like three to five times.

5 Q Three to five times?

6 A If not more. I don't remember.

7 Q And did you have clients -- did you give body rubs
8 to clients on every time that you were at the house working
9 or were there times where there weren't any clients?

10 A No, whenever I was at the house, I was working.

11 Q Did you ever meet anybody by -- that had a nickname
12 of Tawney?

13 A Yes.

14 Q Who is Tawney?

15 A Tawney is another girl that works there or worked
16 there.

17 Q And did you guys work at the same time sometimes?

18 A Yes.

19 Q Were there any other times where the defendant asked
20 you to give him a body rub besides that first interview?

21 A Yes.

22 Q How many times did he ask you to give him a body
23 rub?

24 A He would ask, but it wouldn't -- it didn't always
25 happen, though.

1 Q Okay. Why -- sometimes -- so he would ask and
2 sometimes it wouldn't happen; is that -- okay. And why would
3 it sometimes not happen?

4 A Conflicting time, I guess. Like time schedules.

5 Q Okay. And sometimes it would happen?

6 A Yeah.

7 Q When there was like an opening in the schedule?

8 A Yeah.

9 Q How many times do you think you gave the defendant a
10 body rub like the interview after that first day?

11 A I think two or three times.

12 Q And that was between October and August of -- I'm
13 sorry, October 2015 and August of 2016?

14 A Yes.

15 Q When you were 16 years old at the time?

16 A Yes.

17 Q Those two or three more body rubs that you did with
18 the defendant, were they just like the ones when you had the
19 interview?

20 A Yes.

21 Q So did you rub his penis in those as well?

22 A Yes.

23 Q Did he pay you?

24 A Yes.

25 Q Do you remember how much he paid you?

1 A I think, it was -- it ranged from like 80 to 100.
2 So it was like 100 usually.

3 Q Okay. So he would tip you as well?

4 A Yes.

5 MR. MARTINEZ: Can I have the Court's brief
6 indulgence?

7 THE COURT: Yeah.

8 (Pause in the proceedings)

9 MR. MARTINEZ: Since these exhibits have been
10 admitted, may I publish these, Your Honor?

11 THE COURT: Yes. And just for the record, they are
12 6 through 47. Mr. Matsuda, you have no objection to those?

13 MR. MATSUDA: So objection, Your Honor.

14 THE COURT: Okay. So of through 47 will be
15 admitted.

16 (State's Exhibits 6 through 47 admitted)

17 BY MR. MARTINEZ:

18 Q We're going to go over some photos; is that okay?
19 Do you need a break for a second?

20 A No, I'm fine.

21 Q Are you sure?

22 A Thank you. Yeah.

23 Q Okay.

24 (Pause in the proceedings)

25 MR. MARTINEZ: Judge, can you ask the jury if they

1 can --

2 THE COURT: Okay. Can you guys all see that TV

3 screen? Okay, it's not -- anybody on the end, everybody can

4 see that? Okay. Would you guys -- would it help you if it

5 was angled more towards you?

6 UNIDENTIFIED SPEAKER: Yeah, angled.

7 THE COURT: Okay. For you, ma'am, on the end it's

8 hard for you to see? Can you angle the TV some more?

9 THE MARSHAL: Yes, Your Honor.

10 THE COURT: Okay. Is that better for you guys to

11 see?

12 UNIDENTIFIED SPEAKER: [Inaudible].

13 THE COURT: Okay.

14 UNIDENTIFIED SPEAKER: [Inaudible].

15 BY MR. MARTINEZ:

16 Q Before we get to the photos, just a few more

17 questions about what was going on at the house, okay? You

18 had talked about that there were other females that were

19 working there; is that correct?

20 A Yes.

21 Q Were they doing the same thing that you were doing?

22 A Yes.

23 Q They were giving body rubs?

24 A Yes.

25 Q Without any clothes on?

1 A Yes.

2 Q Okay. And they were getting paid for that?

3 A Yes.

4 Q Okay. And were they supposed to follow the same

5 rules as you were?

6 A Yes.

7 Q Okay. Were there any rules that were posted at the

8 house or that you could read?

9 A No.

10 Q Do you remember seeing any typed out rules?

11 A Yes, just on a piece of paper.

12 Q Just on a piece of paper?

13 (Pause in the proceedings)

14 BY MR. MARTINEZ:

15 Q Did you ever see the defendant taking pictures of

16 the other females that worked there?

17 A Yes.

18 Q And were they kind of wearing the same types of

19 things that you were wearing during the photographs that were

20 being taken?

21 A Yes.

22 Q Did you see any ads that the defendant posted of the

23 other females that were working there?

24 A Yes.

25 Q Did you ever see the other females showing the

1 defendant the cash that they had made after giving a body rub
2 to a client?

3 A Not directly.

4 Q Did you hear about it?

5 A Yeah. We would never just like show the cash.

6 Q Okay. How would you let him know that you made
7 money?

8 A He would just ask how much you made, I guess.

9 Q The defendant would ask how much you made?

10 A Yeah.

11 Q And would you tell him?

12 A (Indecipherable) oh, this much.

13 Q Okay. And would he say anything to you after you
14 told him?

15 A I don't remember.

16 Q Okay. Now, did you see these other females going
17 into the body rub room without any clothes on?

18 A Yes.

19 Q And these were with adult males?

20 A Yes.

21 Q Okay. Did the adult males have any clothes on?

22 A Yes.

23 Q When they'd go in the room?

24 A Yeah.

25 Q Okay. And what were they supposed to do when they

1 got in the room?

2 A You just ask them to take their clothes off.

3 Q And how did you know to do that? Was that from the
4 direction of the defendant?

5 A I think so.

6 Q Did the defendant -- did you ever hear the defendant
7 talking about other things you could do besides like during
8 the body rub? Before you had described the body rub being
9 like rubbing the back and the front and then the genital area
10 and the penis. Were there other things that you heard the
11 defendant talk about saying was okay to do?

12 A You could -- you can like rub the outside of their
13 like -- their like asshole, I guess.

14 Q Okay, okay. And did you talk about using the oil
15 for that?

16 A Yeah.

17 Q Did he also -- did he ever talk about oral sex?

18 A Oral sex?

19 Q Yeah.

20 A If it was your thing, you could do that.

21 Q And what did he talk about -- so if it was your
22 thing you could do that with the clients after a body rub?

23 A Or during.

24 Q Or during?

25 A Yeah.

1 Q Did he say anything about how much you should charge
2 for if you should charge anything extra for oral sex if that
3 was your thing?
4 A No. It was just -- it was just -- it was always
5 just 80.
6 Q And he didn't talk about charging more for oral sex?
7 A No.
8 Q Did you ever hear him talking about -- with one of
9 the other girls go straddling a client?
10 A Yes. Straddling was okay.
11 Q Straddling was okay?
12 A Yeah.
13 Q What was involved with straddling a client? What
14 were you supposed to do with that?
15 A Basically, you would like put oil on your vagina and
16 oil on the -- the client's like genitals and get on top of
17 them and just like slide over it.
18 Q Slide over it?
19 A Yeah.
20 Q Okay. And would your vagina make contact with the
21 client's penis during that time?
22 A Yes.
23 Q Okay. And the defendant said that was okay?
24 A Yeah.
25 Q And that that could be a part of the body rub?

1 A Yep.

2 Q And did you do that with some clients?

3 A Yes.

4 Q Did you did that with the defendant?

5 A Yes.

6 Q And you heard the defendant talking about that with

7 other girls as well; is that correct?

8 A I can't remember.

9 Q Okay. I'm going to show you what's been admitted as

10 State's Exhibits 6 through 10.

11 THE COURT: Can you see that on your screen?

12 THE WITNESS: Yeah.

13 BY MR. MARTINEZ:

14 Q Who's that?

15 A That's me.

16 Q Who took that photo?

17 A Dave.

18 Q And where are you at that time?

19 A In the backyard.

20 THE COURT: And which exhibit is that,

21 Mr. Martinez?

22 MR. MARTINEZ: That's State's Exhibit 6.

23 THE COURT: Okay.

24 BY MR. MARTINEZ:

25 Q And what was -- do you know why this picture was

1 taken?
2 A That was for an ad.
3 Q And publishing State's Exhibit No. 7. Is that you
4 as well?
5 A Yeah, that's me.
6 Q And that was for an ad?
7 A Yes.
8 Q And the defendant took that picture as well?
9 A Yes.
10 Q And publishing State's Exhibit 8.
11 A Yes.
12 Q Is that you?
13 A Yes.
14 Q Okay. And who took that picture?
15 A Dave.
16 Q Where was that picture taken?
17 A In the house.
18 Q And that was during the time that you were working
19 there?
20 A Yes.
21 Q That was after the interview, right?
22 A I think so.
23 Q And State's Exhibit 9. Do you recognize that?
24 A Yes.
25 Q And is that you?

1 A Yes.

2 Q Okay. And was that also for an ad to be posted on

3 Craigslist?

4 A Yes.

5 Q And the defendant took that picture?

6 A Yes.

7 Q And State's Exhibit 10?

8 A Yes.

9 Q Do you recognize that?

10 A Yes.

11 Q Who is that?

12 A It's me. It's me.

13 Q Who took that picture?

14 A I did.

15 Q You took that? Was that like a selfie?

16 A Yeah.

17 Q And did you use the defendant's phone for that?

18 A I -- I think that was mine.

19 Q That was yours, okay.

20 THE COURT: Do you need a break?

21 THE WITNESS: No, I'm okay, thank you.

22 THE COURT: You sure?

23 MR. MARTINEZ: Do you need a break?

24 THE COURT: No.

25 MR. MARTINEZ: Thank you, Your Honor.

1 BY MR. MARTINEZ:

2 Q You had mentioned before one of the rules of the
3 house was to -- you had to be naked; is that right?

4 A Yes.

5 Q Do you remember the defendant taking photos of you
6 guys hanging out in the house without any clothes on?

7 A I don't remember. I don't think so.

8 Q All right. I'm going to -- sorry.

9 MR. MARTINEZ: I'm just going to publish State's
10 36, 37 and 38, if that's okay, Your Honor.

11 THE COURT: Yes, they've already been admitted.

12 BY MR. MARTINEZ:

13 Q First I'm going to show you 37. Publishing State's
14 37. Do you recognize what's in that photo?

15 A Yes.

16 Q What is that?

17 A That's the bed in the body room. In the body rub
18 room.

19 Q And do you see any -- the table where the lotion and
20 the oil bottles are?

21 A Yes.

22 Q Okay. Could you point to that? You can just touch
23 the monitor --

24 THE COURT: You can touch your screen.

25 BY MR. MARTINEZ:

1 Q -- and it will make a mark on there. That's where
2 the lotion and the oil was kept?

3 A Yeah.

4 Q Okay. And is that the bed -- or the massage table
5 that the defendant laid down on with you?

6 A Yes.

7 Q Okay.

8 THE COURT: Mr. Martinez, would you touch the
9 bottom left-hand corner of your screen? Thank you.

10 BY MR. MARTINEZ:

11 Q Okay. Publishing what's been marked Proposed
12 Exhibit -- or I'm sorry, State's Exhibit 36. It's been
13 admitted already. Do you recognize what's in that
14 photograph, as far as where that is?

15 A Yes, that's the living room.

16 Q That's the living room?

17 A Yeah.

18 Q Okay. And that's at the defendant's house?

19 A Yes.

20 Q Okay. Do you -- are you able to tell who the people
21 are in that photo that are sitting on the couch?

22 A Yes. That's me and Tawney.

23 Q And State's 38. Do you recognize what's in this
24 photo?

25 A That's the bedroom in the house.

1 Q That's the -- is that the master bedroom?
2 A Yes.
3 Q Is that where the defendant slept? Is that where
4 the defendant --
5 A Yes.
6 Q Okay. And did you ever sleep there?
7 A Not -- not -- occasionally.
8 Q Occasionally?
9 A Not -- not a lot, no.
10 Q So we had talked about before some other females
11 working there; is that correct?
12 A Yes.
13 Q Do you remember any of their names? Like what they
14 would go by. What are their nicknames or their real names?
15 Do you remember just off the top of your head of them?
16 A There was Olive, Tawney, Torrey, and I can't
17 remember any of the nicknames for the other girls.
18 Q Okay.
19 MR. MARTINEZ: I'm going to be publishing State's
20 20 through 24, Your Honor, starting with 20.
21 BY MR. MARTINEZ:
22 Q Do you recognize who that is?
23 A Yes.
24 Q Who's that?
25 A That's Tawney.

1 Q And these other females that you just named, were
2 they working and doing body rubs the same that you were --
3 A Yes.
4 Q -- for defendant?
5 A Yes.
6 Q Okay. Did you ever see -- actually, I'm just going
7 to publish State's Exhibit 21. And do you recognize who that
8 is?
9 A Yes.
10 Q And who is that?
11 A That's Tawney.
12 Q That's Tawney as well? And where is she?
13 A She's in the body rub room.
14 Q And State's Exhibit 22, is that Tawney again?
15 A Yes.
16 Q Also in the body rub room?
17 A Yes.
18 Q Okay. And are you able to tell on State's Exhibit
19 23 who that is?
20 A Yes.
21 Q Who is it?
22 A That's Tawney.
23 Q Okay. How long did you know Tawney for, do you
24 think, approximately?
25 A When the photos were taken or -- I don't remember

1 when the photos were taken.

2 Q Okay. But for -- during that time frame, how long
3 did you work with her do you think? About how many months?

4 A Well, since I had begun, but I don't remember
5 exactly how long.

6 Q Okay. And then just State's Exhibit 24. Do you
7 recognize who that is?

8 A Yes, that's Tawney.

9 Q That's Tawney as well? Did you -- do you recall
10 being in the defendant's house when his daughter was there?

11 A Yes.

12 Q Okay.

13 MR. MARTINEZ: I'll be publishing State's 25
14 through 33.

15 BY MR. MARTINEZ:

16 Q Starting with State's Exhibit 25; do you recognize
17 who that is?

18 A Yes.

19 Q Who is that?

20 A That's Dave's daughter.

21 Q Okay. And did she have a -- did you know her name
22 or what did you call her?

23 A Her name was Cecile.

24 Q Okay.

25 A But I can't remember her -- her name.

1 Q Her --
2 A Her fake name.
3 Q -- like her nickname?
4 A Yeah.
5 Q Okay. Her name -- you remember her name being
6 Cecile?
7 A Yes.
8 Q Okay. And State's 26, is that a picture of her
9 again?
10 A Yes.
11 Q And is that at the house?
12 A Yes, I think.
13 Q And State's 27, is that Cecile?
14 A Yes.
15 Q And where is that?
16 A In the backyard.
17 Q State's 28, is that also in the backyard?
18 A Yes.
19 Q And that's of Cecile?
20 A Yes.
21 Q State's 29, who do you recognize that to be?
22 A That's Cecile as well.
23 Q Okay. And where is that at?
24 A That's in the body rub room.
25 Q State's 30, is that Cecile in the body rub room

1 again?

2 A Yes.

3 Q State's 31? Is that Cecile?

4 A Yes.

5 Q And where is she there, do you know?

6 A I think she's on the couch in the front living room.

7 Q All right. State's 32, do you recognize who that

8 is?

9 A Yes. That's Cecile.

10 Q In the body rub room? Okay. And State's 33, do you

11 recognize who that is?

12 A Yes.

13 Q Is that Cecile?

14 A Yes.

15 Q Okay. And where is that at?

16 A That is in the hallway.

17 Q In the defendant's house?

18 A Yes.

19 Q Okay.

20 MR. MARTINEZ: I'm going to publish State's 34,

21 Your Honor. It's already been admitted.

22 BY MR. MARTINEZ:

23 Q Who's in this photo?

24 A That's me and Tawney.

25 Q Do you remember where that was?

1 A That was I think like a couple months before I left.
2 Q Okay. And did you leave -- when you say you left,
3 what do you mean by that?
4 A Before I had got into foster care, I would say.
5 Q Okay. So did there come a point in time when you
6 stopped working for the defendant?
7 A Not exactly, no.
8 Q Okay. Did there come a point in time when you
9 decided not to go back to his house?
10 A Yes.
11 Q And was that in the summer of 2016?
12 A Yes.
13 Q Okay. Is that before you turned 17 or after you
14 turned 17; do you remember?
15 A That was after I turned 17.
16 Q After you turned 17? Okay. And your birthday's
17 July 30th; is that correct?
18 A Yes.
19 Q I'm going to show you State's Exhibit 35. Do you
20 recognize where this picture was taken?
21 A Yes.
22 Q Okay. Do you recognize anybody in this photograph?
23 A Yes.
24 Q Who?
25 A Cecile --

1 Q And did you --
2 A -- Torrey.
3 Q Okay. So first, could you point and touch the
4 screen where you see Cecile? And then Torrey? Do you
5 recognize anything else in there?
6 A I don't remember the other girls who -- the other
7 two girls' names.
8 Q Okay. Do those -- in that exhibit that we just
9 published, just State's 35, do you remember -- so the two
10 that don't look as familiar, do you remember them being
11 around the house? Do you remember seeing them once in a
12 while?
13 A Yes.
14 Q Were they doing the same types of body rubs that you
15 were?
16 A Yes.
17 Q Do you remember in the summer of 2016 talking to a
18 Las Vegas Metropolitan Police Department Detective Rob
19 Wright?
20 A Yes.
21 Q Do you remember talking to him about the defendant
22 giving you instructions during the interview as to how to do
23 a body rub?
24 A Yes.
25 Q And do you remember what the defendant said? What

1 you told Detective Wright?

2 A No.

3 Q In the summer of 2016, there came a point in time

4 that you stated previously that you stopped going to the

5 defendant's house; is that right?

6 A Yes.

7 Q And that was right after you turned 17?

8 A Yes.

9 Q What made you decide not to go back?

10 A I just wasn't feeling too well.

11 Q And did you reach out to anybody to let them know

12 what was happening in your life?

13 A Yes.

14 Q Who did you reach out to?

15 A A teacher.

16 Q Okay. And do you remember the teacher's name?

17 A Ricardo Estrada.

18 Q And what school did he -- was he one of your

19 teachers at high school?

20 A He was my former teacher at Western.

21 Q What did he teach, do you remember?

22 A English.

23 Q English? And what made you decide to reach out to

24 Mr. Estrada?

25 A I just didn't feel very well doing it anymore and I

1 wanted to focus on school, asked him, I don't know -- I don't
2 know.

3 Q Do you remember what you told Mr. Estrada?

4 A Basically that -- I basically told him like what I
5 was doing and that I didn't really want to be doing it
6 anymore and if he could help me like -- me and my little
7 sisters get like taken away.

8 Q So you were reaching out for him to -- for help?

9 A Yeah, yeah. Sorry.

10 Q It's okay. Do you need a break?

11 A No, I'm okay, thanks.

12 Q How long after you told Mr. Estrada about what was
13 going on and asking for help did you speak with Detective
14 Wright?

15 A I think it was a day afterwards, really.

16 Q And then did you tell Detective Wright what was
17 happening at the house?

18 A I think so. He had questioned me about it.

19 Q How did you communicate with Mr. Estrada, things
20 that you told him?

21 A I had contacts with him through Facebook messenger.

22 Q Through Facebook messenger?

23 A Yeah.

24 MR. MARTINEZ: Could I have the Court's brief
25 indulgence?

1 THE COURT: Yeah.

2 (Pause in the proceedings)

3 BY MR. MARTINEZ:

4 Q Do you -- Italia, do you recall talking to Detective

5 Wright about who provided and who paid for the lotion and the

6 oil in the massage room?

7 A I think so, yes.

8 Q Okay. Do you remember who paid for that and

9 provided that for that?

10 A David.

11 Q The defendant?

12 A Yes.

13 MR. MARTINEZ: Your Honor, I'll pass the witness.

14 THE COURT: Okay. Ladies and gentlemen, we're

15 going to take our night recess at this point.

16 During this recess, you are admonished not to talk

17 or converse amongst yourselves or with anyone else on any

18 subject connected with this trial or read, watch or listen to

19 any report of or commentary on this trial or any person

20 connected with this trial by any medium of information,

21 including without limitation, newspapers, television, the

22 Internet and radio or form or express any opinion on any

23 subject connected with this trial until the case is finally

24 submitted to you.

25 Ladies and gentlemen, I have a hearing tomorrow

1 morning so we will begin trial tomorrow at 11:00 o'clock. So
2 if you could report back here at 11:00 o'clock and just wait
3 out in the hallway, and Officer Hernandez will be out there
4 to get you and line you up and bring you in, okay?

5 And ma'am, you remain under oath and will come back
6 tomorrow at 11:00 o'clock, okay?

7 THE MARSHAL: All rise for the jury.

8 (Jury recessed at 5:05 p.m.)

9 THE COURT: And for the record, we are outside the
10 presence of the jury. Does either side have any matters they
11 need to address outside the presence of the jury?

12 MR. MATSUDA: No, Your Honor.

13 MR. MARTINEZ: No, Your Honor.

14 THE COURT: Okay. We'll resume, Mr. Matsuda, with
15 your cross-examination tomorrow at 11:00.

16 MR. MATSUDA: Thank you, Your Honor.

17 (Court recessed at 5:07 p.m., until Thursday,
18 September 28, 2018, at 11:00 A.M.)

19 * * * * *

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STATE'S OPENING STATEMENT BY MR. MARTINEZ	2
DEFENDANT'S OPENING STATEMENT BY MR. MATSUDA.	13

WITNESSES

<u>NAME</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
-------------	---------------	--------------	-----------------	----------------

STATE'S WITNESSES:

Det. Donald Hoier	15	26		
Italia Perez	30			

* * * * *

EXHIBITS

<u>DESCRIPTION</u>	<u>ADMITTED</u>
--------------------	-----------------

STATE'S EXHIBITS:

Exhibits 6 through 46.. . . .	29/54
Exhibit 47.. . . .	54

* * * * *

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

Julie Lord

JULIE LORD, INDEPENDENT TRANSCRIBER
VERBATIM DIGITAL REPORTING, LLC



RTRAN

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

THE STATE OF NEVADA,)	
)	
Plaintiff,)	CASE NO. A-16-318335-1
)	
vs.)	DEPT. NO. X
)	
DAVID ANDREW COIL,)	
)	
Defendant.)	
)	

BEFORE THE HONORABLE TIERRA JONES, DISTRICT COURT JUDGE

THURSDAY, SEPTEMBER 28, 2017

**RECORDER'S TRANSCRIPT OF:
JURY TRIAL - DAY 3**

APPEARANCES:

FOR THE STATE:	SAMUEL MARTINEZ, ESQ. CHRISTOPHER HAMNER, ESQ. Chief Deputy District Attorneys
FOR THE DEFENDANT:	JESS MATSUDA, ESQ.

RECORDED BY: VICTORIA BOYD, COURT RECORDER
TRANSCRIBED BY: VERBATIM DIGITAL REPORTING, LLC

1 LAS VEGAS, NEVADA, THURSDAY, SEPTEMBER 28, 2017
2 [Case called at 11:17 A.M.]
3 (Outside the presence of the jury)
4 THE COURT: Okay, we're going to go back on the
5 record in C-318335, State of Nevada versus David Coil.
6 Mr. Coil is present with his attorney, Mr. Matsuda. The
7 Deputy District Attorneys are here on behalf of the State.
8 For the record, we are outside the presence of the
9 jury. Mr. Coil, it is my understanding that you wish to
10 plead guilty in this case?
11 THE DEFENDANT: Yes, ma'am.
12 THE COURT: Is that what you would like to do
13 today?
14 THE DEFENDANT: Yes, ma'am.
15 THE COURT: And you would like to stop this trial
16 at this point and just --
17 THE DEFENDANT: Yes, ma'am.
18 THE COURT: -- plead guilty? Okay. Mr. Coil, I
19 have to ask you some questions in regards to that before we
20 can go forward. Sir, what's your full name?
21 THE DEFENDANT: David Andrew Coil.
22 THE COURT: How old are you?
23 THE DEFENDANT: 64.
24 THE COURT: How far did you go in school?
25 THE DEFENDANT: Graduated school, and vocational

1 school and some college.

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

4 THE DEFENDANT: Yes.

5 THE COURT: Sir, are you currently under the
6 influence of any drugs, medication, or alcoholic beverages
7 right now?

8 THE DEFENDANT: No, ma'am.

9 THE COURT: Sir, do you understand the proceedings
10 that are happening here today?

11 THE DEFENDANT: Yes.

12 THE COURT: Sir, have you received a copy of the
13 Amended Information in your case?

14 THE DEFENDANT: Is that what it was?

15 MR. MATSUDA: Yeah.

16 THE DEFENDANT: Yes. Yes, I did.

17 THE COURT: So do you know the charges that you're
18 facing in this case?

19 THE DEFENDANT: Yes, ma'am.

20 THE COURT: And as to all of those charges, how do
21 you plead?

22 THE DEFENDANT: Guilty.

23 THE COURT: And sir, are you making this plea
24 freely and voluntarily?

25 THE DEFENDANT: Yes.

1 THE COURT: Has anyone forced you or threatened you
2 or anyone closely associated with you to get you to enter
3 this plea?
4 THE DEFENDANT: In no way.
5 THE COURT: Has anyone made you any promises to get
6 you to enter this plea?
7 THE DEFENDANT: No way.
8 THE COURT: Okay. Sir, do you understand that by
9 pleading guilty, you're giving up certain constitutional
10 rights?
11 THE DEFENDANT: Yes.
12 THE COURT: Sir, do you understand by pleading
13 guilty, you're giving up certain appellate rights?
14 THE DEFENDANT: Yes.
15 THE COURT: Sir, do you understand that if you are
16 not a United States citizen, you must declare that now?
17 THE DEFENDANT: I didn't hear that, what?
18 THE COURT: Are you a United States citizen?
19 THE DEFENDANT: Yes.
20 THE COURT: Okay. Sir, do you understand the
21 punishment that you face for these charges?
22 THE DEFENDANT: I can guess, yes.
23 THE COURT: Well, you can't guess. I'm about to go
24 over them with you.
25 THE DEFENDANT: Okay.

1 THE COURT: State, what is the punishment on count
2 1?

3 MR. MARTINEZ: Count 1 is five to life, mandatory
4 minimum of five years to life.

5 THE COURT: Okay. What about count 2?

6 MR. MARTINEZ: Count 2, it's an E felony, one to
7 four.

8 THE COURT: Okay. And then the pandering is the
9 one to six, right?

10 MR. MARTINEZ: It's a one to five.

11 THE COURT: One to five.

12 MR. MARTINEZ: It's a felony one to five and then
13 it's a B, two to 20.

14 THE COURT: Two to 20. Okay.

15 MR. MARTINEZ: Count 7.

16 THE COURT: Sir, do you understand that in regards
17 to count 1, sex trafficking of a child under 18 years of age,
18 you face a maximum penalty of five years to life in the
19 Nevada Department of Corrections?

20 THE DEFENDANT: Maximum? I didn't understand that.

21 THE COURT: The minimum is a five and the maximum
22 is life.

23 THE DEFENDANT: Yes.

24 THE COURT: Sir, do you understand in regards to
25 counts 2, 3, 4 and 5, that you face a maximum penalty of one

1 to four years in Nevada Department of Corrections?

2 THE DEFENDANT: Yes.

3 THE COURT: You understand that those are category

4 E felonies?

5 THE DEFENDANT: Yes.

6 THE COURT: Sir, do you understand in regards to

7 count 6, the attempt sex trafficking of a child under the age

8 of 18 years old, you face a maximum penalty of 2 to 20 years

9 in the Nevada Department of Corrections?

10 THE DEFENDANT: Yes.

11 THE COURT: Sir, do you understand in regards to

12 count 7, the pandering, you face a maximum penalty of one to

13 five years in the Nevada Department of Corrections?

14 THE DEFENDANT: Yes.

15 THE COURT: Sir, do you understand there may be

16 certain fines associated with some of these offenses?

17 THE DEFENDANT: Yes. Court.

18 MR. MARTINEZ: Your Honor, count 1 is

19 non-probationable.

20 THE COURT: I was just about to go over that.

21 MR. MARTINEZ: Okay.

22 THE COURT: Sir, do you understand you are not

23 eligible for probation for count 1?

24 THE DEFENDANT: Yes.

25 THE COURT: And do you understand that that means

1 while counts 2, 3, 4 and 5 are mandatory probation, you would
2 not be eligible to receive probation on count 1?

3 THE DEFENDANT: Yes.

4 THE COURT: So you understand you are going to be
5 doing a prison term on this?

6 THE DEFENDANT: Yes.

7 THE COURT: Sir, do you understand the sentencing
8 is strictly up to me and no one can promise you probation
9 leniency or any special treatment?

10 THE DEFENDANT: Yes.

11 THE COURT: I will also be the person making the
12 decision about whether or not these counts will run
13 concurrent or consecutive.

14 THE DEFENDANT: Yes.

15 THE COURT: Sir in regards to count 1, are you
16 pleading guilty to because in truth and in fact on or between
17 October 16th of 2015 and August 23rd of 2016, here in Clark
18 County, Nevada, you did willfully, unlawfully and feloniously
19 induce, cause and/or recruit and/or obtain and/or maintain
20 IP, a child under 18 years of age to engage in prostitution
21 and/or to enter in any place within the state in which
22 prostitution is practiced, encouraged or allowed for the
23 purpose of sexual conduct or prostitution? Did you do that?

24 THE DEFENDANT: Yes.

25 THE COURT: In regards to count 2, did you on or --

1 is it true and in fact on or between October 16th of 2015 and
2 August 6th of 2016, here in Clark County, you willfully and
3 up lawfully solicited IP, a minor, by word, gesture or any
4 other means to engage in sexual conduct, to wit: By touching
5 and/or rubbing your penis with her hands and her bare genital
6 opening for a fee in the amount of \$200? Did you do that?

7 THE DEFENDANT: Yes.

8 THE COURT: Sir, in regards to count 3, here in
9 Clark County, you did on or between October 15th, 2015 and
10 August 6th of 2016 willfully and unlawfully solicit IP, a
11 minor, by word, gesture or any other means to engage in
12 sexual conduct, that being touching and/or rubbing your penis
13 for a fee of \$100?

14 THE DEFENDANT: Yes.

15 THE COURT: Are you pleading guilty to count 4
16 because in truth and in fact on or about October 15th of 2015
17 and between August 6th of 2016, here in Clark County, you did
18 willfully and unlawfully solicit IP, a minor, by word,
19 gesture or any other means to engage in sexual conduct, that
20 being touching and/or rubbing your penis for a fee of \$100?

21 THE DEFENDANT: Yes.

22 THE COURT: And in regards to count 5, are you
23 pleading guilty because in truth and in fact on or between
24 October 15th of 2015 and August 6th of 2016, you did
25 willfully and unlawfully solicit IP, a minor, in Clark County

1 by word, gesture or any other means to engage in sexual
2 conduct, that being touching and/or rubbing of your penis for
3 a fee of \$100?

4 THE DEFENDANT: Yes.

5 THE COURT: And are you pleading guilty because --
6 to count 6 because in truth and in fact, on or between August
7 22nd of 2016 and August 23rd of 2016, here in Clark County,
8 you did willfully, unlawfully and feloniously attempt to
9 induce, cause or recruit Tiff, a person you believed to be a
10 child under the 18 of age [sic] while you having the specific
11 intent that Tiff engage in prostitution?

12 THE DEFENDANT: Yes.

13 THE COURT: And in regards to count 7, are you
14 pleading guilty because in truth and in fact on or between
15 August 22nd of 2016 and August 23rd of 2016, here in Clark
16 County, you did willfully, unlawfully and feloniously induce
17 O. Deeds to unlawfully become a prostitute and/or to continue
18 to engage in prostitution?

19 THE DEFENDANT: Yes.

20 THE COURT: Sir, do you have any questions you
21 would like to ask me or your attorney before I accept these
22 pleas?

23 THE DEFENDANT: No.

24 THE COURT: The Court finds that your plea is
25 freely and voluntarily made, you understand the nature of the

1 offense and consequences of your plea and accepts this plea
2 of guilty? State, does he need to have a psychosexual?

3 MR. HAMNER: Well, just a couple -- before we --
4 the answer would be no, because it's mandatory prison,
5 correct?

6 MR. MARTINEZ: So it's not -- it's not necessary --

7 THE COURT: Okay.

8 MR. MARTINEZ: -- at this juncture.

9 THE COURT: Okay.

10 MR. MARTINEZ: But he does have to register as a
11 sex offender as well.

12 THE COURT: Correct. And sir, do you understand
13 that by your conviction in regards to counts 1 and count 6
14 that you would be required to register as a sex offender upon
15 any release from custody?

16 THE DEFENDANT: Oh, if I stay in prison?

17 THE COURT: No, upon release from custody?

18 THE DEFENDANT: Yes.

19 THE COURT: Okay.

20 MR. MATSUDA: I think there's some constitutional
21 rights that he's going to be waiving as far as appeals go.

22 THE COURT: Right.

23 MR. MARTINEZ: About the underlying facts and
24 challenging that, and it will be kind of limited solely to
25 his constitutional right to this point.

1 THE COURT: Hold on just one second, let me get
2 those.

3 MR. MATSUDA: There were a couple motions filed.
4 Pro per motions regarding counsel and so forth so --

5 THE COURT: Right. Hold on just one second. And
6 sir, do you understand you may be ordered to make restitution
7 to the victim?

8 THE DEFENDANT: I'm sorry, I didn't hear you.

9 THE COURT: Do you understand you may be ordered to
10 make restitution to the victim?

11 THE DEFENDANT: Yes.

12 THE COURT: And sir, do you understand by entering
13 this plea, you are waiving your Constitutional privilege
14 against self-incrimination, including the right to refuse to
15 testify at trial? You're waiving the right to testify at
16 trial if you plead guilty?

17 THE DEFENDANT: Isn't -- isn't this my trial?

18 MR. MATSUDA: Yes. She's just asking you, do you
19 understand that you're waiving your right because of your
20 decision right now.

21 THE COURT: If you plead guilty, there's not going
22 to be a trial.

23 THE DEFENDANT: Oh, yeah, that's fine.

24 THE COURT: So you won't be allowed to testify at
25 trial; do you understand that?

1 THE DEFENDANT: Okay, the opposite, yes, yes.

2 THE COURT: Okay. And do you understand that at
3 that trial the State would not have been allowed to comment
4 on your refusal to testify? If you go -- went to trial, I
5 would not allow the State to say anything if you chose not to
6 testify.

7 MR. MATSUDA: In order to exercise your 5th
8 amendment, they can't comment saying well, he didn't say
9 anything.

10 THE DEFENDANT: Okay.

11 MR. MATSUDA: Do you understand?

12 THE DEFENDANT: Yes, I do.

13 THE COURT: Do you understand you're waiving your
14 right to a trial that's free of excessive pretrial publicity
15 prejudicial to your defense?

16 THE DEFENDANT: You went fast on me, I'm sorry.

17 THE COURT: Do you understand if you enter this
18 plea, you are waiving your constitutional rights to a trial
19 by an impartial jury that's free of excessive pretrial
20 publicity prejudicial to your defense?

21 THE DEFENDANT: Yes.

22 THE COURT: Do you understand you would be waiving
23 your constitutional right to confront and cross-examine any
24 witnesses that would testify against you?

25 THE DEFENDANT: Yes.

1 THE COURT: You would be waiving your
2 constitutional right to subpoena witnesses to testify on your
3 own behalf.

4 THE DEFENDANT: Yes.

5 THE COURT: You would be waiving your
6 constitutional right to testify in your own defense?

7 THE DEFENDANT: Yes.

8 THE COURT: You would be waiving your right to
9 appeal this conviction with the assistance of an attorney,
10 either appointed or retained, unless specifically reserved in
11 writing and agreed upon? So you're waiving your right to
12 appeal this conviction?

13 THE DEFENDANT: Oh, yes.

14 THE COURT: You're waiving your right to a direct
15 appeal of any challenge based upon -- hold on -- you're
16 waiving your right to a direct appeal of this conviction,
17 including any challenges based upon reasonable constitutional
18 jurisdictional or other grounds that challenge the legality
19 of these proceedings. Do you understand that?

20 You're waiving your right to an appeal in this
21 case.

22 THE DEFENDANT: Yes.

23 THE COURT: But you will have the right to post
24 conviction remedies.

25 THE DEFENDANT: What does that mean?

1 THE COURT: You can file a post conviction petition
2 once you get to prison.

3 MR. MATSUDA: You'll have other remedies. You
4 can't appeal the conviction, but you can appeal post
5 conviction remedies.

6 THE DEFENDANT: What's a post conviction remedy?
7 I've never heard such a thing.

8 MR. MATSUDA: Your Honor, I can talk to him in the
9 back about his options on a PCR.

10 THE COURT: Okay. And sir, have you discussed all
11 of the original charges against you --

12 THE DEFENDANT: Yes.

13 THE COURT: -- with your attorney?

14 THE DEFENDANT: Yes.

15 THE COURT: And is this plea voluntary?

16 THE DEFENDANT: Yes.

17 THE COURT: Is there anything else you need to add,
18 State?

19 MR. MARTINEZ: Only that this is without
20 negotiations with the State.

21 THE COURT: Okay. And just for the record, sir, do
22 you understand that this plea is without any negotiation from
23 State, so at sentencing the State will have the full right to
24 argue for any legal sentence on each of these charges?

25 THE DEFENDANT: Yes.

1 THE COURT: And the State will have the full right
2 to argue whether or not these charges run consecutive or
3 concurrent?
4 THE DEFENDANT: Yes.
5 THE COURT: Do you have any questions you would
6 like to ask myself or your attorney before I accept this
7 plea?
8 THE DEFENDANT: No. I'd just like to make a
9 statement when I have a chance.
10 THE COURT: Okay, you can make a statement at
11 sentencing.
12 THE DEFENDANT: Oh, okay, okay.
13 THE COURT: Anything else?
14 THE DEFENDANT: No.
15 THE COURT: Sir, the Court finds that this plea is
16 free and voluntarily made, that you understand the nature of
17 the offense and the consequences of your actions, and based
18 upon that, the State will -- I mean, I'm sorry, the Court
19 will refer this to the Division of Parole and Probation, set
20 it over for sentencing on?
21 THE CLERK: November 8th at 8:30.
22 MR. MATSUDA: Thank you, Your Honor.
23 THE COURT: Thank you.
24 MR. HAMNER: Thank you.
25 THE DEFENDANT: Thank you very much, Your Honor.

1 THE COURT: You're welcome.

2 THE DEFENDANT: And I apologize to the Court.

3 THE COURT: No, you're fine.

4 MR. MARTINEZ: I apologize as well.

5 THE COURT: You should.

6 (Court recessed at 11:29 a.m. until 11:37 a.m.)

7 THE MARSHAL: Rise for the jury, please.

8 (In the presence of the jury)

9 THE MARSHAL: All present, Your Honor.

10 THE COURT: Thank you. You may be seated. Ladies
11 and gentlemen, we are back on the record in C-318335, State
12 of Nevada versus David Coil. Mr. Coil is not present.
13 Mr. Matsuda's present on his behalf. We have the Deputy
14 District Attorneys here on behalf of State.

15 Ladies and gentlemen, I'm here to inform you that
16 you will no longer have to serve on this jury, that the
17 defendant did plead guilty today to all of the charges that
18 he was charged with, so your jury service in this case will
19 not have to continue.

20 So I'm pretty sure you guys would be super excited
21 about not having to serve on a jury, but I want to thank you
22 so much for being willing to serve on this jury and for being
23 willing to sit here and do a very important job. Our justice
24 is one of the best ones that exists and without you guys we
25 couldn't do anything. Without juries, we could not be -- we

1 would not have the justice system that we have. He's
2 entitled to a jury by -- to be tried by a jury of his peers,
3 and that's the important job that we had you guys here to do.

4 So I appreciate all of your willingness to serve
5 and everybody's ability to be here and continue to keep
6 coming back, but you will be able to conclude your jury
7 service today and get paid and be finished with this part of
8 it.

9 So this case has resolved. We can go off the
10 record in this case. And I do have the attorneys here in
11 case you guys had any --

12 (Court adjourned at 11:39 A.M.)

13 * * * * *

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

Julie Lord

JULIE LORD, INDEPENDENT TRANSCRIBER
VERBATIM DIGITAL REPORTING, LLC



1 NOH

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5 State of Nevada

Case No.: C-16-318335-1

6 Vs

Department 10

7 DAVID COIL, #8323388
8

9
10 **NOTICE OF HEARING**

11 PLEASE TAKE NOTICE that this matter is set for **Clarification of Sentence:**
12 **Concurrent/Consecutive Time on February 25, 2019, at the hour of 8:30 a.m.**, in District Court
13 Department 10 in the Regional Justice Center, 200 Lewis Avenue, 14th Floor, Courtroom 14B, Las
14 Vegas, Nevada. Defendant's presence is waived for this hearing.

15 DATED: 2/8/19
16

17
18
19
20
21 TIERRA JONES
DISTRICT JUDGE
DEPARTMENT 10 
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I hereby certify that on or about the date e-filed, this document was copied through e-mail, placed in the attorney's folder in the Regional Justice Center or mailed to the proper person as follows:

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Tess Driver
Judicial Executive Assistant
Department 10

Steven D. Grierson

1 AJOCP

2

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4

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6

7

8 THE STATE OF NEVADA,

9

Plaintiff,

10

-vs-

11

12 DAVID ANDREW COIL
#8323388

13

Defendant.

14

15

AMENDED JUDGMENT OF CONVICTION
(PLEA OF GUILTY)

16

17

18

The Defendant previously appeared before the Court with counsel and entered a plea of guilty to the crimes of COUNT 1 – SEX TRAFFICKING OF A CHILD UNDER 18 YEARS OF AGE (Category A Felony) in violation of NRS 201.300.2a1; COUNTS 2, 3, 4, and 5 – SOLICITING PROSTITUTION (Category E Felony) in violation of NRS 201.354; COUNT 6 – ATTEMPT SEX TRAFFICKING OF A CHILD UNDER 18 YEARS OF AGE (Category B Felony) in violation of NRS 201.300.2a1, 193.330; and COUNT 7 – PANDERING (Category C Felony) in violation of NRS 201.300.1; thereafter, on the 8th day November, the Defendant was present in court for sentencing with counsel JESS MATSUDA, ESQ., and good cause appearing,

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<input type="checkbox"/> Nolle Prosequi (before trial)	<input type="checkbox"/> Bench (Non-Jury) Trial
<input type="checkbox"/> Dismissed (after diversion)	<input type="checkbox"/> Dismissed (during trial)
<input type="checkbox"/> Dismissed (before trial)	<input type="checkbox"/> Acquittal
<input checked="" type="checkbox"/> Guilty Plea with Sent (before trial)	<input type="checkbox"/> Guilty Plea with Sent. (during trial)
<input type="checkbox"/> Transferred (before/during trial)	<input type="checkbox"/> Conviction
<input type="checkbox"/> Other Manner of Disposition	

1 THE DEFENDANT WAS ADJUDGED guilty of said offenses and, in addition to
2 the \$25.00 Administrative Assessment, \$250.00 Indigent Defense Civil Assessment
3 Fee and \$150.00 DNA Analysis Fee including testing to determine genetic markers
4 plus \$3.00 DNA Collection Fee, the Defendant sentenced to the Nevada Department
5 of Corrections (NDC) as follows: COUNT 1 – LIFE with the eligibility for parole after
6 serving a MINIMUM of SIXTY (60) MONTHS; COUNT 2 – a MAXIMUM of THIRTY
7 (30) MONTHS with a MINIMUM Parole Eligibility of TWELVE (12) MONTHS,
8 CONCURRENT with COUNT 1; SUSPENDED; placed on PROBATION for an
9 indeterminate period not to exceed THREE (3) YEARS, with ONLY CONDITION being
10 serve THREE HUNDRED SIXTY-FOUR (364) DAYS in the Clark County Detention
11 Center (CCDC); COUNT 3 – MAXIMUM of THIRTY (30) MONTHS with a MINIMUM
12 Parole Eligibility of TWELVE (12) MONTHS, CONCURRENT with COUNT 2;
13 SUSPENDED; placed on PROBATION for an indeterminate period not to exceed
14 THREE (3) YEARS, with ONLY CONDITION being serve THREE HUNDRED SIXTY-
15 FOUR (364) DAYS in the Clark County Detention Center (CCDC); COUNT 4 –
16 MAXIMUM of THIRTY (30) MONTHS with a MINIMUM Parole Eligibility of TWELVE
17 (12) MONTHS, CONCURRENT with COUNT 3; SUSPENDED; placed on
18 PROBATION for an indeterminate period not to exceed THREE (3) YEARS, with
19 ONLY CONDITION being serve THREE HUNDRED SIXTY-FOUR (364) DAYS in the
20 Clark County Detention Center (CCDC); COUNT 5 – MAXIMUM of THIRTY (30)
21 MONTHS with a MINIMUM Parole Eligibility of TWELVE (12) MONTHS,
22 CONCURRENT with COUNT 4; SUSPENDED; placed on PROBATION for an
23 indeterminate period not to exceed THREE (3) YEARS, with ONLY CONDITION being
24
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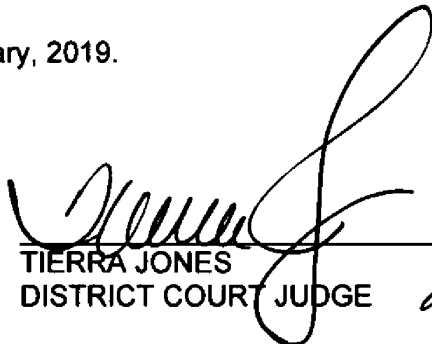

1 serve THREE HUNDRED SIXTY-FOUR (364) DAYS in the Clark County Detention
2 Center (CCDC); and COUNT 6 – a MAXIMUM of ONE HUNDRED EIGHTY (180)
3 MONTHS with a MINIMUM Parole Eligibility of SEVENTY-TWO (72) MONTHS,
4 **CONSECUTIVE to COUNT 1**; with FOUR HUNDRED FORTY-THREE (443) DAYS
5 credit for time served. COUNT 7 is DISMISSED. The AGGREGATE TOTAL sentence
6 is LIFE with parole eligibility after serving a MINIMUM OF ONE HUNDRED THIRTY-
7 TWO (132) MONTHS.
8

9
10 ADDITIONALLY, the Defendant is ORDERED to REGISTER as a sex offender
11 in accordance with NRS 179D.460 within FORTY-EIGHT (48) HOURS after any
12 release from custody.

13 SUBSEQUENTLY, on the 25th day of February, 2019, pursuant to an inquiry of
14 the Nevada Department of Corrections, and good cause appearing to again amend
15 the Judgment of Conviction, now therefore,
16

17 IT IS HEREBY ORDERED, the Defendant's sentence reflect the following:
18 COUNT 6 to run CONSECUTIVE to COUNT 1.

19 DATED this 28 day of February, 2019.
20
21

22
23 
24 TIERRA JONES
DISTRICT COURT JUDGE 
25
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28

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID ANDREW COIL,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

Supreme Court No. 74949
District Court Case No. C318335

FILED

NOV 15 2019

Elizabeth A. Brown
CLERK OF COURT

CLERK'S CERTIFICATE

STATE OF NEVADA, ss.

I, Elizabeth A. Brown, the duly appointed and qualified Clerk of the Supreme Court of the State of Nevada, do hereby certify that the following is a full, true and correct copy of the Judgment in this matter.

JUDGMENT

The court being fully advised in the premises and the law, it is now ordered, adjudged and decreed, as follows:

"ORDER the judgment of conviction AFFIRMED."

Judgment, as quoted above, entered this 16th day of October, 2019.

IN WITNESS WHEREOF, I have subscribed my name and affixed the seal of the Supreme Court at my Office in Carson City, Nevada this November 12, 2019.

Elizabeth A. Brown, Supreme Court Clerk

By: Sandy Young
Management Assistant



C-16-318335-1
CCJA
NV Supreme Court Clerks Certificate/Judgment
4875866



CERTIFIED COPY

This document is a full, true and correct copy of
the original on file and of record in my office.

DATE 11/12/19

Supreme Court Clerk, State of Nevada

By S. Young Deputy

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DAVID ANDREW COIL,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 74949-COA

FILED

OCT 16 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]* DEPUTY CLERK

ORDER OF AFFIRMANCE

David Andrew Coil appeals from a judgment of conviction, pursuant to a guilty plea, of sex trafficking of a minor under 18 years of age, attempted sex trafficking of a minor under 18 years of age, and four counts of soliciting prostitution. Eighth Judicial District Court, Clark County; Tierra Danielle Jones, Judge.

Coil first contends his conduct amounted only to *facilitating* sex trafficking and the district court erred by denying him his right to represent himself. The entry of a guilty plea generally waives any right to appeal from events occurring prior to the entry of the plea. *See Webb v. State*, 91 Nev. 469, 470, 538 P.2d 164, 165 (1975); *see also Tollett v. Henderson*, 411 U.S. 258, 267 (1973). There is no indication in the record that Coil preserved the right to raise these claims in an appeal. *See NRS 174.035(3)*. We therefore decline to consider these claims.


Coil also contends he should be allowed to withdraw his guilty plea because he did not enter it knowingly or intelligently. Unless error clearly appears from the record, a challenge to the validity of a guilty plea must be raised in the district court in a motion to withdraw the guilty plea or a postconviction petition for a writ of habeas corpus. *Smith v. State*, 110

Nev. 1009, 1010-11 n.1, 879 P.2d 60, 61 n.1 (1994); *Bryant v. State*, 102 Nev. 268, 272, 721 P.2d 364, 368 (1986). Coil claims his plea was invalid because it was to a charge that did not align with his conduct and the district court denied his requests for self-representation,¹ failed to ensure he understood the true nature of his charges, and failed to advise him prior to accepting his plea of the rights he was foregoing. Unlike the appellant in *Smith*, Coil's alleged errors do not clearly appear from the record. We therefore decline to consider these claims. Accordingly, we


ORDER the judgment of conviction AFFIRMED.



Gibbons C.J.



Tao J.



Bulla J.

cc: Hon. Tierra Danielle Jones, District Judge
Leventhal & Associates
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

¹We note that the record demonstrates the district court did not deny Coil's motions for self-representation; rather, Coil withdrew his motions.

CERTIFIED COPY

This document is a full, true and correct copy of
the original on file and of record in my office.

DATE: 11/12/19
Supreme Court Clerk, State of Nevada

By: S. Young Deputy

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID ANDREW COIL,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

Supreme Court No. 74949
District Court Case No. C318335

REMITTITUR

TO: Steven D. Grierson, Eighth District Court Clerk

Pursuant to the rules of this court, enclosed are the following:

Certified copy of Judgment and Opinion/Order.
Receipt for Remittitur.

DATE: November 12, 2019

Elizabeth A. Brown, Clerk of Court

By: Sandy Young
Management Assistant

cc (without enclosures):

Hon. Tierra Danielle Jones, District Judge
Attorney General/Carson City \ Aaron D. Ford, Attorney General
Clark County District Attorney \ Alexander G. Chen, Chief Deputy District
Attorney
Leventhal & Associates \ Todd M. Leventhal

RECEIPT FOR REMITTITUR

Received of Elizabeth A. Brown, Clerk of the Supreme Court of the State of Nevada, the
REMITTITUR issued in the above-entitled cause, on NOV 15 2019.

HEATHER UNGERMANN

Deputy _____
District Court Clerk

**RECEIVED
APPEALS**

NOV 14 2019

CLERK OF THE COURT

1

19-46205

PP
DA

David Coil

P.O. Box 650

Indian Springs, NV. 89070

Electronically Filed

10/02/2020

Henry S. Shinn

CLERK OF THE COURT

In the Eighth Judicial District Court of
the State of Nevada in and for the County of Clark.

The State of Nevada

Plaintiff

Case No. C16 318335-1

v.

David Coil

Dept. No. X

10/26/20

Defendant ✓

8:30 a.m.

Motion for Production of Documents, papers
and Tangible Property of Defendant

Comes Now, Defendant, David Coil, proceeding in proper
person, hereby moves this Honorable Court for it's Order for
the production of all documents, papers and tangible prop-
erty in the possession.

This motion is made and based upon all papers and
pleadings on file with the Clerk of the Court which are
hereby incorporated by this reference, the Points and Auth-
orities herein, and attached to.

Dated this 22 day of September, 2020.

RECEIVED

SEP 23 2020

CLERK OF THE COURT

BY: *David Coil*

David Coil / Defendant

Points And Authorities

NRS. 7.055(2) gives this court the power to Order the Attorney of record to produce and deliver to the defendant in his possession, which states:

"A client who, after demand, does not receive from his discharged attorney all papers, documents, pleadings and items of tangible personal property may by a motion filed at least after 5 days' notice to the attorney, obtain an order for the production of his papers, Documents pleadings and other property."

In numerous cases throughout this great land, the courts have held attorneys to a high degree of professional responsibility and integrity. This carried from the time of hiring to and through the attorney's termination.

Supreme Court Rule 173 states quite clearly that a withdrawn attorney owes his former client a "... prompt accounting of all his client's ... property in his possession. " "A lawyer should protect the welfare of his client by ... delivering to the client all papers and property to which the client is entitled. " ABA Rule 2-110 (a)(2) states a withdrawn Attorney must deliver to the client all papers and comply with applicable laws on the subject.

In case of Yount, 93 Ariz. 322, 380 P.2d 780 (1963) the court ordered the attorney disbarred. In State v. Alvey, 215 Kan 460, 524 P.2d 747 (1974) the court had

the attorney severed.

While not the intention of the defendant in this case to have the attorney disbarred, these cases do show a pattern in the court in consideration of the refusal to deliver to a former client all his documents and property after being requested to do so, a serious infraction of the law and of professional ethics.

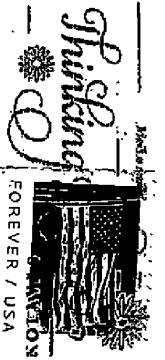
In summary, this Court has jurisdiction through NRS 7.055 to Order the attorney to produce and deliver to the defendant all documents and personal property in his possession belonging to him or prepared for him. The defendant has fulfilled his obligation in trying to obtain the papers. The attorney is in discord with Canon 2 of the code of professional responsibility and the Nevada Supreme Court Rules 173, 176, and 203.

Dated this 22 day of September, 2020

By: David Corb
Defendant

Coil D. 1189948
P.O. Box 650 #D57
Indian Springs NV
89070

LAS VEGAS NV 890
23 SEP 2020 PM 4 L



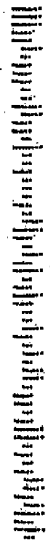
RECEIVED

SEP 28 2020

CLERK OF THE COURT

Clerk of 8th Judicial District Court
260 Lewis
Las Vegas, NV. 89155

89101-830000





1 RTRAN

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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

7
8 THE STATE OF NEVADA,
9 Plaintiff,
10 vs.
11 DAVID ANDREW COIL,
12 Defendant.

}
CASE NO: C-16-318335-1
DEPT. X
Arraignment held in LLA

13
14 BEFORE THE HONORABLE MELISA DE LA GARZA, DISTRICT COURT JUDGE
15 THURSDAY, SEPTEMBER 29, 2016

16 **RECORDER'S TRANSCRIPT OF HEARING RE:**
17 **INITIAL ARRAIGNMENT**

18 APPEARANCES:

19 For the State: KAREN MISHLER, ESQ.
Deputy District Attorney

20
21 For the Defendant: JESS Y. MATSUDA, ESQ.

22
23
24
25 RECORDED BY: KIARA SCHMIDT, COURT RECORDER

1 Las Vegas, Nevada; Thursday, September 29, 2016
2
3 [Proceeding commenced at 11:17 a.m.]
4 THE COURT: Page 23, State of Nevada versus David Coil,
5 C318335. Mr. Matsuda is here on his behalf.
6 Mr. Matsuda?
7 MR. MATSUDA: Good morning, Your Honor. Jess Matsuda
8 for Mr. Coil who is present in custody. We have received a copy of the
9 Information; we'll ask the Court to waive its reading. Mr. Coil is going to
10 maintain a not guilty plea and he is going to invoke.
11 THE COURT: Sir, you've received a copy of the Information
12 stating the charges against you?
13 THE DEFENDANT: Yes, Your Honor.
14 THE COURT: You read through it and understood it?
15 THE DEFENDANT: Yes, Your Honor.
16 THE COURT: You want to waive a formal reading of the
17 charges?
18 THE DEFENDANT: Yes, please.
19 THE COURT: How do you plead?
20 THE DEFENDANT: Not guilty.
21 THE COURT: You do have a right to a trial within 60 days.
22 It's my understanding you want to invoke that right; is that correct?
23 THE DEFENDANT: Correct, Your Honor.
24 THE COURT: Speedy trial.
25 THE COURT CLERK: Calendar call, November 21st, 8:30;

1 jury trial, November 28th, 1 o'clock, Department X.

2 THE COURT: Counsel, pursuant to statute you have 21 days
3 from today for the filing of any writs. If the transcript has not been filed
4 as of today, you have 21 days from the filing.

5 MR. MATSUDA: Thank you, Your Honor.

6

7 [Proceeding concluded at 11:18 a.m.]

8 * * * * *

9

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

23

24

25



Trisha Garcia
Court Transcriber



**EIGHTH JUDICIAL DISTRICT COURT
CLERK OF THE COURT**

REGIONAL JUSTICE CENTER
200 LEWIS AVENUE, 3rd FL.
LAS VEGAS, NEVADA 89155-1160
(702) 671-4554

Steven D. Grierson
Clerk of the Court

Anntoinette Naumec-Miller
Court Division Administrator

December 15, 2020

Attorney: Kelsey L. Bernstein
Mueller Hinds and Associates
Attn Kelsey L Bernstein
600 South Eighth Street
Las Vegas NV 89101

Case Number: C-16-318335-1
Department: Department 10

Defendant: DAVID ANDREW COIL

Attached are pleadings received by the Office of the District Court Clerk which are being forwarded to your office pursuant to Rule 3.70.

Pleadings: **Motion For Extension Of Time**

Rule 3.70. Papers which May Not be Filed

Except as may be required by the provisions of NRS 34.730 to 34.830, inclusive, all motions, petitions, pleadings or other papers delivered to the clerk of the court by a defendant who has counsel of record will not be filed but must be marked with the date received and a copy forwarded to the attorney for such consideration as counsel deems appropriate. This rule does not apply to applications made pursuant to Rule 7.40(b)(2)(ii).

Cordially yours,
DC Criminal Desk # 7
Deputy Clerk of the Court

1 David Coil
2 1189984 / In Propria Personam
3 Post Office Box 650 [HDSP]
4 Indian Springs, Nevada 89018

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

7
8 State of Nevada

9 Plaintiff,

10 vs.

11 David Coil

12 Defendant

Case No. CL6-318335

Dept. No. _____

Docket _____

13
14 Motion for Extension of Time to File Post-Conviction
15 Writ of Habeas Corpus

16
17
18
19 **COMES NOW, David Coil**, herein above respectfully
20 moves this Honorable Court for an Extension of time to file post-con-
21 viction Writ of Habeas Corpus

22
23 This Motion is made and based upon the accompanying Memorandum of Points and Authorities.

24
25 DATED: this 10 day of December, 2020

26 BY:

David Coil

David Coil #1189984
Defendant/In Propria Personam

1 The defendant has made multiple attempts to
2 procure a copy of his papers, pleadings and property
3 held by his trial attorney Jesse Matsuda. This court
4 granted the defendants motion to have counsel produce
5 the papers, pleadings and property and scheduled a
6 status hearing for November 16, 2020. At the time of his
7 filing this motion for extension of time the defendant
8 has still not received anything from his trial counsel
9 Jesse Matsuda or any update from this court.

10 The defendant only has one year from the date his
11 conviction was affirmed by the Nevada Supreme Court
12 in which to file his post-conviction Writ of Habeas
13 Corpus seeking relief.

14 Without being able to review the trial counsels
15 file the defendant is being denied his Constitutional
16 right to due process.

17 Conclusion

18 The defendant's time to file is being exhausted at
19 no fault of his own. He has lost eight months and is
20 respectfully requesting to have this Honorable Court
21 extend the time for filing post-conviction Habeas
22 Corpus eight months past the receipt date of the file
23 in the possession of Jesse Matsuda.

24
25 By: David Coil

26 David Coil Plaintiff

27 #1189984

CERTIFICATE OF SERVICE BY MAILING

I, David Coil, hereby certify, pursuant to NRCP 5(b), that on this _____ day of _____, 20____, I mailed a true and correct copy of the foregoing, "Motion for Extension of Time"

by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, fully prepaid, addressed as follows:

Clark County D.A.
200 Lewis Ave
Las Vegas, NV. 89165

CC:FILE

DATED: this 10 day of December, 2020

David Coil
David Coil #1189984
/In Propria Personam
Post Office box 650 [HDSP]
Indian Springs, Nevada 89018
IN FORMA PAUPERIS:

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding _____

Motion for Extension of Time
(Title of Document)

filed in District Court Case number CL-318335

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

-OR-

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

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

(State specific law)

-or-

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

David Coil
Signature

12/10/20
Date

David Coil
Print Name

Plaintiff
Title

Case No. C16-318335

Dept. No. _____

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

State of Nevada

Plaintiff

vs.

David Coil

Defendant

Case No. C16-318335

Dept No. X

Docket _____

NOTICE OF MOTION

YOU WILL PLEASE TAKE NOTICE, that _____

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

CC:FILE

DATED: this 10 day of December, 2020.

BY: David Coil #189984
David Coil
/In Propria Personam

David Coil 1189984
P.O. Box 650
Indian Springs, NV. 89070

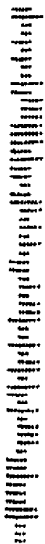
LAS VEGAS, NV 890
11 DEC 2020 PM 3 L



Eighth District Court
200 Lewis Ave
Las Vegas, NV. 89155

UNIT 12
DEC 10 2020
DESERT STATE PRISON

89101-630000





1 NEVADA DEFENSE GROUP
2 Damian Sheets, Esq.
3 Nevada Bar No. 10755
4 Kelsey Bernstein, Esq.
5 Nevada Bar No. 13825
6 714 S. Fourth Street
7 Las Vegas, Nevada 89101
8 Telephone: (702) 988-2600
9 Facsimile: (702) 988-9500
10 kbernstein@defendingnevada.com

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

10 State of Nevada,
11 Plaintiff

12 vs.

13 David Coil,
14 Defendant

) Case No.: C-16-318335-1
) Dept. No: X
)

) **ACKNOWLEDGMENT OF FILE**
) **TRANSMISSION**
)

15
16 COMES NOW, KELSEY BERNSTEIN, ESQ. of the firm Nevada Defense Group, hereby
17 submits this Written Acknowledgment of File Transmission, together with the attached
18 Declaration, affirming that the case file was transmitted to the Defendant in this matter,
19 David Coil, in the custody of the Nevada Department of Corrections:
20

21 ///

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23 ///

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Acknowledgment - 1

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) SS:

KELSEY BERNSTEIN, being first duly sworn, deposes and says:

- I DECLARE UNDER PENALTY OF PERJURY that the foregoing is true and correct.

Kelsey Bernstein
KELSEY BERNSTEIN



**EIGHTH JUDICIAL DISTRICT COURT
CLERK OF THE COURT**

REGIONAL JUSTICE CENTER
200 LEWIS AVENUE, 3rd FL.
LAS VEGAS, NEVADA 89155-1160
(702) 671-4554

Steven D. Grierson
Clerk of the Court

Anntoinette Naumec-Miller
Court Division Administrator

February 09, 2021

Attorney: Kelsey L. Bernstein
Mueller Hinds and Associates
Attn Kelsey L. Bernstein
600 South Eighth Street
Las Vegas NV 89101

Case Number: C-16-318335-1
Department: Department 10

Defendant: DAVID ANDREW COIL

Attached are pleadings received by the Office of the District Court Clerk which are being forwarded to your office pursuant to Rule 3.70.

Pleadings: Please See Attached Documents.

Rule 3.70. Papers which May Not be Filed

Except as may be required by the provisions of NRS 34.730 to 34.830, inclusive, all motions, petitions, pleadings or other papers delivered to the clerk of the court by a defendant who has counsel of record will not be filed but must be marked with the date received and a copy forwarded to the attorney for such consideration as counsel deems appropriate. This rule does not apply to applications made pursuant to Rule 7.40(b)(2)(ii).

Cordially yours,
DC Criminal Desk # 7
Deputy Clerk of the Court

David Coil #1189948

P.O. Box 650

Indian Springs, NV. 89070

January 14, 2021

Affirmation pursuant to NRS 239B.030 and 603A.040.

The undersigned affirms that there is not any personal information of anyone used in this court action.

By: David Coil David Coil #1189948

In the Eighth Judicial

District Court of Nevada

In and for the County of

Clark.

The State of Nevada

Case No. C318335

vs.

David Coil

Request for Submission of Errata Notice to the Court

Persuant to Nev. Sup. Ct. ADKT 411

RECEIVED
JAN 25 2021
CLERK OF THE COURT

Nowant David Coil request the submission of: "Errata Notice to the Court pursuant to Nev. Sup. Ct. ADKT 411" for its filing and consideration by and through and despite having counsel due to the legal significance of it.

WHEREFORE, premises considered, the nowant prays for the submission and filing of this document persuant to Nev. Sup. Ct. No. 411.

Affirmation

"I David Coil #1189948 author
of 'request for submission',
hereby attest under penalty of
perjury that the foregoing is true
and correct and not for any im-
proper purpose.

By: David Coil David Coil #1189948

NRS 208.165 and 171.121 Affiant

Hereby sworn this 14 day of January, 2021 under penalty
of perjury as true and correct.

David Coil #1189948

P.O. Box 650

Indian Springs, NV. 89070

By:

David Coil

Quick Cert. of Service

A true and correct copy of 'Request for Submission, "
was served on counsel of defendant below at address below
via logged outgoing legal mail by movant pursuant to NRCR
rules 4 and 5

By: David Coil

David Coil #1189948

Kelsey Bernstein

Mueller, Hinds and Assoc.

600 S. Eighth St

Las Vegas, NV. 89101

Jess Matsuda & Assoc.

326 S. 3rd St.

Las Vegas, NV. 89101

David Coil # 1189948

P.O. Box 650

Indian Springs, NV. 89070.

January 14, 2021

Affirmation pursuant to NRS 239B.030 and 603A.040

The undersigned affirms that there is no personal information of anyone used in this court action.

By: David Coil

David Coil # 1189948

In the Eighth Judicial District Court
of Nevada In and For the County of Clark.

State of Nevada

Case No. C318335

Plaintiff

vs

David Coil

Defendant

ERRATA NOTICE to COURT Pursuant to Nev. Sup. Ct.

ADKT.411

I.

Memorandum of Points and Authorities

Although the ~~defendant~~ is represented by counsel, this Court has the authority to hear and review matters concerning counsel as the defendant is incarcerated and unable to meet and address the circumstances in open court. Defendant relies on the Eighth Judicial District Court rule 7.40(a).

II

Pursuant to ADKT 411: Errata Notice to the Court.

The court appointed counsel to the defendant. Jess Matsuda. Mr. Matsuda was withdrawn and the defendant notified dismissed counsel through logged legal mail that he wished to obtain a complete copy of case file. That legal mail was returned to the defendant as undeliverable, not at this address and unable to forward. This was on Sept. 4, 2020.

The defendant then filed a motion for the production of documents that Jess Matsuda was in possession of with this court. The motion was granted but the defendant has yet to receive any documents and upon filing a new motion to produce documents discovered that the court had appointed Kelsey Bernstein to represent him. His motion was returned as Rqitive.

The defendant then attempted to contact Kelsey Bernstein via logged legal mail after attempting to motion the court for an extension of time to file post-conviction litigation which is how he discovered Kelsey Bernstein had been appointed. That legal mail was returned undeliverable, return to sender, attempted-not known, unable to forward.

Copies of both attempted correspondence are attached as exhibit #1.

The defendant has made every attempt possible to contact ex-counsel and current counsel to obtain a complete copy of his case file that is so detrimental to filing post-conviction litigation and at no fault of his own his deadline of Oct. 16, 2020 for filing post-conviction litigation has passed. The

addresses the defendant has were provided by the court.

Remedy

The error is clearly not the defendant's doing. He has done everything in his power to do what is right and just. However, he has been a victim due to ex-counsel and counsels lack of responsibility to their client.

1) The plaintiff asks the Court to grant the motion to extend time to file post-conviction litigation for at least 6 six months.

2) The plaintiff asks the Court to force trial counsel to provide a complete copy of the case file (Discovery evidence, witness statements and all transcripts.)

3) The plaintiff asks the Court to withdraw Kelsey Bernstein as the attorney of record and allow the defendant to file any motions he may need to to litigate post-conviction.

Dated this 14 day of January, 2021.

By: David Coil

David Coil #1189948

Defendant.

David Coil 1189984
P.O. Box 650
Indian Springs, NV. 89070
12.21.20

12B-4

ANK
LAS VEGAS, NV 890
22 DEC 2020 PM 5 L



~~Kelsey Bernstein
Mueler Woods & Assoc.
600 S. Eighth St.
Las Vegas, NV. 89101~~
*not address
fwd*

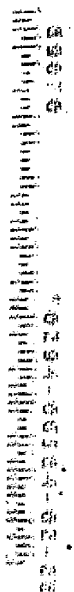
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MAILROOM
HIGH DESERT STATE PRISON

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RETURN TO SENDER
ATTEMPTED - NOT KNOWN
UNABLE TO FORWARD

SC: 89070

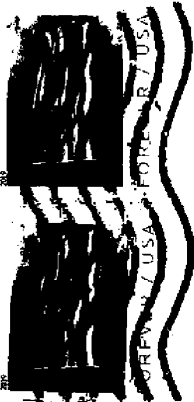


Rec: with label

COIL D 1184449
PO Box 650 HDSP
Indian Springs NV
89070

LAS VEGAS NV 890

15 JAN 2021 PM 4 L



RECEIVED

JAN 19 2021 Clerk of District Court County of Clark
CLERK OF THE COURT S. Lewis ST
Las Vegas NV

89155

00000000000000000000





**EIGHTH JUDICIAL DISTRICT COURT
CLERK OF THE COURT**

REGIONAL JUSTICE CENTER
200 LEWIS AVENUE, 3rd FL.
LAS VEGAS, NEVADA 89155-1160
(702) 671-4554

Steven D. Grierson
Clerk of the Court

Anntoinette Naumec-Miller
Court Division Administrator

March 17, 2021

Attorney: Kelsey L. Bernstein
Mueller Hinds and Associates
Attn Kelsey L Bernstein
600 South Eighth Street
Las Vegas NV 89101

Case Number: C-16-318335-1
Department: Department 10

Defendant: DAVID ANDREW COIL

Attached are pleadings received by the Office of the District Court Clerk which are being forwarded to your office pursuant to Rule 3.70.

Pleadings: **Motion To Withdraw Guilty Plea**

Rule 3.70. Papers which May Not be Filed

Except as may be required by the provisions of NRS 34.730 to 34.830, inclusive, all motions, petitions, pleadings or other papers delivered to the clerk of the court by a defendant who has counsel of record will not be filed but must be marked with the date received and a copy forwarded to the attorney for such consideration as counsel deems appropriate. This rule does not apply to applications made pursuant to Rule 7.40(b)(2)(ii).

Cordially yours,

DC Criminal Desk # 7

Deputy Clerk of the Court

1 David Coil #1189984

2 P.O. Box 650

3 Indian Springs, NV. 89070

4
5 In the eighth judicial district court of Nevada
6 in and for the county of Clark.

7
8 State of Nevada,

Case No. C16-318335-1

9 Plaintiff,

10 vs.

Post-Conviction Motion to

11 David Coil,

Withdraw Guilty Plea

12 Defendant,

Pursuant to N.R.S. 176.165

13
14 Motion to Withdraw Guilty Plea Pursuant
15 to N.R.S. 176.165.

16
17 Defendant David Coil pursuant to NRS 176.165 and
18 the United States and Nevada Constitutions, Moves this
19 Honorable Court to withdraw his guilty plea entered
20 September 28, 2017 on the basis that it was involuntarily
21 and unintelligently given and coerced.

22 This motion is based upon the prior pleadings and
23 attached points and authorities and on such further facts
24 as will come before the court at an evidentiary hearing
25 of this motion.

26 Respectfully submitted this 9 day of March 2021.

27 By: David Coil

David Coil

Page 1

Points and Authorities

Factual Statement

Defendant plead guilty on September 28, 2017 after less than one complete day of testimony. The plea was involuntary and invalidly rendered because it was induced by coercion of the defendant's trial counsel. In the middle of trial and testimony the defendant's trial counsel told him that if he did not plead guilty that he would surely receive life in prison and that if he plead guilty he would not receive life in prison.

An evidentiary hearing will clearly establish that the defendant's guilty plea is invalid because: (1) his attorney coerced it by making false statements to the defendant, (2) his actual conduct did not satisfy the elements of the charges, (3) the district court improperly denied the defendant's right to represent himself at trial, (4) the court advised the defendant of the constitutional rights he was waiving after his guilty plea was accepted.

I. Motion to Withdraw Guilty Plea

NRS 176.165 Provides: "Except as otherwise provided in this section, A motion to withdraw a plea of guilty but mentally ill or nolo contendere may be made only before sentencing is imposed or imposition of sentence is suspended. To correct manifest injustice, the court after sentencing may set aside the judgment of conviction and

1. permit the defendant to withdraw the plea."

2. Permitting a defendant to withdraw a guilty plea is
3. at the courts discretion. State v. Adams, 94 Nev. 503 (1978).
4. When a defendant brings a motion to withdraw a guilty plea,
5. the court has a duty to review the entire record to determine
6. whether the guilty plea was valid. A court may not simply
7. review the plea canvass in a vacuum, conclude that it indicates
8. that the defendant understood what he was doing, use that
9. conclusion as the sole basis for denying a motion to withdraw
10. a guilty plea. Michell v. State, 109 Nev. 137 (1993)

11. In determining whether a "fair reason" exist, courts
12. consider several factors, including (1) whether there has
13. been an assertion of legal innocence; (2) the amount of time
14. between the plea and motion to withdraw; and (3) whether
15. the government would be prejudiced by the withdrawal of
16. plea. U.S. v. Davis, 428 F.3d @ 805 (Factors include sub-
17. stance of plea colloquy and evidence, intervening circum-
18. stances and reasons for withdrawal of the plea that did
19. not exist when the plea was entered.)

20. The question of a defendant's guilt or innocence is
21. not put in issue with a motion to withdraw a guilty plea.
22. State v. District Court, 85 Nev. 381, 385 (1969); Hamrore v.
23. State, 100 Nev. 498, 502 (1984). The validity of defendant's
24. guilty plea must be challenged in the first instance in the
25. sentencing court by way of motion to withdraw the guilty
26. plea or by way of a post-conviction petition for relief.
27. Bryant v. State, 102 Nev. 268, 272 (1986)

28

1. II. A guilty plea must be entered into voluntarily,
2. knowingly and intelligently and uncoerced.

3. Specifically in this case, the "question" as to whether a
4. plea is voluntary will turn on the facts and circumstances
5. of each particular case." Taylor v. Warden, 96 Nev. @ 274. "The
6. Focus of the voluntariness inquiry is upon the frame of mind
7. of the defendant at the time he decides to plead."

8. To satisfy Constitutional muster, any guilty plea must
9. be a knowing, voluntary and intelligent waiver of a def-
10. endant's sixth amendment right to trial. Boykin v. Alabama,
11. 395 U.S. 239 (1969). It is respectfully submitted that de-
12. fendant David Coil, did not fully understand his rights
13. and did not know what he was facing when he plead guilty
14. due to erroneous information provided by trial counsel
15. and could not have entered a valid plea. Meyer v. State, 95
16. Nev. 885 (1979).

17. Not being an attorney and therefore untrained in law
18. and unaware of specifics known only to his attorney, the
19. defendant trusted his attorney and the advice to trust
20. his attorney by the trial judge, he plead guilty. Making
21. his plea involuntarily entered

22. N.R.S. 176. 325-355 states that it is "manifest in-
23. justice" for a person to take a plea based on bad advice
24. of counsel. A jurist of reason would not find the def-
25. endant's guilty plea knowingly, voluntary or intelligent
26. based on bad advice by trial counsel or trial judge.

27. Meyer v. State, 95 Nev. 888, 603 P.2d 1066 (1979),

1 requires the withdraw of a guilty plea to prevent a "man-
2 ifest injustice." For a guilty plea to be valid, it must have
3 been entered under circumstances that were fundamentally
4 fair. Means v. State, 120 Nev. 1001, 103 P.3d 25 (2004). The
5 totality of facts and circumstances of the defendant's
6 plea of guilt in this case require that he be allowed to
7 withdraw his plea because it was fundamentally unfair
8 and manifest injustice requires it be withdrawn.

9 10 Conclusion

11 The state will not be prejudiced by the defendant's
12 withdrawal of his plea. This case is not so old to be
13 gravely prejudiced by having a delayed trial.

14 The totality of circumstances and 'Manifest Injus-
15 tice' compel withdrawal of the defendant's guilty plea.

16
17 WHEREFORE, for the above stated reasons, def-
18 endant requests his motion to withdraw guilty plea be
19 granted in the interest of justice.

20
21 Respectfully Submitted,

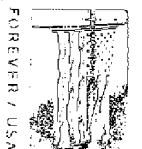
22 Date: 9 day of March, 2021

23
24 By: David Coil

25 (David Coil #1189948)

26 Defendant

630/2



Clark Count Clock & Courts
700 Lewis St
Las Vegas Nevada
89155

1 CODE: 3860

2 Name: David Coil #1189948

3 Address: P.O. Box 650

4 Indian Springs, NV. 89070

5 Telephone: N/A

6 Acting in Proper Person

7 IN THE Eighth

8 JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

9 IN AND FOR THE COUNTY OF

10 State of Nevada

11 Plaintiff (Petitioner),

Case No 9-16-318335-1

12 vs.

Dept. No. X

13 David Coil

14 Defendant (Respondent).

15 **REQUEST FOR SUBMISSION**

16 I, David Coil, acting in Proper Person, request that the

17 Motion to Withdraw Guilty Plea filed on _____

18 be submitted to the Court for consideration and determination.

19 I hereby certify that a copy of this Request has been mailed to all parties or their counsel.

20 DATE: March 9, 2021

21 David Coil
22 (Signature)

23 David Coil #1189948
24 (Name)

25 P.O. Box 650
26 (Address)

27 Indian Springs, NV. 89070

28 (Telephone Number)

Ct. App. 7/99

1

JUDICIAL DISTRICT COURT
COUNTY OF _____, STATE OF NEVADA

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding document, _____

Motion to Withdraw Guilty Plea and request
for submission

(Title of Document)

filed in case number: C-16-318335-1

☒ Document does not contain the social security number of any person

-OR-

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

☐ A specific state or federal law, to wit:

(State specific state or federal law)

-or-

☐ For the administration of a public program

-or-

☐ For an application for a federal or state grant

-or-

☐ Confidential Family Court Information Sheet
(NRS 125.130, NRS 125.230 and NRS 125B.055)

Date: March 9, 2021

David Call
(Signature)

David Call
(Print Name)

(Attorney for)

CERTIFICATE OF SERVICE

I do certify that I mailed a true and correct copy of the foregoing Motion to Withdraw Guilty Plea to the below address(es) on this 9 day of March, 200²¹, by placing same into the hands of prison staff for posting in the U.S. Mail, pursuant to FRCP 5(b):

Clark County District Attorney
200 Lewis Ave
Las Vegas
Las Vegas, Nevada 89155

Counsel for _____

() check for additional addresses below

David Coil
David Coil # 1189948

David Coil In Pro Se

ADDRESS(ES) Continued from Above: (If applicable)

_____, Nevada 89____

_____, Nevada 89____



**EIGHTH JUDICIAL DISTRICT COURT
CLERK OF THE COURT**

REGIONAL JUSTICE CENTER
200 LEWIS AVENUE, 3rd FL.
LAS VEGAS, NEVADA 89155-1160
(702) 671-4554

Steven D. Grierson
Clerk of the Court

Anntoinette Naumec-Miller
Court Division Administrator

April 22, 2021

Attorney: Kelsey L. Bernstein
Mueller Hinds and Associates
Attn Kelsey L. Bernstein
600 South Eighth Street
Las Vegas NV 89101

Case Number: C-16-318335-1
Department: Department 10

Defendant: DAVID ANDREW COIL

Attached are pleadings received by the Office of the District Court Clerk which are being forwarded to your office pursuant to Rule 3.70.

Pleadings: **Request For Submission Of Errata Notice To The Court; Errata Notice To The Court**

Rule 3.70. Papers which May Not be Filed

Except as may be required by the provisions of NRS 34.730 to 34.830, inclusive, all motions, petitions, pleadings or other papers delivered to the clerk of the court by a defendant who has counsel of record will not be filed but must be marked with the date received and a copy forwarded to the attorney for such consideration as counsel deems appropriate. This rule does not apply to applications made pursuant to Rule 7.40(b)(2)(ii).

Cordially yours,
DC Criminal Desk # 19
Deputy Clerk of the Court

David Coil #1189948

P.O. Box 650

Indian Springs, NV. 89070

January 14, 2021

Affirmation pursuant to NRS 239B.030 and 603A.040

The undersigned affirms that there is not any personal information of anyone used in this court action.

By: David Coil David Coil #1189948

In the Eighth Judicial
District Court of Nevada
In and for the County of
Clark.

The State of Nevada

vs.

David Coil

Case No. C318335

Dept. 10

Request for Submission of Errata Notice to the Court

Persuant to Nev. Sup. Ct. ADKT 411

Movant David Coil request the submission of: "Errata

Notice to the Court pursuant to Nev. Sup. Ct. ADKT 411" for
filing and consideration by and through and despite
having counsel due to the legal significance of it.

WHEREFORE, premises considered, the movant prays
the submission and filing of this document pursuant to Nev.
Sup. Ct. No. 411.

CLERK OF THE COURT

JAN 25 2021

RECEIVED

RECEIVED

APR 15 2021

CLERK OF THE COURT

Affirmation

"I David Coil #1189948 author
of 'request for submission',
hereby attest under penalty of
perjury that the foregoing is true
and correct and not for any im-
proper purpose.

By: *David Coil* David Coil #1189948

NRS 208.165 and 171.121 Affiant

Hereby sworn this 14 day of January, 2021 under penalty
of perjury as true and correct.

David Coil #1189948

P.O. Box 650

Indian Springs, NV. 89070

By:

David Coil

Quick Cert. of Service

A true and correct copy of 'Request for Submission...'
was served on counsel of defendant below at address below
via logged outgoing legal mail by movant pursuant to NRCR
rules 4 and 5

By: *David Coil*

David Coil #1189948

Kelsey Bernstein

Mueller, Hinds and Assoc

600 S. Eighth St

Las Vegas, NV. 89101

Jess Matsuda & Assoc

326 S. 3rd St.

Las Vegas, NV. 89101

David Coil # 1189948

P.O. Box 660

Indian Springs, NV. 89070

January 14, 2021

Affirmation pursuant to NRS 239B.030 and 603A.040

The undersigned affirms that there is no personal information of anyone used in this court action.

By: David Coil David Coil # 1189948

In the Eighth Judicial District Court
of Nevada In and For the County of Clark.

State of Nevada
Plaintiff

Case No. C318335
Dept. 10

vs

David Coil
Defendant

ERRATA NOTICE to COURT Pursuant to Nev. Sup. Ct.
ADKT. 411

I.

Memorandum of Points and Authorities

Although the ~~defendant~~ is represented by counsel, this Court has the authority to hear and review matters concerning counsel as the defendant is incarcerated and unable to meet and address the circumstances in open court. Defendant relies on the Eighth Judicial District Court rule 7.40 (a).

II

Pursuant to ADKT 411: Errata Notice to the Court.

The court appointed counsel to the defendant. Jess Matsuda. Mr. Matsuda was withdrawn and the defendant notified dismissed counsel through logged legal mail that he wished to obtain a complete copy of case file. That legal mail was returned to the defendant as undeliverable, not at this address and unable to forward. This was on Sept. 4, 2020.

The defendant then filed a motion for the production of documents that Jess Matsuda was in possession of with this court. The motion was granted but the defendant has yet to receive any documents and upon filing a new motion to produce documents discovered that the court had appointed Kelsey Bernstein to represent him. His motion was returned as futile.

The defendant then attempted to contact Kelsey Bernstein via logged legal mail after attempting to motion the court for an extension of time to file post-conviction litigation which is how he discovered Kelsey Bernstein had been appointed. That legal mail was returned undeliverable, return to sender, attempted-not known, unable to forward.

Copies of both attempted correspondence are attached as exhibit #1.

The defendant has made every attempt possible to contact ex-counsel and current counsel to obtain a complete copy of his case file that is so detrimental to filing post-conviction litigation and at no fault of his own his deadline of Oct. 16, 2020 for filing post-conviction litigation has passed. The

addresses the defendant has were provided by the court.

Remedy

The error is clearly not the defendant's doing. He has done everything in his power to do what is right and just. However, he has been a victim due to ex-counsel and counsels lack of responsibility to their client.

1) The plaintiff asks the Court to grant the motion to extend time to file post-conviction litigation for at least 6 six months.

2) The plaintiff asks the Court to force trial counsel to provide a complete copy of the case file (Discovery, evidence, witness statements and all transcripts.)

3) The plaintiff asks the Court to withdraw Kelsey Bernstein as the attorney of record and allow the defendant to file any motions he may need to to litigate post-conviction.

Dated this 14 day of January, 2021.

By: David Coil

David Coil #1189948

Defendant

Case No. C-16-318335-1

I am respectfully requesting to have the enclosed Errata Notice submitted to the court for consideration.

Pursuant to the Eighth Judicial District Courts own rule 7.40(a) and the Nevada Supreme Court Rule ADKT 411 this Notice should be submitted regardless of the Defendant being represented by counsel.

Respectfully submitted this 6th day of April, 2021.

By: David Coil
David Coil # 1189948

Co: L D 1186998

P. Box 650 HDSF

Indian Springs NV

89070

LAS VEGAS NV 890

12 APR 2021 PM 4 L

RECEIVED
APR 15 2021
CLERK OF THE COURT

Clerk of Court Eighth District
200 Lewis Ave
Las Vegas Nv

55158

[illegible][illegible]

1 David Coil #1189948
2 /In Propria Personam
3 Post Office Box 650 [HDSP]
4 Indian Springs, Nevada 89018

FILED
APR 27 2021
Clerk of Court

5 IN THE Eighth JUDICIAL DISTRICT COURT OF THE
6 STATE OF NEVADA IN AND FOR THE COUNTY OF Clark

7
8 State of Nevada
9 Plaintiff

May 19, 2021
8:30 AM

10 vs.

11 David Coil
12 Defendant

Case No. C-116-318335-1

Dept. No. _____

Docket _____

13
14 **MOTION TO WITHDRAW COUNSEL**

15 Date of Hearing: _____

16 Time of Hearing: _____

17 'ORAL ARGUMENT REQUESTED, Yes ☒ No _____

18 COMES NOW, Defendant, David Coil, proceeding in proper person,
19 moves this Honorable Court for an ORDER Granting him permission to withdraw his present counsel
20 of record in the proceeding action, namely,

21 Kelsey Bernstein

22 This Motion is made and based on all papers and pleadings on file with the Clerk of the Court
23 which are hereby incorporated by this reference, the Points and Authorities herein, and attached
24 Affidavit of Defendant.

25 DATED: this 19 day of April, 2021.

26 BY: David Coil
27 David Coil #1189948
28 /In Propria Personam

CERTIFICATE OF SERVICE BY MAILING

I, David Coil, hereby certify, pursuant to NRCP 5(b), that on this _____ day of _____, 20____, I mailed a true and correct copy of the foregoing, "Motion to Withdraw Counsel"

by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, fully prepaid, addressed as follows:

Clark County DA
200 Lewis Ave
Las Vegas, NV 89157

CC:FILE

DATED: this 19 day of April, 2021.

David Coil
David Coil # 1189948
/In Propria Personam
Post Office box 650 [HDSP]
Indian Springs, Nevada 89018
IN FORMA PAUPERIS.

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding _____

Motion to Withdraw Counsel

(Title of Document)

filed in District Court Case number 0+16-31833-1

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

-OR-

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

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

(State specific law)

-or-

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

David Coil
Signature

4/19/21
Date

David Coil
Print Name

Title

Co L D 1189949
P.O. Box 650 HDSR
Indian Springs NV
89030

02 11

102781Y 04

Clerk of District Court
200 Lewis ST
Las Vegas NV
89155

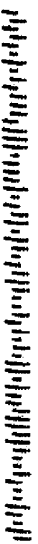
LAS VEGAS NV 890
19 APR 2021 PM 5 L



Earl
April 2

FOREVER / USA

89101-630000





MOT

NEVADA APPEAL GROUP
KELSEY BERNSTEIN, ESQ.
Nevada Bar No. 13825
714 S. 4th Street
Las Vegas, Nevada 89101
T: (702) 988-2600
F: (702) 988-2500
dsheets@defendingnevada.com
Attorney for Defendant

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

THE STATE OF NEVADA,

Plaintiff,

-vs-

DAVID ANDREW COIL

Defendant,

CASE NO: C-16-318335-1

DEPT NO: X

MOTION TO WITHDRAW AS
COUNSEL OF RECORD

COMES NOW, KELSEY BERNSTEIN, ESQ. of the firm Nevada Appeal Group, and
moves his Honorable Court for its Order allowing her withdrawal as attorney of
record for Defendant, DAVID COIL, in the entitled matter. This motion is made and
based upon the pleadings and papers on file herein, the attached Memorandum of
Points and Authorities and the attached Declaration of KELSEY BERNSTEIN, ESQ.

DATED this 28th day of April, 2021.

NEVADA APPEAL GROUP

BY /s/ Kelsey Bernstein
KELSEY BERNSTEIN, ESQ.
Nevada Bar No. 13825

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NOTICE OF MOTION

TO: THE STATE OF NEVADA, Plaintiff; and
TO: STEVEN B. WOLFSON, District Attorney, by and through a Deputy District Attorney; and
TO: DAVID COIL, Defendant

PLEASE TAKE NOTICE that the undersigned will bring the foregoing **MOTION TO WITHDRAW AS COUNSEL OF RECORD** on for hearing on the ____ day of _____, 20____, at _____ .m., or as soon thereafter as counsel may be heard in the above-entitled Court.

DATED this 28th day of April, 2021.

NEVADA APPEAL GROUP

BY /s/ Kelsey Bernstein
KELSEY BERNSTEIN, ESQ.
Nevada Bar No. 13825

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(b) Counsel in any case may be changed only:

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STATE OF NEVADA,)
) ss:
COUNTY OF CLARK)

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the DATED this 28th day of APRIL, 2021, I e-filed and/or mailed true and correct copy of the above and foregoing **MOTION TO WITHDRAW AS COUNSEL OF RECORD**, by depositing the same in the U.S. mail, first class mail, postage prepaid, addressed to the following:

DAVID COIL
Inmate 1189948
PO Box 650 HDSP
Indian Springs, NV 89070

Deputy District Attorney
200 Lewis Avenue
Las Vegas, Nevada 89101
motions@clarkcountyda.com
pdmotions@clarkcountyda.com

/s/ Kendle Atkinson
EMPLOYEE, NEVADA DEFENSE GROUP

1 **ORD**

2 NEVADA APPEAL GROUP
3 KELSEY BERNSTEIN, ESQ.
4 Nevada Bar No. 13825
5 714 S. 4th Street
6 Las Vegas, Nevada 89101
7 T: (702) 988-2600
8 F: (702) 988-2600
9 dsheets@defendingnevada.com
10 Attorney for Defendant

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

13 THE STATE OF NEVADA,

14 Plaintiff,

15 -vs-

16 DAVID ANDREW COIL

17 Defendant,

CASE NO: C-16-318335-1

DEPT NO: X

ORDER GRANTING MOTION TO
WITHDRAW AS COUNSEL OF
RECORD

18 This matter having been filed before the Court, having considered the
19 pleadings, papers, and documents on file herein, hereby orders as follows:

20 THE COURT HEREBY ORDERS the Motion to Withdraw as Attorney of Record
21 filed by Kelsey Bernstein, Esq., Is **GRANTED** for good cause shown.

22 DATED this ____ day of _____, 20____.

23 _____
24 DISTRICT COURT JUDGE

25 Respectfully Submitted By:

26 /s/ Kelsey Bernstein
27 KELSEY BERNSTEIN, ESQ.
28 Nevada Bar No. 13825

DISTRICT COURT
CLARK COUNTY, NEVADA



State of Nevada
vs
DAVID COIL

Case No.: C-16-318335-1
Department 10

NOTICE OF HEARING

Please be advised that the Kelsey Bernstein, Esq.'s Motion to Withdraw as Counsel of Record in the above-entitled matter is set for hearing as follows:

Date: May 10, 2021
Time: 8:30 AM
Location: RJC Courtroom 14B
Regional Justice Center
200 Lewis Ave.
Las Vegas, NV 89101

NOTE: Under NEFCR 9(d), if a party is not receiving electronic service through the Eighth Judicial District Court Electronic Filing System, the movant requesting a hearing must serve this notice on the party by traditional means.

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Marie Kramer
Deputy Clerk of the Court

CERTIFICATE OF SERVICE

I hereby certify that pursuant to Rule 9(b) of the Nevada Electronic Filing and Conversion Rules a copy of this Notice of Hearing was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

By: /s/ Marie Kramer
Deputy Clerk of the Court

1
2
3
4
5 Eighth DISTRICT COURT
6 Clark COUNTY, NEVADA
7

8 State of Nevada
9 Plaintiff

10 vs.

11 David Coil
12 Defendant

Case No. 16-318335-1

Dept. No. _____

Docket _____

13
14 **ORDER**

15 Upon reading the motion of defendant, David Coil, requesting
16 withdrawal of counsel, Kelsay Bernstein, Jesse Matsuda
17 Todd Lavelle, Ben Durham, Esq., of the Clark county Public
18 Defender's Office, and Good Cause Appearing,

19 **IT IS HEREBY ORDERED** that defendant's Motion for Withdrawal of Counsel is
20 GRANTED.

21 **IT IS HEREBY FURTHER ORDERED** that Counsel deliver to defendant at his address, all
22 documents, papers, pleadings, discovery and any other tangible property in the above-entitled case.

23 DATED and DONE this ____ day of _____, 20____.

24
25
26
27 **DISTRICT COURT JUDGE**
28

EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA

STATE OF NEVADA,

Plaintiff,

vs.

DAVID COIL,

Defendant.

CASE NO. C-16-318335-1


DEPT NO. X

ORDER GRANTING MOTION TO
WITHDRAW AS COUNSEL OF RECORD

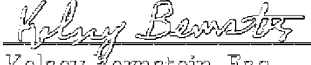
This matter having been filed before the Court, having considered the pleadings,
papers and documents on file herein, hereby orders as follows:

THE COURT HEREBY ORDERS the Motion to Withdraw as Attorney of Record filed by
Kelsey Bernstein, Esq. is GRANTED for good cause shown.
Dated this 13th day of May, 2021

DATED this ____ day of _____, 2021.


DISTRICT COURT JUDGE

Respectfully Submitted By:


Kelsey Bernstein, Esq.
Nevada Appeal Group
714 S. Fourth Street
Las Vegas, Nevada 89101
Telephone: (702) 988-2600
Facsimile: (702) 988-9500
kbernstein@defendingnevada.com
Attorney for Defendant

F48 256 875E C9DE
Tierra Jones
District Court Judge

1 CSERV

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA
4

5
6 State of Nevada

CASE NO: C-16-318335-1

7 vs

DEPT. NO. Department 10

8 DAVID COIL
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 5/13/2021

15 Victoria Boyd

boydv@clarkcountycourts.us

16 State Nevada

motions@clarkcountyda.com

17 Kelsey Bernstein

kbernstein.esq@gmail.com

18 Maritza Montes

maritza@defendingnevada.com
19
20
21
22
23
24
25
26
27
28

Electronically Filed
05/14/2021

Heather S. Smith
CLERK OF THE COURT

1 David Coil #11899456
2 /In Propria Personam
3 Post Office Box 650 [HDSP]
4 Indian Springs, Nevada 89018

5
6 IN THE Eighth JUDICIAL DISTRICT COURT OF THE
7 STATE OF NEVADA IN AND FOR THE COUNTY OF Clark

8 State of Nevada
9 Plaintiff

10 vs.

11 David Coil
12 Defendant

Case No. C-16-318335-1

Dept. No. _____

Docket _____

13
14 **MOTION TO WITHDRAW COUNSEL**

15 Date of Hearing: _____

16 Time of Hearing: _____

17 'ORAL ARGUMENT REQUESTED, Yes x No _____"

18 COMES NOW, Defendant, David Coil, proceeding in proper person,

19 moves this Honorable Court for an ORDER Granting him permission to withdraw his present counsel
20 of record in the proceeding action, namely,

21 Kelsey Bernstein, Ben Durham, Jess Matsuda, Todd Leventhal

22 This Motion is made and based on all papers and pleadings on file with the Clerk of the Court
23 which are hereby incorporated by this reference, the Points and Authorities herein, and attached
24 Affidavit of Defendant.

25 DATED: this 23 day of April, 2021.

26 BY: David Coil
27 David Coil #11899456
28 /In Propria Personam

1 David Coil 1189948
2 / In Propria Personam
3 Post Office Box 650 [HDSP]
4 Indian Springs, Nevada 89018

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

7
8 State of Nevada
9 Plaintiff
10 vs.
11 David Coil
12 Defendant
13

Case No. C-16-318335-1
Dept No. _____
Docket _____

14 **NOTICE OF MOTION**

15 **YOU WILL PLEASE TAKE NOTICE, that** David Coil

16
17 will come on for hearing before the above-entitled Court on the ____ day of _____, 20____
18 at the hour of ____ o'clock ____ M. In Department ____, of said Court.

19
20 CC:FILE

21
22 **DATED:** this ____ day of _____, 20____.

23
24
25 BY: David Coil #1189948
26 /In Propria Personam
27
28

1 **POINTS AND AUTHORITIES**

2 NRS 7.055 states in pertinent part:

- 3 1. An attorney who has been discharged by his client shall upon demand and payment of the fee
4 due from the client, immediately deliver to the client all papers, documents, pleadings and items
5 of tangible personal property which belong to or were prepared for that client.
6 2. . . If the court finds that an attorney has, without just cause, refused or neglected to obey its
7 order given under this section, the court may, after notice and fine or imprison him until the
8 contempt purged. If the court finds that the attorney has, without just cause, withheld the
9 client's papers, documents, pleadings, or other property, the attorney is liable for costs and
10 attorney's fees.

11 Counsel in the above-entitled case was court-appointed due to Defendant's indigence. Defendant
12 does not owe counsel any fees.

13 **WHEREFORE,** Defendant prays this Honorable Court, Grant his Motion to Withdraw Counsel
14 and that counsel deliver to Defendant all papers, documents, pleadings, discovery and any other
15 tangible property which belong to or were prepared for the Defendant to allow Defendant the proper
16 assistance that is needed to insure that justice is served.

17 **DATED:** this 22 day of April, 2021.

18 Respectfully submitted,

19 BY:

David Coil
David Coil

/In Propria Personam
Post Office Box 650 [HDSP]
Indian Springs, Nevada 89018

189948

NAME: David Coil, # 1189948

HIGH DESERT STATE PRISON
P.O. BOX 650
INDIAN SPRINGS, NEVADA 89018

DATE: 4/22/21

TO: Kekey Bernstein

Todd Leventhal

Jesse Matsuda

Ben Durham

SUBJECT: TERMINATION OF COUNSEL/TRANSFER OF RECORDS

CASE NO.: C-16-318335-1

DEPT. NO.: _____

CASE NAME: State v. David Coil

Please be advised that from this date forward, your authority as Attorney of Record in the above-stated action is hereby terminated. All of the professional relations of Attorney and Client do hereby cease.

Please enter your withdrawal from this action with the Court immediately.

Pursuant to NRS 7.055, I respectfully request that you deliver to me, forthwith, all documents, papers, pleadings and tangible personal property that is in your possession that relates to the above-named action.

Your prompt attention to this request is genuinely appreciated.

Respectfully,

David Coil

11111

11111

11111

CERTIFICATE OF SERVICE BY MAILING

I, David Cail, hereby certify, pursuant to NRCP 5(b), that on this 22
day of April, 2021, I mailed a true and correct copy of the foregoing, "Motion to
Withdraw Counsel"
by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, fully prepaid,
addressed as follows:

Clark County D.A.
200 Lewis Ave.
Las Vegas, NV. 89155

Todd Leventhal
626 S. 3rd St
Las Vegas NV
89101

Kelsey Bernstein
600 S. 8th St
Las Vegas NV 89101
~~Bar Barham~~

Jess Matarola
324 S. 3rd St
Las Vegas NV
89101

CC:FILE

DATED: this 22 day of April, 2021.

David Cail # 1189948
/In Propria Personam
Post Office box 650 [HDSP]
Indian Springs, Nevada 89018
IN FORMA PAUPERIS:

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding _____

Motion to withdraw counsel
(Title of Document)

filed in District Court Case number C-16-318335-1



Does not contain the social security number of any person.

-OR-



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

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

(State specific law)

-or-

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

David Coil
Signature

4/22/21
Date

David Coil
Print Name

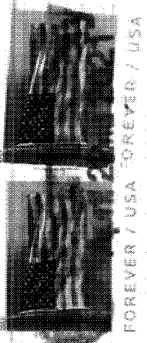
Defendant
Title

COIL D1189748

PO Box 650 HDSP
Indian Springs NV
89010

LAS VEGAS NV 890

26 APR 2021 PM 5 L



Clerk of District Court Clark County
200 Lewis ST
Las Vegas NV
89155



000003-10158

HEAVY DUTY ENVELOPE

APR 26 2021

UNIT 12

1
2
3
4
5 Eighth DISTRICT COURT
6 Clark COUNTY, NEVADA
7

8 State of Nevada
9 Plaintiff

10 vs.

11 David Coil
12 Defendant

Case No. C-16-318335-1

Dept. No. _____

Docket _____

13
14 **ORDER**

15 Upon reading the motion of defendant, David Coil, requesting
16 withdrawal of counsel, Kelsay Bernstein, Jesse Matsuda
Todd Leventhal Ben Durham, Esq., of the Clark county Public
17 Defender's Office, and Good Cause Appearing,

18 **IT IS HEREBY ORDERED** that defendant's Motion for Withdrawal of Counsel is
19 GRANTED.

20 **IT IS HEREBY FURTHER ORDERED** that Counsel deliver to defendant at his address, all
21 documents, papers, pleadings, discovery and any other tangible property in the above-entitled case.
22

23 DATED and DONE this ____ day of _____, 20 ____
24
25
26

27 **DISTRICT COURT JUDGE**
28

1 David Coil
2 1189984 In Propria Personam
3 Post Office Box 650 [HDSP]
4 Indian Springs, Nevada 89018

FILED
JUN 03 2021

John J. Quinn
CLERK OF COURT

5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

7
8 State of Nevada

9 Plaintiff,

10 vs.

Case No. CL6-318335

Dept. No.

11 David Coil

Docket June 28, 2021
8:30 AM

12 Defendant

13
14 Motion for Extension of Time to File Post-Conviction
15 Writ of Habeas Corpus

16
17
18
19 COMES NOW, David Coil, herein above respectfully
20 moves this Honorable Court for an Extension of time to file post-con-
21 viction Writ of Habeas Corpus

22 This Motion is made and based upon the accompanying Memorandum of Points and Authorities.

23
24
25 DATED: this 24 day of May, 2021

26 BY:

David Coil
David Coil #1189984
Defendant/In Propria Personam

CLERK OF THE COURT
JUN 01 2021

RECEIVED

23

24

25

26

RECEIVED

DEC 4 2020

CLERK OF THE COURT

The defendant made several attempts to procure a copy his papers, pleadings, transcripts and property held by his trial attorney Jesse Matsuda, his appellate attorney Kelsey Bernstein through logged legal mail and by filing a motion to produce those documents and property.

Jesse Matsuda changed his address as did Kelsey Bernstein without providing a forwarding address to the U.S. Postal Service or to the Court. Making communication impossible.

The Court granted the defendant's motion to produce documents but appointed Kelsey Bernstein as counsel of record for the defendant. Thus causing the defendant not to be allowed to file a motion to withdraw guilty plea or extension of time to file post-conviction litigation while setting a status hearing for the production of documents for Nov. 16, 2020 which time barred the defendant from filing a post-conviction Writ of Habeas Corpus.

These road blocks combined with the inability to access the prison legal library and legal mail system due to the Corona Virus epidemic along with the limited access to court due to the epidemic the defendant has been time barred from filing his post-conviction Writ of Habeas Corpus.

Conclusion

The defendant was denied his Constitutional right to due process in the form of being time barred from filing his post-conviction Writ of Habeas Corpus by no fault of his own. Due to gross negligence by his attorneys and the Corona Virus Epidemic the defendant's one year time from affirmation of conviction has been exhausted.

The defendant lost approximately eight months and is respectfully requesting to have this Honorable Court grant him an extension of time for a period of eight months from the time of the file date of this motion to file his post-conviction Writ of Habeas Corpus.

Respectfully submitted this ~~24~~ day of May, 2021

By: _____
David Coil
#1189948

CERTIFICATE OF SERVICE BY MAILING

I, David Coil, hereby certify, pursuant to NRCP 5(b), that on this _____ day of _____, 20____, I mailed a true and correct copy of the foregoing, "Motion for

Extension of Time"

by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, fully prepaid, addressed as follows:

Clark County D.A.
200 Lewis Ave
Las Vegas, NV. 89165

CC:FILE

DATED: this 24 day of May, 2024

David Coil
David Coil #1119984
/In Propria Personam
Post Office box 650 [HDSP]
Indian Springs, Nevada 89018
IN FORMA PAUPERIS:

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding _____

Motion For Extension of Time
(Title of Document)

filed in District Court Case number 16-318335

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

-OR-

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

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

(State specific law)

-or-

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

David Coil
Signature

5/24/21
~~5/27/21~~
Date

David Coil
Print Name

Plaintiff
Title

David Bell # 1189948
P.O. Box 650
Indian Springs, NV. 89070

151221

WV 11 PM
MAY 24 2021

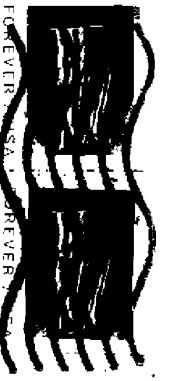
Elgin Judicial District Court
200 Lewis Ave
Las Vegas, NV. 89155

Confidential
Legal Matter

89101-630000



LAS VEGAS NV 890
24 MAY 2021 PM 3 L



FOREVER USA FOREVER

1 Case No. CL-318335

2 Dept. No. _____

FILED
JUN 03 2021
[Signature]
CLERK OF COURT

3
4
5 IN THE 8th JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
6
7 IN AND FOR THE COUNTY OF Clark

8 State of Nevada

9 Plaintiff

10 vs.

11 David Coil

12 Defendant

Case No. CL-318335

Dept No. X

Docket _____

13
14 **NOTICE OF MOTION**

15 **YOU WILL PLEASE TAKE NOTICE, that** _____

16
17 will come on for hearing before the above-entitled Court on the ____ day of _____, 20____
18 at the hour of ____ o'clock ____ M. In Department ____, of said Court.

19
20 CC:FILE

21
22 DATED: this 24 day of May, 2020.
23

24 BY: David Coil

25 David Coil

#189994

26 /In Propria Personam
27
28

1 CODE: 3860

2 Name: David Coil #1189948

3 Address: P.O. Box 650

4 Indian Springs, NV. 89070

5 Telephone: N/A

6 Acting in Proper Person

FILED

JUN 03 2021

John J. Miller
CLERK OF COURT

7 IN THE Eighth
8 JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
9 IN AND FOR THE COUNTY OF

10 State of Nevada

11 Plaintiff (Petitioner),

Case No 2-16-318335-1

12 vs.

Dept. No. X

13 David Coil

14 Defendant (Respondent).

15
16 REQUEST FOR SUBMISSION

17 I, David Coil, acting in Proper Person, request that the

18 Motion to Withdraw Guilty Plea filed on _____

19 be submitted to the Court for consideration and determination.

20 I hereby certify that a copy of this Request has been mailed to all parties or their counsel.

21 DATE: May 24, 2021

22 David Coil
(Signature)

23 David Coil #1189948
(Name)

24 P.O. Box 650
(Address)

25 Indian Springs, NV. 89070

26
(Telephone Number)

27
28 Ct. App. 7/99

RECEIVED

MAR 15 2020

CLERK OF THE COURT

JUDICIAL DISTRICT COURT
COUNTY OF _____, STATE OF NEVADA

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding document, _____

Motion to Withdraw Guilty Plea and request
for submission

(Title of Document)

filed in case number: C-16-318335-1



Document does not contain the social security number of any person

-OR-



Document contains the social security number of a person as required by:



A specific state or federal law, to wit:

(State specific state or federal law)

-or-



For the administration of a public program

-or-



For an application for a federal or state grant

-or-



Confidential Family Court Information Sheet
(NRS 125.130, NRS 125.230 and NRS 125B.055)

Date: May 24, 2021

David Coll
(Signature)

David Coll
(Print Name)

(Attorney for)

CERTIFICATE OF SERVICE

I do certify that I mailed a true and correct copy of the foregoing Motion to Withdraw Guilty Plea to the below address(es) on this 24 day of May, 200²¹, by placing same into the hands of prison staff for posting in the U.S. Mail, pursuant to FRCP 5(b):

Clark County District Attorney
200 Lewis Ave
Las Vegas
Las Vegas, Nevada 89155

Counsel for _____

() check for additional addresses below

David Coil
David Coil # 1189948

David Coil In Pro Se

ADDRESS(ES) Continued from Above: (If applicable)

_____, Nevada 89____

_____, Nevada 89____

PP
AK

1 David Coil #1199984

2 P.O. Box 650

3 Indian Springs, NV. 89070

FILED

JUN 03 2021

CLERK OF COURT

4
5 In the eighth judicial district court of Nevada
6 in and for the county of Clark.

June 28, 2021
8:30 AM

7
8 State of Nevada,

Case No. C16-318335-1

9 Plaintiff,

10 vs.

Post-Conviction Motion to

11 David Coil,

Withdraw Guilty Plea

12 Defendant,

Pursuant to N.R.S. 176.165

13
14 Motion to Withdraw Guilty Plea Pursuant
15 to N.R.S. 176.165.

16
17 Defendant David Coil pursuant to N.R.S. 176.165 and
18 the United States and Nevada Constitutions, Moves this
19 Honorable Court to withdraw his guilty plea entered
20 September 28, 2017 on the basis that it was involuntarily
21 and unintelligently given and coerced.

22 This motion is based upon the prior pleadings and
23 attached points and authorities and on such further facts
24 as will come before the court at an evidentiary hearing
25 of this motion.

26 Respectfully submitted this 24 day of May 2021.

27 By: David Coil
David Coil

28 Page 1

RECEIVED
JUN 01 2021
CLERK OF THE COURT

Points and Authorities

Factual Statement

Defendant plead guilty on September 28, 2017 after less than one complete day of testimony. The plea was involuntary and invalidly rendered because it was induced by coercion of the defendant's trial counsel. In the middle of trial and testimony the defendant's trial counsel told him that if he did not plead guilty that he would surely receive life in prison and that if he plead guilty he would not receive life in prison.

An evidentiary hearing will clearly establish that the defendant's guilty plea is invalid because: (1) his attorney coerced it by making false statements to the defendant, (2) his actual conduct did not satisfy the elements of the charges, (3) the district court improperly denied the defendant's right to represent himself at trial, (4) the court advised the defendant of the constitutional rights he was waiving after his guilty plea was accepted.

I. Motion to Withdraw Guilty Plea

NRS. 176.165 Provides: "Except as otherwise provided in this section, A motion to withdraw a plea of guilty but mentally ill or nolo contendere may be made only before sentencing is imposed or imposition of sentence is suspended. To correct manifest injustice, the court after sentencing may set aside the judgment of conviction and

1. permit the defendant to withdraw the plea."

2. Permitting a defendant to withdraw a guilty plea is
3. at the courts discretion. *State v. Adams*, 94 Nev. 503 (1978).
4. When a defendant brings a motion to withdraw a guilty plea,
5. the court has a duty to review the entire record to determine
6. whether the guilty plea was valid. A court may not simply
7. review the plea canvass in a vacuum, conclude that it indicates
8. that the defendant understood what he was doing, use that
9. conclusion as the sole basis for denying a motion to withdraw
10. a guilty plea. *Michell v. State*, 109 Nev. 137 (1993).

11. In determining whether a "fair reason" exists, courts
12. consider several factors, including (1) whether there has
13. been an assertion of legal innocence; (2) the amount of time
14. between the plea and motion to withdraw; and (3) whether
15. the government would be prejudiced by the withdrawal of
16. plea. *U.S. v. Davis*, 428 F.3d @ 805 (Factors include sub-
17. stance of plea colloquy and evidence, intervening circum-
18. stances and reasons for withdrawal of the plea that did
19. not exist when the plea was entered.)

20. The question of a defendant's guilt or innocence is
21. not put in issue with a motion to withdraw a guilty plea.
22. *State v. District Court*, 85 Nev. 381, 385 (1969); *Harrope v.*
23. *State*, 100 Nev. 498, 502 (1984). The validity of defendant's
24. guilty plea must be challenged in the first instance in the
25. sentencing court by way of motion to withdraw the guilty
26. plea or by way of a post-conviction petition for relief.
27. *Bryant v. State*, 102 Nev. 268, 272 (1986).

1. II. A guilty plea must be entered into voluntarily,
2. knowingly and intelligently and uncoerced.

3. Specifically in this case, the "question" as to whether a
4. plea is voluntary will turn on the facts and circumstances
5. of each particular case. "Taylor v. Warden, 96 Nev. @ 274. "The
6. focus of the voluntariness inquiry is upon the frame of mind
7. of the defendant at the time he decides to plead."

8. To satisfy Constitutional muster, any guilty plea must
9. be a knowing, voluntary and intelligent waiver of a def-
10. endant's sixth amendment right to trial. Boykin v. Alabama,
11. 395 U.S. 239 (1969). It is respectfully submitted that de-
12. fendant David Coil, did not fully understand his rights
13. and did not know what he was doing when he plead guilty
14. due to erroneous information provided by trial counsel
15. and could not have entered a valid plea. Meyer v. State, 95
16. Nev. 885 (1979).

17. Not being an attorney and therefore untrained in law
18. and unaware of specifics known only to his attorney, the
19. defendant trusted his attorney and the advice to trust
20. his attorney by the trial judge, he plead guilty. Making
21. his plea involuntarily entered

22. N.R.S. 176.325-355 states that it is "manifest in-
23. justice" for a person to take a plea based on bad advice
24. of counsel. A jurist of reason would not find the def-
25. endant's guilty plea knowingly, voluntary or intelligent
26. based on bad advice by trial counsel or trial judge.

27. Meyer v. State, 95 Nev. 888, 603 P.2d 1066 (1979),

1 requires the withdrawal of a guilty plea to prevent a "man-
2 ifest injustice." For a guilty plea to be valid, it must have
3 been entered under circumstances that were fundamentally
4 fair. Means v. State, 120 Nev. 1001, 103 P.3d 25 (2004). The
5 totality of facts and circumstances of the defendant's
6 plea of guilt in this case require that he be allowed to
7 withdraw his plea because it was fundamentally unfair
8 and manifest injustice requires it be withdrawn.

9 10 Conclusion

11 The state will not be prejudiced by the defendant's
12 withdrawal of his plea. This case is not so old to be
13 gravely prejudiced by having a delayed trial.

14 The totality of circumstances and 'Manifest Injus-
15 tice' compel withdrawal of the defendant's guilty plea.

16
17 WHEREFORE, for the above stated reasons, def-
18 endant requests his motion to withdraw guilty plea be
19 granted in the interest of justice.

20
21 Respectfully Submitted,

22 Date: 24 day of May 2021

23
24 By: David Coil

25 (David Coil #1189948)

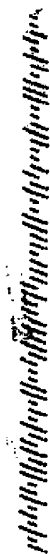
26 Defendant

David Coil #1189948
P.O. Box 650
Indian Springs, NV. 89070

Confidential
Legal Mail

Eighteen Judicial District Court
200 Lewis Ave
Las Vegas, NV. 89155

9510136300 C075



NOV 19 1994



FOREVER / USA

FOREVER / USA



1 **OPPS**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 ALEXANDER CHEN
6 Chief Deputy District Attorney
7 Nevada Bar #10539
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

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

9 THE STATE OF NEVADA,
10
11 Plaintiff,

11 -vs-

12 **DAVID COIL,**
13 **#8323388**

14 Defendant.

CASE NO: C-16-318335-1

DEPT NO: XII

15 **STATE'S OPPOSITION TO DEFENDANT'S MOTION TO WITHDRAW**
16 **GUILTY PLEA AND RESPONSE TO EXTENSION OF TIME TO**
17 **FILE A PETITION FOR WRIT OF HABEAS CORPUS**

18 DATE OF HEARING: JUNE 28, 2021
19 TIME OF HEARING: 8:30 AM

20 COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County
21 District Attorney, through ALEXANDER CHEN, Chief Deputy District Attorney, and hereby
22 submits the attached Points and Authorities in this State's Opposition to Defendant's Motion
23 to Withdraw Guilty Plea and Response to Extension of Time to File a Petition for Writ of
24 Habeas Corpus.

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

28 //

//

1 **POINTS AND AUTHORITIES**

2 Defendant pled guilty to multiple felony counts in this case. A Judgment of Conviction
3 was filed on December 13, 2017. Defendant has filed a Motion to Withdraw Guilty Plea
4 Agreement, but he has also filed a Motion for Extension of Time to File a Post-Conviction
5 Writ of Habeas Corpus.

6 **I. DEFENDANT’S MOTION SHOULD BE CONSTRUED AS A PETITION FOR**
7 **A WRIT OF HABEAS CORPUS**

8 “After sentence has been imposed, the statutory post-conviction habeas petition takes
9 the place of a motion to withdraw a guilty plea.” Harris v. State, 130 Nev. 435, 329 P.3d 619
10 (2014). Pursuant to NRS 34.724(2)(b), habeas corpus is the exclusive remedy to challenging
11 the validity of a guilty plea after sentencing.

12 It appears that Defendant is aware that he should file a post-conviction petition pursuant
13 to NRS 34.810. In this case Defendant pled guilty, and a Judgment of Conviction was filed on
14 December 13, 2017. Over one year has passed since the entry of the Judgment of Conviction,
15 therefore any future petition that Defendant files should also demonstrate good cause to
16 overcome the untimely filing.

17 As to his request for an extension of time to file a post-conviction petition, this Court
18 need not grant his motion. The parameters and time frames for filing a petition are proscribed
19 by statute. As described in Harris, this court should construe this motion as a post-conviction
20 petition for a writ of habeas corpus, but it is incumbent upon the Defendant to cure any defects
21 and to make his filing in compliance with NRS Chapter 34. Id., at 448-449, 628. In its current
22 form, Defendant has not complied with the requirements of Chapter 34, both in substance and
23 in form. Thus it would be appropriate to deny both of the Defendant’s current motions and
24 allow him to file a correct petition if he so chooses.

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CONCLUSION

The State respectfully requests that the Court DENY Defendant's Motions.
DATED this 10th day of June, 2021.

Respectfully submitted,

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

BY /s/ Alexander Chen
ALEXANDER CHEN
Chief Deputy District Attorney
Nevada Bar #010539

CERTIFICATE OF SERVICE

I hereby certify that service of the above and foregoing was made this 10th day of JUNE
2021, to:

DAVID COIL, BAC#1189984
HIGH DESERT STATE PRISON
P.O. BOX 650
INDIAN SPRINGS, NV 89070

BY /s/ Howard Conrad
Secretary for the District Attorney's Office
Special Victims Unit

hjc/SVU

1 MOT

2 DAVID ANDREW COIL

3 1189948

4 Po Box 650 HDSP

5 Indian Springs NEVADA 89070

6

7

DISTRICT COURT
CLARK COUNTY NEVADA

8

9

10 STATE of NEVADA

11 Plaintiff

12 vs

13 DAVID COIL

14 Defendant

15

16 MOTION FOR EXTENTION OF TIME

17

18 I, DAVID COIL Pray this Honorable Court to Grant
19 an extension of time for purpose of submission of
20 Writ of Habeas Corpus. During process to receive
21 Defendants case file after Motion Granted to
22 compel counsel, Defendants calendar for filings
23 expired without receiving the file and necessary
24 documents. This Motion is to cure Manifest
25 Injustice and hopefully prevent Miscarriage of Justice.

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FILED

JUL 14 2021

CLERK OF COURT

August 4, 2021
8:30 AM

CASE NO C-16-318335-1

RECEIVED

JUL 12 2021

CLERK OF THE COURT

POINTS AND AUTHORITIES

1 Trial Counsel withdrew December 13,
2 2017. Defendant was transported December 18, 2017
3 Defendant used other inmates for information on
4 filing motions. Nevada State Supreme Court Grant
5 Motion to appoint Counsel for Defendants Direct
6 Appeal. Kelsey Bernstein Esq was Court appointed
7 and November of 2018 Motion to extend time
8 and it was Grant. Todd Leventhal was a sub-
9 stitution of Counsel and motioned for Extension
10 of time in February 2019 and was GRANTED
11 Counsel Leventhal withdrew in September of
12 2019. Remitterer was dated November of 2019.
13 Defendant now proceeds Pro Se until Corona-
14 Virus hits Prison system March 2020. ALL
15 progress stops on Defendant process. Defendant
16 reaches out for document from Jess Matsuda
17 Defendants Trial Counsel. ALL mail correspondence
18 is ended by address change by Trial Counsel
19 with ~~a~~ no forwarding from U S Postal Services.
20 September 2020 Defendant Motions this
21 Court to Compel Counsels to deliver files and
22 all other documents or/and property to Defendant.
23 October 2020 Motion is Granted. 10 Months
24 lost time by Corona Virus and restrictions
25 from Law Library

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Continued

1 Defendant received from this Honorable Court
2 that Defendants Motion had been Granted and
3 Kelsey Bernstein Esq has been appointed Counsel
4 to provide the file and related documents
5 Defendant wrote Mueller Hinds and Associated
6 to contact Bernstein for receiving Defendants
7 file. Letters were returned undeliverable-
8 Not at this address - No forward available.
9 December 2020 Defendant filed a Motion to
10 extend time do to Kelsey Bernstein of
11 Mueller Hinds and Associates had not provided
12 the file in a timely manner causing Defendant
13 calendar to file with this court to expire and
14 become time barred. Motion was returned from
15 Clerk of Courts as fugitive document. Defendant
16 being time barred and barred communication with
17 this court by appointed and obstructionist Counsel,
18 Defendant pursued Motion to withdraw Counsel
19 3 times after receiving the file. February,
20 March and April filings to withdraw/dismiss
21 Counsel of record. May 19 2021 Court granted
22 Motion and Counsel withdrawing October to May
23 Defendant has lost, and Covid 9 months lost
24 Defendant had No Possible means to address
25 calendar issues relating to a writ of Habeas.

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Continued

1 Defendant is not a Lawyer, not versed in
2 procedures, has little to no access to Legal materials.
3 Defendant is using all means available to
4 cooperated within all parameters of this legal
5 system, but Prays This Court to use Leniency
6 in Granting Defendants Motion to Extend time
7 Only when Defendant received a semi complete
8 file was it made abundantly obvious that a
9 Writ of Habeas Corpus is necessary and have
10 a large probability of success, For a cure
11 of Manifest Injustice, and prevent a
12 Miscarriage of Justice, this Defendant puts
13 forth an earnest request that this Honorable
14 Court, Grant without further delay, Defendant
15 Motion and grant 9 months to complete the
16 Habeas Corpus process.

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**PLEADING
CONTINUES
IN NEXT
VOLUME**