

# IN THE SUPREME COURT OF THE STATE OF NEVADA

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Nov 03 2022 03:23 PM  
Elizabeth A. Brown  
Clerk of Supreme Court

ROBERT BROWN, JR.,  
Appellant(s),

vs.

THE STATE OF NEVADA,  
Respondent(s),

Case No: C-14-299234-1

Docket No: 85061

# RECORD ON APPEAL VOLUME 5

**ATTORNEY FOR APPELLANT**  
ROBERT BROWN, JR. # 6006120,  
PROPER PERSON  
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LAS VEGAS, NV 89101

**ATTORNEY FOR RESPONDENT**  
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1 MR. YANEZ: That would be fine, Judge.

2 THE COURT: Okay. Let's come back 60 days or so from  
3 today.

4 THE COURT CLERK: August 26<sup>th</sup>.

5 THE MARSHAL: 30.

6 THE COURT: Wait. It wasn't clear to me -- now, was there a  
7 motion for O.R. or bail reduction because its not showing on my  
8 calendar, but was --

9 MR. RAMAN: There is, Your Honor. Mr. Yanez and  
10 Ms. Maningo coordinated with your clerk -- it was originally on for  
11 yesterday, however, they were unavailable. It got moved to today.

12 THE COURT: Okay, I do have and I have reviewed it so go  
13 ahead, Mr. Yanez, it's your motion, or Ms. Maningo, whoever's going to  
14 handle it.

15 MR. YANEZ: I'm going to argue it, Judge; thank you.

16 And I understand the seriousness of this case, Judge. I  
17 understand it's a death penalty case. And while the State is legally  
18 entitled to seek the death of Robert Brown with a valid conviction after a  
19 jury trial, what I don't think they're legally entitled to is to leave him in the  
20 jail exposed to a potentially deadly virus.

21 A couple of things. I'm sure the Court's well aware of the  
22 science behind COVID. Unfortunately, in our country sometimes these  
23 issues become politicized and we stray away from the science. A lot of  
24 people like to compare the COVID virus to the common cold. The  
25 science shows that that's not the case. That the death rate for COVID is

1 five to ten times more likely than the situations of the common cold.

2 Another fact that I was unaware of until I was doing a little  
3 more research this morning is that people like Mr. Brown who are in  
4 custody have a two and a half time higher rate of infection than those in  
5 the general population. And although our community now has started to  
6 open up, its apparently opened up not based on any science but more  
7 based, I believe, on kind of economic and political pressure. We have an  
8 infection rate the past week that is well past anything we had during the  
9 time we were on lock down. So, I think science-wise, the risks that are at  
10 stake are very serious and severe.

11 You compound that with the fact that Mr. Brown has serious  
12 underlying health issues that the CDC has unequivocally said makes  
13 you a more likely candidate to be susceptible to the virus and to lead to  
14 death. We provided the Court just some brief records. We obviously  
15 didn't want to flood the Court with everything, but we can provide the full  
16 set of records that he has. Before he was even in jail he has been  
17 diagnosed with asthma and he has a diagnosis of hypertension that is  
18 well documented in his medical records, which again makes him more  
19 susceptible to contract the virus and to die from it if he contracts it.

20 I read the State's opposition. I understand, again, that this is a  
21 serious accusation. I don't want to litigate the entire facts in this case  
22 due to the nature of the case and our investigation still going on,  
23 however, I think Mr. Raman would agree with me that the main piece of  
24 evidence in this case is an allegation that there's an eyewitness who  
25 ID'd Mr. Brown. What I would say to that is according to the Innocence

1 Project, cases that have been reversed based on DNA for faulty  
2 convictions the number one factor is eyewitness – faulty eyewitness  
3 identification and that is the main piece of evidence. I know there's some  
4 other – other evidence that is circumstantial, but the main piece of  
5 evidence is an alleged eyewitness identification.

6 The State also took issue with Mr. Brown's financial situation  
7 and not having any type of proof as to his ability to afford bail or not  
8 afford bail. I obviously will provide whatever documentation the Court  
9 requires, but I think its quite obvious someone who has always had the  
10 assistance of public attorneys and whose been in custody for the past  
11 six years is I think beyond a reasonable doubt not going to be able to  
12 post any bail of a significant amount.

13 What I would ask the Court to do is to grant him an own  
14 recognizance release. And I know the Court's going to maybe balk at  
15 that based on the nature of the case and I acknowledge  
16 Mr. Brown has a prior history, however Your Honor can impose  
17 conditions; electronic monitor, stay away orders. There's a range of  
18 things this Court can do to ensure the safety of this community. And if  
19 the Court is not so inclined to grant an own recognizance release with  
20 severe restrictions, I'd ask the Court to impose a bail -- and the State's  
21 opposition also took issue with the fact that we did not make that request  
22 of a specific amount. Probably because it's going to be difficult for  
23 Mr. Brown to meet any type of bail amount. I mean I was kind of trying to  
24 think of numbers that would assure this Court of his presence, of the  
25 safety of the community, and I was thinking, well, what if we did

1 \$50,000.00 dollars? And at 15% that's still \$7,500.00 dollars. \$7,500.00  
2 dollars is a large amount of money, if not unaffordable, for someone who  
3 has not been working and has been in custody for the past six years. So,  
4 I'm putting that number out there as a suggestion. Again, I doubt  
5 Mr. Brown could even make \$50,000.00 dollar bail.

6 And I'll submit it on those arguments, Judge.

7 THE COURT: All right, thank you.

8 Mr. Raman.

9 MR. RAMAN: Your Honor, he's charged with murder and  
10 many other charges. We're seeking the death penalty. He's clearly not  
11 entitled to bail under the previous statutory framework, as well as  
12 Valdez-Jimenez if the proof is evident presumption is great on murder,  
13 which it is. He's currently being held on no bail. He's been being held on  
14 no bail since he was apprehended having fled from the state of Nevada  
15 right after the murder, and then apprehended somewhere around a year  
16 after the crime so he successfully managed to evade capture for that  
17 time period.

18 Now, Mr. Yanez didn't go into the facts here, but as I laid out  
19 in the brief, the facts are quite strong that this man is the person in  
20 question. The proof is certainly evident. With regard to his argument on  
21 an ID case and whether that's strong or not and whether the Innocence  
22 Project has anything to say about that, we have to remember this is a  
23 domestic violence related murder. It's not some stranger-thing where  
24 some -- a person comes in and picks somebody out of a line-up. They  
25 knew who this was. The mother of the victim knew this was the victim's



1 girlfriend – I'm sorry, the victim's girlfriend is her daughter and the  
2 Defendant was the boyfriend. There is all this evidence that ties motive,  
3 that ties opportunity, that ties the timeline, and then the things after the  
4 fact that shows that it is clearly Robert Brown Jr. who killed Ms. Nick,  
5 shot the mom, and shot at the three-year old. So, it's not one of these  
6 mistaken identity cases. It's a domestic.

7           With regard to the COVID-19 analysis, I believe that that's  
8 only instructive on cases of lesser offenses. As the Court knows by  
9 Judge Bell's depopulation order, which was tacitly agreed to by Sheriff  
10 Lombardo, that was assigned to people who are in a classification of  
11 they are serving sentences, they have done three-quarters of their  
12 sentence and they fit these risk categories. Frankly, the categories that  
13 they tried to place Mr. Brown in, be it some diagnosis of asthma, some  
14 diagnosis of hypertension or having received his gallbladder removal,  
15 are not those type of categories that makes him any more high risk, nor  
16 does he fit in the category of people who should be receiving a benefit  
17 under that.

18           This is a person who is charged with very violent activities that  
19 led to the death of a woman, another woman being shot, and he has a  
20 prior history of this where he tried to kidnap and kill a previous wife. So,  
21 this is certainly not somebody who should be given any kind of bail relief.  
22 He should be held no bail. It is certainly the least restrictive means. He's  
23 demonstrated threat of violence and risk of flight.

24           THE COURT: All right, thank you.

25           Anything further, Mr. Yanez?

1 MR. YANEZ: Just briefly, Judge. When Judge Bell gave that  
2 order we were in the beginning of our lock down period and the numbers  
3 were significantly lower infection rate-wise than they are right now. Now  
4 we have the added problem of not only is our infection rate higher, but  
5 whether it's a cause or a symptom. We are now no longer on lock down  
6 so the possibility, the risk is increased now that we are opening up.

7 And I'll submit it on that, Judge.

8 THE COURT: All right, thank you.

9 Well, as – you know, as stated in Valdez-Jimenez, certain  
10 analysis does not apply to death penalty cases and so I think we're  
11 starting there. This is – the State is seeking the death penalty. I think  
12 some of the information that I'm looking at is there was the shooting at  
13 an apartment complex which endangered not only the victims here but  
14 anyone in an adjacent apartment or in a common area. There was a  
15 witness ID. I know that you can attack witness ID, but I understand one  
16 of the witnesses was told, is anything going on at apartment 232, which  
17 mean [indiscernible] inferred that the Defendant knew something else  
18 was going on. And it was a neighbor. It was a neighbor. It was a  
19 neighbor of – Robertson I believe the gentleman's name was. There is  
20 information that he fled to California. And we have one person who died  
21 and another person who is attempt murder. And so, -- and then  
22 apparently there was one year lag time as far as catching Mr. Brown.  
23 And so, I do find the proof evident presumption great of his involvement  
24 in this particular case by clear and convincing evidence. And also, as an  
25 issue to the safety to the community, clearly, as I had mentioned before,

1 there is the factors of the shooting in an apartment complex environment  
2 clearly is a danger to the community. So, under these circumstances,  
3 he'll remain with no bail at this time.

4 Like I said, we'll come back in 60 days from today and see  
5 where we're at as far as preparation for trial. And –

6 MR. RAMAN: Okay.

7 THE COURT: -- we'll have more information on how we're –  
8 how the selecting of the jury is going on at that – on the third floor.

9 MR. YANEZ: Thank you, Judge.

10 MR. RAMAN: All right, good luck.

11 MS. MANINGO: Your Honor, this is Ivette Maningo. With  
12 regards to the status check date, I think I got August 26. What time was  
13 the status check at?

14 THE COURT CLERK: My apologies. It will be actually August  
15 28<sup>th</sup> if we're still doing the Friday hearings, and that will be 10:15 a.m.

16 MS. MANINGO: Thank you.

17 THE COURT: If we're able to go back to the normal calendar  
18 of the Wednesdays then we'll contact all counsel, but right now, –

19 MS. MANINGO: Thank you.

20 THE COURT: -- as far as we know, it's still going to be Friday.

21 MR. YANEZ: Okay, thank you.

22 MR. RAMAN: Appreciate it, Judge.

23 /////

24 /////

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MS. MANINGO: Thank you.

[Hearing concludes at 10:32 a.m.]

\* \* \* \* \*

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

  
CYNTHIA GEORGILAS  
Court Recorder/Transcriber  
District Court Dept. XVII

*Heidi L. Smith*  
CLERK OF THE COURT

**ORDR**  
STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
JAY P. RAMAN  
Chief Deputy District Attorney  
Nevada Bar #010193  
200 Lewis Avenue  
Las Vegas, NV 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,  
Plaintiff,

-vs-

ROBERT BROWN, JR.,  
#6006120

Defendant.

CASE NO: C-14-299234-1

DEPT NO: XVII

**ORDER DENYING DEFENDANT'S MOTION FOR RELEASE ON HIS OWN  
RECOGNIZANCE, OR IN THE ALTERNATIVE, MOTION TO SET BAIL**

DATE OF HEARING: JUNE 26, 2020  
TIME OF HEARING: 10:15 A.M.

THIS MATTER having come on for hearing before the above entitled Court on the 26th day of June, 2020, the Defendant being present, represented by ABEL YANEZ, ESQ., the Plaintiff being represented by STEVEN B. WOLFSON, District Attorney, through JAY P. RAMAN, Chief Deputy District Attorney, and the Court having heard the arguments of counsel, based on the pleadings and good cause appearing therefor,

///

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///

1 IT IS HEREBY ORDERED that the Defendant's Motion for Release on His Own  
2 Recognizance, or in the alternative, Motion to Set Bail, shall be, and it is DENIED.  
3 Defendant's no-bail status STANDS.

4 DATED this \_\_\_\_\_ day of July, 2020. Dated this 7th day of July, 2020

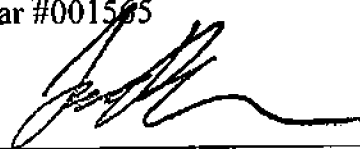


6 DISTRICT JUDGE

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

60A 946 F485 BE6F  
Michael Villani

10 BY

  
11 JAY P. RAMAN  
12 Chief Deputy District Attorney  
13 Nevada Bar #010193

26 12F19975X/erg/L-5

1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
6 State of Nevada

CASE NO: C-14-299234-1

7 vs

DEPT. NO. Department 17

8 Robert Brown, Jr.  
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: 7/7/2020

15 Jonathan Crain .	jcrain@christiansenlaw.com
16 Keely Perdue .	keely@christiansenlaw.com
17 Kendelee Works .	kworks@christiansenlaw.com
18 Peter S. Christiansen .	pete@christiansenlaw.com
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22 Abel Yanez	ayanez@noblesyanezlaw.com
23 DA Motions	PDmotions@clarkcountyda.com
24 Richard Scow	richard.scow@clarkcountyda.com
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Jay Raman

[jay.raman@clarkcountynvda.com](mailto:jay.raman@clarkcountynvda.com)



PP  
DA  
AOR

DISTRICT COURT  
CLARK COUNTY, NEVADA

Electronically Filed  
07/13/2020

*Heather S. Hemin*  
CLERK OF THE COURT

1 STATE OF NEVADA ) Case No.: C-14-299234-1

2 Plaintiff ) Dept. No.: XVII

3 vs. )

4 ROBERT BROWN-6006120, by )

5 Yahshua Ariyl Ha-Kohen )

6 Accused )

7

8

9

"NOTICE OF MOTION"

10

11 You will please take notice that the above mentioned

12 ACCUSED, ROBERT BROWN, will come on for hearing in

13 the forthcoming "MOTION TO DISMISS COUNSELS" on the

14 14<sup>th</sup> Day of August, 2020 @ time set forth 10:15 AM/PM,

15 Dept. No. 17

16

17 \* Court Clerk to set specifics; To advise parties of interest

18 as such. \*

19

20

21

Respectfully,

22

ROBERT BROWN, by

23

Yahshua Ariyl Ha-Kohen, In Pro Se

24

25

RECEIVED

26 Dated this 30<sup>th</sup> Day of June, 2020 C.E.

JUL - 6 2020

27

CLERK OF THE COURT

RP  
DA  
AOR

DISTRICT COURT  
CLARK COUNTY, NEVADA

Electronically Filed  
07/13/2020

*Heather J. Hume*  
CLERK OF THE COURT

1 STATE OF NEVADA ) Case No.: C-19-299234-1

2 Plaintiff ) Dept. No.: XVII

3 vs. )

4 ROBERT BROWN - 6006120, by )

5 Yahshua Ariyl Ha-kohen )

6 Accused )

8-14-20

10:15 a.m.

8 MOTION TO DISMISS COUNSELS

10 COMES NOW, the Accused, ROBERT BROWN (a legal PERSON of an Aggregate  
11 Lay Corporation), by Ariyl (a spiritual Parson of an Ecclesiastical Corporation  
12 Sole), hereby brings forth this Motion to Dismiss Counsels, in pro persona.

13 A previously denied Motion to Dismiss Counsels, to wit, IVETTE A. MANINGO  
14 and ABEL M. YANEZ, was filed by this court on January 17, 2019. This Motion  
15 is based upon all papers, pleadings, and documents on file and/or otherwise  
16 in possession of the State.

18 Factual statements set forth in this Motion dated this 30<sup>th</sup> day  
19 of June 2020 C.E.

22 Accused,

23 ROBERT BROWN - 6006120

24 RECEIVED *TZ & KD*

25 JUL - 6 2020

26 CLERK OF THE COURT

27

## ARGUMENT

In addition to all the issues in the previous Motion, a (3) three page letter dated 3-8-2019 C.E. (EXHIBIT A) was given to said counsels before the Motion was heard. This letter was in response to judge VILLANI'S direction for the Accused to provide some specific issues - which this letter does, in a list form of items A-K.

The Accused also sent a letter to counsel ABEL M. YANEZ, dated Jan. 9, 2020 C.E. (EXHIBIT B), wherein counsel was "ordered" to return a formal copy of notice to the court that the Accused has the desire that the record reflects his continuing objection to the court's jurisdiction, and counsels' pretended representation. Page 5, id. The Accused has only seen counsels once in about (2) two years, due to his expressed refusal to see said hostile, incompetent counsels. See id., at p. 2. Nothing "ordered" by the Accused in this letter was carried out by said counsel.

The Accused also sent a letter to counsel IVETTE A. MANINGO, dated 8-28-2019 C.E. (EXHIBIT C), which was sent through this court. This letter expresses the existing hostility and conflicts between the Accused and treasonous counsels, as well as the intent of the Accused to never accept or otherwise approve of any visit by them. id., at p. 3. It also expresses the incompetence of said counsel, and her failure and refusal to investigate the government misconduct briefly discussed therein. The Accused has provided dozens of documents and arguments for proof on this issue, since about 2015, which can be provided to the court.

1 Because counsels refuse to uphold and prepare for the Accused's  
2 unfettered right to his own defense or defenses between (1) being an  
3 immune "common law" foreign Sovereign of the primitive Church; and (2)  
4 a no defense (prove every element defense); and (3) a mistaken identity  
5 defense (See EXHIBIT B, at p.3), it necessarily follows that, under the  
6 ongoing hostility, conflicts, and breakdown in trust and co-operation, counsels  
7 and this court will be having nothing less than a plain lynching.

8 At every step, the State-appointed counsels have repeatedly  
9 acted against the expressed will of the Accused. At the outset of  
10 every assigned attorney, the Accused obtained their agreement to  
11 not submit any Motion to the court before he has had opportunity  
12 to review it first. While the Accused was pro se, he obtained  
13 this simple agreement from present counsel IVETTE A. MANINGO  
14 before she even agreed to take over the case. However, on 6-22-2020,  
15 MANINGO and co-counsel ABEL M. YANEZ filed a Motion for an O.R. release,  
16 while disrespecting their agreement to submit every Motion to the Accused  
17 for review first. Consequently, about (2) two days before the Motion  
18 was set to be heard, the Accused felt compelled to accept counsels'  
19 visit after he received notice that they had filed this Motion without  
20 it being reviewed first. Until then, the Accused had refused their  
21 visits for nearly two years. Said visit was not in any way aimed  
22 at, or an indication of, an intent to re-establish anything with  
23 counsels. The Accused, while emotionally distraught, could only  
24 gather his thoughts to express to counsels his discontent  
25 with the fact that they had omitted, from this Motion, several  
26 underlying factors that make the Accused more susceptible to being  
27 killed by COVID-19. Counsels purposely omitted known qualifying factors,

1 due to the fact that the Accused had just sent counsels another  
2 letter of discontent about a month before they filed their Motion.  
3 See this letter dated May 6, 2020 c.e. (EXHIBIT D), which enumerates  
4 (7) seven factors. See also the letter of discontent dated May 7, 2020  
5 c.e. (EXHIBIT E), which expounds upon a principle of law that  
6 Nevada is violating with respect to its courts making unjust  
7 value choices of certain "qualifying" inmates deserving to have their  
8 lives spared over the lives of others who are not even found guilty.

9 In response to the Accused's discontent about omissions  
10 in their Motion, counsel IVETTE A. MANINGO said they "can still make  
11 the arguments" when the Motion is heard. Needless to say, none of  
12 the issues in the letter dated May 7, 2020 c.e. (EXHIBIT E) were  
13 argued by counsels. And in the factors of the letter dated May 6, 2020  
14 c.e. (EXHIBIT D), factors (1), (2), (6) and (7) were not argued. The  
15 factors argued were confined to what was already in their Motion.  
16 This means that counsels, in their ongoing hostility and conflict with  
17 the Accused, purposely disregarded his expressed will. If any competent  
18 counsel had respect enough to include all of these arguments, any  
19 reasonable judge could have rightfully sensed the true degree of  
20 danger and unfairness to the Accused's life, if he were denied  
21 such a Motion for his release. For example: factor (7), *supra*, states,  
22 "Cases (of COVID-19) in the U.S. are estimated to be about 10 times  
23 higher than reported." EXHIBIT D, at p. 2. More disturbing, however, is  
24 the fact that CNN later reported on June 26<sup>th</sup> that CDC blood tests  
25 indicate that the number of COVID-19 cases is estimated by them to  
26 be as high as "24 times higher than reported." Compare this with  
27 the only numbers fact that counsel YANEZ cared to argue, which

1 was Nevada 'reporting' an upsurge of about 400 cases a day for  
2 the week, while those numbers were within the 100 range at the  
3 time of the "opening" of Nevada's next stage. Thus, in light of CNN's  
4 report, a conservative figure of 20 times 400 cases (8000 cases  
5 of infections a day) is not only far more alarming, but would be  
6 unquestionably a fact that would amount to plain incompetence  
7 on the part of any attorney that omitted this, after they were  
8 informed about it. Nevertheless, this was a public fact in the con-  
9 structive knowledge of judge VILLANI, which imputation begs  
10 the question of his competence. Cumulatively, the omitted facts  
11 alone, if measured against the level of danger added to the life and  
12 fairness to the Accused, would demonstrate that the attorneys and  
13 judge would be found incompetent for not considering them.  
14

15 On June 26<sup>th</sup> 2020, said Motion was heard. At this time, Accused  
16 was brought into a room with about 20 inmates, with seating  
17 directly next to each other, wearing masks for COVID-19 'protection'.  
18 Two inmates of CCDC were brought from QUARANTINED units,  
19 due to having contracted the virus. Officers brought these in  
20 the room with us only after the court called their name.

21 Inmates had to stand in front of a video monitor which  
22 had printed signs around it for us, which indicated that we were  
23 not being heard by the court (open mic) but needed to have a  
24 "button pushed" (apparently by an officer) if we needed to be  
25 heard on the court's end, or else by counsels. With that said, the  
26 Accused had to painfully watch the attorneys and the judge MICHAEL  
27 VILLANI allow the D.A. to LIE about the "criminal history" that was

1 aimed at convincing the judge that no O.R. or bail should be granted.  
2 The Accused has 2 (two) felony convictions arising out of the same  
3 case in 1997 for which he pleaded no-contest. Furthermore, these are  
4 the only felony convictions, and the only conviction for which the  
5 Accused was sentenced to prison. The convictions were for  
6 carjacking and corporal injury. See Criminal History printout (EXHIBIT  
7 F). Needless to say, with only ONE felony prison sentence, it is  
8 hard to imagine that any competent attorney would fail to know  
9 what the ONE prison sentence was for, while knowing that the  
10 D.A. will necessarily argue about it. More astonishingly, however,  
11 was the fact that judge VILLANI also did not say anything  
12 when the D.A. knowingly LIED and said the Accused was convicted  
13 of 2 (two) felonies against his former wife, for "kidnapping and  
14 attempted murder." This was the only "criminal history" that the  
15 D.A. argued, and could argue; and only added the argument that the  
16 Accused is facing a capital case. It is even harder to believe  
17 that judge VILLANI did not know what the ONLY prison conviction  
18 was for, especially in light of the fact that he recalled from  
19 his own memory that the shooting took place in an apartment,  
20 and that the Accused was alleged to have been concerned with  
21 what was going on in his apartment, number 232."

22  
23 It is reasonable to believe that any competent judge  
24 would have been impressed far differently if they were asked  
25 to consider a Carjacking and Corporal Injury conviction against  
26 a former wife, as opposed to a kidnapping and Attempted Murder  
27 conviction against the same. This would be especially true

1 in light of the fact that under California law, the Carjacking  
2 conviction was not only the controlling charge that made  
3 the Accused serve 85% as a violent offender, but under  
4 California law and others, a Carjacking conviction against what is  
5 community property of a married couple, is patently unlawful. Thus,  
6 if the judge was asked to weigh the actual felony convictions,  
7 it should have reasonably invoked sympathy for the fact that  
8 the Accused served a lengthy, family-destroying sentence  
9 for a patently unlawful charge.

10  
11 With regard to the D.A.'s only remaining argument  
12 that the Accused should not be granted an O.R., or bail because  
13 he is facing a capital offense, counsels failed to point out  
14 that other capital defendants have been released upon the  
15 same motion. Furthermore, counsels failed to point out the fact  
16 that the State, thus far, has the intention to further incarcerate  
17 the Accused, under its "offer" of 20 years, for about an additional  
18 13 years, due to the fact that the Accused has been incarcerated  
19 for nearly 7 years. Thus, the actual risk that the State needed  
20 to secure was for a 13 year prison term, against the high risk  
21 of death to the Accused with regard to COVID-19. Failure to argue  
22 such basic common sense on behalf of a capital defendant is  
23 beyond incompetence on the part of counsels, and the judge, for  
24 his failure to correct the one-sided argument of the D.A. and  
25 counsels! that the Accused is facing capital punishment, while  
26 omitting the fact that the Accused is faced with a 20 year  
27 "offer" by the State also. Such a perverted one-sided view



1 argued by any defense counsel, ought to be a cause to have their  
2 license revoked for manipulating facts upon which a judge must  
3 draw legal conclusions about a capital defendant whose counsels  
4 are obligated to argue from what benefits the Accused, and  
5 not the other way around. This is nothing short of criminal  
6 behavior; an intolerable evil that the court is also tolerating.

7  
8 With regard to judge VILLANI's argument that the  
9 Accused "Fled" to California, counsels failed to make any argument  
10 against that notion, notwithstanding the fact that nobody ever  
11 claimed to have seen the Accused "flee" anywhere by any means  
12 after allegedly committing the offenses charged. By a perverted  
13 sense of "presumptive" logic of facts, judge VILLANI made an unjust  
14 factual conclusion from the fact of what the Accused is charged with, to  
15 the "presumption being great" because he believes the Accused  
16 "Fled" to California. Such an absurd factual conclusion by a trier  
17 of law is manifest by the fact that said judge (and attorneys)  
18 failed to mention or argue from the actual fact that the Accused  
19 was not a resident proper of Nevada, but a Seasonal Resident,  
20 which means the Accused was obligated by law, under the con-  
21 ditions of said status, to "return" to the State of his residence  
22 proper (California) a certain amount of times within every 90  
23 days. The Accused has informed EVERY attorney about this basic  
24 fact, due to their concern that the State believes he "Fled" to  
25 California, because of this incident, rather than having an ordinary  
26 reason to "return" to his residence proper. Furthermore, judge VILLANI  
27 and every attorney has been in possession of the Accused's Nevada

1 Seasonal Resident ID, which the police seized from his Nevada  
2 apartment the day of the incident. So it could only be plainly  
3 malicious, and an unjust one-sided skewing of facts, for judge  
4 VILLANI to not only ignore the law's requirements to hold such a  
5 status, but also argue from the position that the Accused  
6 was not a Seasonal Resident of Nevada, but a resident proper,  
7 who, then, could not have been reasonably presumed to have "normally"  
8 left Nevada around the time of (before, during, or after) the incident.  
9 Not only did judge VILLANI argue from such a factual position  
10 that is a LIE which counsels unreasonably stood silent to, but  
11 he was 'careful' to not raise any eyebrows or otherwise have the  
12 record reflect that "California" (the State he says the Accused "fled to")  
13 was the home State and residence proper, to which the Accused naturally  
14 and permanently belongs. Put another way: if anyone oblivious to  
15 all of the true and actual facts, read or heard the court's perverted  
16 record or arguments against such an Accused during a Motion (or, even  
17 worse, during trial), they could never, on their own, think anything  
18 other than one of their own resident natives "fleeing" to a State not  
19 their own. This is especially alarming and unacceptable in light of  
20 the fact that counsels are purposely standing silent to these  
21 LIES.

22 Counsels unreasonably stood by silent in light of the  
23 fact that judge VILLANI was not only prejudicing the Accused by  
24 arguing from the standpoint that the Accused was not a Seasonal  
25 Resident of Nevada, but was necessarily overthrowing the presumption  
26 of law that establishes proof of a Seasonal Resident fulfilling its  
27 legal obligations, whenever he "returns" to the State of his residence

1 proper within every 90 days. Furthermore, it is well documented  
2 in this case by several of the State's witnesses, that the Accused  
3 often left to California unannounced, which also angered the decedent.  
4 Thus, judge VILLANI ignored the greater presumption that arises out  
5 of these facts in the State's own case, which is: whenever the  
6 Accused left to California unannounced, the presumption is  
7 that he was acting within his normal behavior. Any reasonable  
8 judge, then, would only need to weigh in the fact that the State does  
9 not actually know, by a presumption, when the Accused allegedly "fled" to  
10 California, especially because such a presumption is based on mere  
11 speculation. Contrast this with the presumption of law, *supra*, p. 9.  
12 Clearly, then, the attorneys unreasonably stood silent to judge  
13 VILLANI'S prejudice and perversion of reasoning.  
14

15 As noted above (p. 3), it has been the expressed will of the  
16 Accused, to every attorney assigned to this case, to put on his  
17 defense of the Church's foreign Sovereign immunity, in conjunction  
18 with the other (2) two defenses, *supra*, p. 3. Since the beginning  
19 of this case, the Accused has provided every attorney with  
20 hundreds of documents with legal authorities and arguments  
21 proving that the Church is a separate Sovereign from the  
22 State's commonality, thus having peculiar protections. See enclosed  
23 example pages numbered 1-14 (EXHIBIT G). Documents likewise  
24 given were on the fact that the State of Nevada has omitted at  
25 least (5) five essential elements from its charging documents.  
26 This means the State, in its usual course, will not be proving every  
27 element, because it "establishes" them by a "presumption of law" at

1 the moment of entering trial; hence the need to put on a "prove  
2 every element" defense, which necessarily must be done without  
3 counsels conceding to any element beforehand. See enclosed  
4 example pages numbered 11-16 (EXHIBIT H).

6 Counsels have NO RIGHT to choose any defense for the  
7 Accused. They are only afforded by State law the control of the  
8 defense STRATEGY, by which they aim for the success of the  
9 DEFENSE(S) exclusively the right of the Accused to choose. Apparently,  
10 judge VILLANI and counsels are in collusion, by their purposely con-  
11 fusing the difference between choosing a DEFENSE and choosing  
12 a defense STRATEGY, since they have continued to REJECT counsels  
13 obligation to comply with the Accused's choice of DEFENSE, on the  
14 confused ground that "counsels have the right to choose defense  
15 STRATEGY." The Accused has never made a demand that counsels  
16 comply with a STRATEGY of his choosing. It is as though judge  
17 VILLANI and counsels are so stupified as to not know the difference  
18 between an argument about a bank depositor's right to choose MONEY,  
19 and the bank's right to choose MONEY STRATEGY. It ought to be  
20 manifest, then, that judge VILLANI and counsels would not be  
21 so stupid as to allow their banks to tell them that they are never  
22 given the right to choose the MONEY (defense) to give the banks  
23 (attorneys), on the ground that the banks have the exclusive right  
24 to MONEY STRATEGY. Such absurd reasoning is tantamount to saying  
25 the banks are also in the exclusive possession and monopolization  
26 of the money, which in turn means the depositor's could never have  
27 given any money to the banks, because they never had possession

1 of it! But this is precisely the confused and perverted reasoning  
2 that judge VILLANI and counsels have employed against the Accused  
3 when, upon hearing the previously denied Motion to Dismiss Counsels,  
4 they took the position that the Accused cannot tell counsels what  
5 DEFENSE to use, because it is their exclusive decision as to what  
6 defense STRATEGY to use.  
7

8 Every other issue not written in the body of this Motion  
9 is included by way of the previous Motion to Dismiss filed on  
10 January 17, 2019; and the attached EXHIBITS to this Motion.  
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## CONCLUSION

The Accused, ROBERT BROWN, asserts he is being denied the right to competent and effective counsel. See ROMPILLA v. BEARD, 125 S. Ct. 245 (outlining Death Penalty Standards for counsel). The right to counsel is also the right to effective Assistance of Counsel. CUYLER v. SULLIVAN, 100 S. Ct. 1708 (1980) and FRAZIER v. U.S., 18 F3d 778 (9<sup>th</sup>, 1994). The Accused ought to have counsels acting in the role of advocate. "ANDERS v. CALIFORNIA, 87 S. Ct. 1396 and 1480 (1967).

A counsel who is unable to provide effective or adequate assistance, is no better than one who has no counsel at all; and any appeal(s) would be futile in its gesture. EVITTS v. LUCEY, 105 S. Ct. 830 (1985); DOUGLAS v. CALIFORNIA, 83 S. Ct. 814 (1963).

As a result of the actions of counsels or the lack thereof, a showing of Conflict of Interest requires, still, no showing of Prejudice. CUYLER, supra, at 1717. Counsels' services have proven to be ineffective. STRICKLAND v. WASHINGTON.

Counsels have been on this case for about (2) two years and have made no effort or showing of any relative amount of research and preparation towards the DEFENSE(s) that the Accused has expressly directed counsels to use, since the outset of their assignment to his case. The fact of the matter is that it is in all likelihood that counsels have NO experience or qualification

1 to the DEFENSE of Foreign Sovereign Immunity of the Church  
2 (an Ecclesiastical Corporation Sole and Public Municipality). Thus,  
3 counsels had the DUTY to remove themselves, and continue to not  
4 withdraw themselves as if they they possess the qualifications  
5 and experience to effectively 'defend' the Accused without  
6 putting on said DEFENSE.  
7

8 \* The Accused requests that this court direct counsels of  
9 record to bring proof of their qualifications and experience  
10 with said DEFENSE, to this Motion's hearing, including documents  
11 indicating how much research and progress they have made.  
12  
13

14 The court should dismiss counsels, as there has  
15 remained a total breakdown of trust; severed communications  
16 which make it impossible to co-ordinate an informed defense;  
17 and hostile enmity against the Accused as a Church dignitary.  
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## VERIFICATION

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I, ROBERT BROWN, submit that the aforementioned is true  
and accurate to the best of my knowledge, under penalty of  
perjury. NRS 208.165.

Respectfully submitted,  
ROBERT BROWN - 6006120  
RB

DATED THIS 30<sup>th</sup> DAY OF JUNE, 2020 C.E.



# EXHIBIT A

(3 page letter dated 3-8-2019 C.E.)

3-8-2019 C.E.

To: Abel M. Yanez, Esq.  
Ivette A. Maningo, Esq.

From: Robert Brown - 6006120  
Clark County Dtn. Ctr.

Re: COUNSELS' NEGLECT OF THE RIGHTS OF THE ACCUSED AND HIS PROFESSION

The following list is based on all documents and proceedings in this case, which have been otherwise transmitted to the present and former attorneys of record, by the Accused and State.

1. A written response to, and requested copies of three letters of discontent sent by the Accused have yet to be given, since over nine months. This deprives the Accused of proving a Conflict, etc.

2. Since the time that Attorneys have been assigned to case, no Motions, or Written responses have been given for, or in response to:

- (A) The Accused's arguments with supporting legal authorities, for the Right to use an available alternative Subjective "reasonable person" standard for the default Objective standard used in Stock Jury Instruction 1.13, and in the various Tests involved in proving Statutory Elements, etc.

- (B) The Accused's documents on Crime Scene Staging by LVMPD in this case.

(C) The Accused's documents on the State's sole victim-witness giving various Perjurious Testimony, and Impeaching Statements.

(D) The Accused's documents on Fabricated Statements given by Officer Monica Kehrli.

(E) The Accused's direction to obtain a deposition from Officer Monica Kehrli, which the present attorney Ivette Maningo had long ago agreed to do.

(F) The Accused's documents on the apparent Tampering or Fabrication of the recorded Audio File and/or Transcription of Officer Monica Kehrli's Voluntary Statement.

(G) The Accused's documents with supporting legal authorities and arguments, for the Right to challenge the lawfulness of the Felony-Murder Rule.

(H) The Accused's documents with supporting legal authorities and arguments, for the Right to challenge the Nevada murder statute for violating Article IV, Sec. 17 of Nevada's Constitution, which prohibits a statute from embracing more than one Object and Subject. And this appears to be an issue De Novo; thus, counsels cannot possibly have any grounds to argue against its validity or review by the Court.

(I) The Accused's documents with supporting legal authorities and arguments, for the Right to challenge the Nevada murder statute for violating the Rules of Statutory Construction called *Expressio Unius Est Exclusio Alterius* and/or *Ejusdem Generis*. And each of these appear to be an issue De Novo; thus, counsels cannot possibly have any grounds to argue

against their validity or review by the Court.

(J) The Accused's documents with supporting legal authorities and arguments, for the Right to challenge Nevada law for its antiquated practice of Conclusively Presuming and Establishing Unwritten Common Law criminal elements against defendants without their knowledge. And this appears to be an issue De Novo; thus, counsels cannot possibly have any grounds to argue against its validity or review by the Court.

(K) The Accused's documents with supporting legal authorities and arguments, for the Right to Sue and be Sued in what the Common Law recognizes as one's "Christian" or Baptism Name, which Name (i.e., Ariyl) is also an Exclusive and Unique Name belonging to the Accused, since 2001 as a Sole Spiritual Corporation, Registered and Copyrighted with Exclusive Use in Commerce, since 2006.

## EXHIBIT B

(5 page letter dated Jan. 9, 2020 C.E.)

Jan 9, 2020 C.E.

ROBERT BROWN - 6006120

CLARK COUNTY DETENTION CENTER

ABEL M. YANEZ, Esq.

RE: McCOY v. LOUISIANA (case you gave me at 1-8-2020 court date)

I gather from that case that you want me to comprehend how your 'law' dictates what attorneys can do without client consent. If I thought you had sincere motives for giving me that case, I wouldn't be so offended by your failure to provide me with an accompanying letter admitting how you and Ivette are intentionally violating the very rulings in McCOY against my expressed objections.

EXAMPLE 1: "When a client expressly asserts that the objective of "his defence" is to maintain innocence of the charged criminal acts, his lawyer must abide by that objective and may not override it by conceding guilt." McCOY, supra, at p.7.

I have provided you and previous attorneys with over a hundred handwritten pages proving that Nevada law presumptively establishes at least 5 unwritten (common law) elements against defendants if they are not challenged. Not only is your refusal to make the jury

aware of the D.A.'s obligation to prove those elements tantamount to "conceding guilt," but is contrary to a "no defence" strategy, and/or a "mistaken identity" defence. Over my objections, you are refusing the jury's right to know and consider EVERY ELEMENT of the offenses charged, which goes to guilt. The court held its prohibition, all the same, whether an attorney was "confessing guilt," "admitting guilt," "conceding guilt," or "assert[ing] guilt" of a defendant. id. at p.1, n.1. The court then said:

"...if counsel is appointed, and unreasonably insists on admitting guilt over the defendant's objection, a capable trial judge will almost certainly grant a timely request to appoint substitute counsel. And if such a request is denied, the ruling may be vulnerable on appeal." id. at p.7.

Obviously, your judge is in violation of this, when he denied my motion to dismiss you and Ivette. And this is obviously why I have refused all visits, since then.

EXAMPLE 2: "Some decisions, however, are reserved for the client — notably, whether to plead guilty, waive the right to a jury trial, testify in one's own behalf, and forgo an appeal." id. at p.6. [cit. omit.]

Despite whatever prophetic imaginations your attorneys "think" your "professional judgment" or experience foretells about a

client's position in his case, the court held that you have no right to "Usurp" those "fundamental choices" that belong to the client. id., at p. 10. Even the dissent agreed that:

"... a defendant cannot be forced to enter a plea against his wishes.... Similarly, no matter what counsel thinks best, a defendant has the right to insist on a jury trial and to take the stand and testify in his own defence." id., at p. 8. [citations omitted]

In my aforementioned documents that you have in your possession, I have gone at length to express my objections to Nevada's statute law operating to presumptively find guilt against defenses of: (1) My status as an immune foreign Sovereign of the Church; (2) A No Defense defense; and (3) A Mistaken Identity defense. To my knowledge, none of these defenses concede to any element of guilt, which has been my expressed position to every attorney. And yet, neither of you have expressed to me an agreement to pursue one or more of these defenses. It will, therefore, not avail either of you to 'think' that you would prove to be 'competent' by planning to put on one of these defenses without my knowledge or express agreement, because you will in fact be conceding to elements of guilt, as I've explained.

It has been your positions, including judge Villani's, that I cannot control "Defense Strategy", because that is solely the province of attorneys. But I must say that, under McCoy's holding, you are



all willfully perverting, or are in willful ignorance of what that means, because it is NOT applicable to me and my essential disgust with you and Ivette. I'm dumbfounded by the fact that neither of you know the difference between contentions of violating the client's right to have "his defence" of no concession of any guilt, and a client's attempt to control ~~how~~ an attorney goes forward in attempting to achieve the client's defence, by means of the attorney's defence strategy. Put another way, you don't have the right to usurp a client's defense; it is only your province to aim at that goal by the strategy you choose.

After naming other instances where attorneys unjustifiably conceded to elements of guilt against a defendant's will, the McCoy court plainly pointed out that:

"These were not strategic disputes about whether to concede an element of a charged offense, cf. post, at 8; they were intractable disagreements about the fundamental objective of the defendant's representation." id., at p. 11.

Put another way, like the cases mentioned, the essence of the problem is not that there is a "strategic" dispute about whether to concede an element of a charged offense, because the defenses under consideration would all FAIL if any element were conceded to! The only reasonable strategy to accomplish such a defence, necessary demands that it

involves the goal of NOT conceding to ANY element. And you are both willfully disregarding the fact that, by default, Nevada law assumes that a person is guilty, and thereby presumptively establishes against a defendant, essential, albeit, unwritten "common law" elements, if not challenged. And a jury must know what those elements are, because they are not generally given to them in Nevada's jury instructions.

To do otherwise and drag me into trial, amounts to criminal "collusion" by the "Court" (i.e., the judge, D.A., and attorneys), and "simulating legal process." Thus, I hereby order you to send and return to me two (2) court-filed copies of this letter.

If this letter does not give you any new insight into the relevance of the issues in my documents, then I also order you to send all of my handwritten documents, excepting personal letters, to the court for in camera review by the judge. You are also ordered to send and return to me two (2) copies of a formal notice to the court reflecting my desire to have the record reflect that I have a "continuing objection" to the court's pretended personal and subject matter jurisdiction over my status as a foreign sovereign of an Ecclesiastical Corporation Sole, as well as yours and Ivette's pretended representation of such.

Arnyl L2444,

Servant of Yahweh

## EXHIBIT C

(4 page double-sided letter dated 8-28-2019 C.E.)

File and  
Return 2 Copies

For in Camera review  
by Judge Michael Villani

C299234

8-28-2019 C.E.

ROBERT BROWN - 6006120

CLARK COUNTY DETENTION CENTER

RECEIVED BY  
DEPT 17 ON

SEP - 4 2019

IVETTE A. MANINGO, Esq.

RE: Every bullet casing being found in the bedroom (i.e., 8 casings)

In your visit today, you told me that bullet casings "get kicked" around crime scene. Ivette, I'm not a four-year-old, that you should tell me something that only your class of pride could only consider. It was, to be clear, amongst the first stupid considerations I could have entertained. The only point you made to me, by that remark, is that you are quick to erect hostile barriers against me. You continue to do this, and then get heated - ever looking for the call button to escape or else run away from the disagreement to your nonsense. Grow up.

Anyhow, you have obviously hired a forensic "expert" that hasn't had a clue about the fact that it is IMPOSSIBLE for all 8 casings to be in the bedroom (ie, according to Esther's testimony). It is so pathetically obvious to me that you are either an incompetent, sub-par, attorney, or you are a dump truck who has no other concern for my life than that of an animal. It is manifest by the fact that I have foolishly given you and Abel so many opportunities to register in your minds a spark of reasoning to me, that you both,

at least, can express common sense about the implications of this matter regarding the casings. I've been more than "suggestive" to you both; but I can't seem to prod your minds to spit anything helpful out of your mouths. Case in point: I just mentioned to you that a scenario of an account of events that shows a different, albeit, corroborative account of the placement of all casings in the bedroom, would be an example of the need of a "theory", as you said, and you answered "yes", and further added that it would then need to be shown "how" that "hurts". Sadly, no bells rang in your inconsiderate mind, because I was not "grasping" for straws. I have written to you and previous attorneys at length about the several different accounts given about this incident. And one account seemingly agrees with the placement of the casings. But time and time again, it never registers in your mind, because you probably haven't even read them, or else you just don't give a damn. Have you read the Declaration of Warrant? Isn't it true that the only shootings in that account, which can be certainly placed, are those in the bedroom? I've shown this elsewhere in my documents also. Now I'm sure you're wondering why I would even want to point out an account that seemingly makes the police look "innocent". After all, I've been emphasizing that Esther's testimony makes it look like the police moved the casings. So here is the "theory" in a nutshell, as to how the "innocent" agreeable account actually implicates the police for staging the crime scene. First, I shouldn't have to tell you that it is probable, and indeed likely that, in no

case like this, can it be expected that such a shooting victim will give a full account of the events in such a limited and pressured time. Initially, Esther was able to give an account that only described shootings that took place in the bedroom. Thus, it would have damaged Esther's account, if officers found casings that contradicted what may have been the only "dying declaration" of a victim against her killer. Only an idiot, then, would not understand how the moving of those casings works to condemn whatever suspect they decided to frame. This is common sense that even a child could understand. But it hasn't even dawned on YOU! This State has committed the most outrageous crime, and you are acting like an accomplice. But Esther survived, and filled in every other detail that she could recall, which includes shooting accounts in the living room where there would be casings, if the police hadn't MOVED THEM to corroborate her initial story. Hence, there is the curious concern by the interviewing officer of officer Monica Kehrli, about whether or not she noticed any "bullet casings" or whether the cell phone was "moved." Because BOTH items were MOVED! And I'm not going to let you tell me that it is not relevant that a crime scene was staged by police. I've had enough of your dumb shit. Don't ever come here again to visit me. I mean none of you. I will not come out to see you. This case should have been attacked and dismissed. I'll impute all of this knowledge to you, the D.A. and every other attorney in a Civil suit, while you all intentionally jeopardize my life in the face of these

facts. And because you continue to refuse to return a copy of my correspondences, I'm sending this letter against my will through judge Villani. And should it work to my detriment, I'll send the Supreme Court the transcripts of Villani telling me that you don't have to provide me with copies; and hence the compulsion to go through him for retaining proof of your incompetence and hostility.

Sincerely distressed,

LZK94

Aryl, Servant of Yahweh

## EXHIBIT D

(2 page double-sided letter dated May 6, 2020 C.E.)



Return  
3 copies

May 6, 2020 C.E.

ABEL M. YANEZ, Esq.

IVETTE A. MANINGO, Esq.

ROBERT BROWN - 6006120

CLARK COUNTY DETENTION CENTER

RE: April 8, 2020 letter from Abel Yanez.

As you know, I had previously asked you to have Ivette schedule an eye examine for me months ago. I'm sure that fell on deaf ears, though; so understand that I expect my exam before Dr. Paglini is rescheduled. You both can further disrespect me by ignoring this; but that will simply be the cause of my refusing Paglini's visit.

I'm astonished by the fact that, according to publicized statistics, I have several of the factors that make me vulnerable to being killed by this corona virus. Yet, you are concerned enough to write me a letter about a mere doctor visit, but not these facts concerning me:

- (1) Blacks are  $3\frac{1}{2}$  times more likely to be killed by this corona virus; and
- (2) Persons over 40 years of age are also more likely to be killed; and
- (3) Persons with asthma; and
- (4) Persons with high blood pressure; and
- (5) Persons around many people in enclosed areas; and
- (6) Persons having no access to proper medical treatment.
- (7) Cases in the U.S. are estimated to be about 10 times higher than reported.

Notwithstanding these factors, certain states are releasing inmates detained on sexual offenses, and violent offenses. And certain guilty persons serving prison sentences are being released after motions were filed by their [thoughtful] attorneys.

These things are against me, and especially because both of you refuse to do anything. And that may be comforting to you, knowing that you and your secular/profane State are an Enemy of the Church of Yahweh, whose Sovereign Immunity I share. But as you know, about a year ago, I charged this secular State with Treason, and an Act of War and Hostility against the Church of Yahweh. In my written "OPEN CONFESSION" (p.8) in court, I plainly told you unbelieving Gentiles that, because of these unrelenting acts, "this nation cannot possibly 'think' that its destruction is not coming from a War that is provoked by a two-thirds rule of those who consented against Yahweh." In other words, an Act of War and Hostility by a State, against an immune Supreme Sovereign is, by law, an Act imputed to the entire nation, by a "majority rule" that the People presumptively consented to the judge's Act.

If, however, I am not a representative of the Kingdom and People of Yahweh, then my appeal to Yahweh about these issues should mean nothing to this nation. But if you perceive that your nation and the entire secular world is under the Wrath of not only this global plague, but others that follow, will you continue to imagine that it is you, or this secular State, that will be credited with my appeal to be released? It's no wonder that Scripture shows that you Gentiles will fail to properly respond to your Savior's "coming" (presence) to judge, because all of you are reckless in your own courts!

In Yahshua's Name,

Arif 12x14, Servant of Yahweh 11772

## EXHIBIT E

(3 page double-sided letter dated May 7, 2020 C.E.)

Return  
2 Copies

May 7, 2020 C.E.

Abel M. Yanez, esq.

Ivette A. Maningo, esq.

Robert Brown - 6006120

Clark County Detention Center

Re: My May 6, 2020 letter about Dr. Paglini's visit, and the corona virus.

In my previous letter cited above, I mentioned 7 factors that make me more likely to be killed by this corona virus, according to publicized statistics. But I want to mention, here, a principle of law that you Gentiles claim you follow in your "law".

There is the principle of law called "the lesser of two evils", whereby a person may be justified, e.g., for choosing the "lesser evil" of risking the life of a bat-wielding assailant, by shooting him, in order to avoid the "greater evil" of that assailant causing great or deadly harm to the innocent shooter and his party. As you should know, however, this reasoning fails under the ubiquitous examples of stranded persons seeking a small life-boat for refuge. Whether by threat of starvation, or sinking, a person cannot kill another for food, or risk the life of another by throwing them out of the boat. Under such circumstances, no person's life can be "valued" above another's. Thus, it would be plain murder, or attempted murder, respectively, to choose either evil. And although the text books of your law, that give this example, do not mention that an "Act of God" or "Act of Nature" is at the heart of the problem, I will point out the following facts that distinguish the

examples of the boat, from the example of the assailant:

(1) In the examples of the boat, there occurs first an "Act of God"/"Nature" upon a ship, which causes those persons to seek refuge in the boat.

(2) There is no assailant in the boat guilty of being in the commission of an evil against the party that kills him, or attempts to kill him by throwing him out of the boat.

The same would be true in other examples, such as a plane being struck, and headed to a remote area, threatening the survival of the passengers.

As you may know, the State is contemplated in your law as a ship. See BLACK'S, Law Dictionary (6<sup>th</sup> ed.): GOVERNMENT. Although all citizens are considered to constitute a state, it cannot be said that every citizen is a member of its government proper. Thus, by the legal contemplation of a "ship", this definition distinguishes the state from the government proper, by calling it the "helm" of the "ship" (state), which belongs to the "scheme of machinery of government", or "instrument" of a ship, and not the ship proper. Government, then, controls and steers the "ship" (state/people) by its "helmsman"/"gubernator".

It is a known fact that the corona virus is not only a government-made biological warfare agent, but previous versions of this virus were purposely released. Today, it is said that there is "substantial evidence" that the 2019 version of this warfare agent (COVID-19) was released by China's government.

Your secular/profane law gives your Gentile government a "license" to take a deadly risk of the lives of persons, by creating biological or biochemical warfare agents, as does China's. And although it is not

reported in the news in this country, it is not likely that China's risk-taking government has ordered the release of all its vulnerable prisoners, or detainees. Because this Gentile government practices the same reckless risk-taking, is it not reasonable to conclude that, if it purposely or accidentally released such a warfare agent, the U.S. government, also, would not release all of its vulnerable prisoners, or detainees? But is it not true that this hypocritical heathen government has chosen to "value" the lives of certain "qualifying", vulnerable prisoners and detainees, over the lives of others, by releasing those it deems to be the "lesser evil", while throwing the others out of the "boat" so to speak? Is your government not committing murder, or attempted murder, especially with regard to presumptively innocent detainees who are only accused of a crime, by making such a "value choice"? And is it not true that, against all logic, your government has chosen to save the criminals, actually found guilty of committing an offense against the innocents in the "boat" (i.e., the state/people), either by being convicted of a crime before or after getting in the "boat" and/or by committing an act against the peace of the state's parole or probation terms? And since the government is merely an "instrument" of the state proper, does all of this not mean that the government itself has given the state a "license" to murder, or attempt to murder whomever the government chooses? Truly, it sounds like you Gentile nations have gone "mad", under "divine" global wrath, just as Scriptures say you would in Jeremiah 25.15-16.

In Yahshua's Name,

Arif L2494, Servant of Yahweh 9172

## EXHIBIT F

(1 page Criminal History printout)

Felony convictions:

YEAR	STATE	CHARGE
98	CA	CARJACKING
98	CA	FELONY BDV Domestic Violence

Misdemeanor Convictions: 5

FTAS: 1

Detainers: 0

Pending Cases: IC AW 14299234X DC9 JURY TRIAL 02/11/19  
IC TRAFFIC BW LVJC



## EXHIBIT G

(14 page excerpt of authorities given to counsels)

1. 1. THE INFORMATION OR COMPLAINT IS FATALY DEFECTIVE, AS IT OMITS

2. ESSENTIAL ELEMENTS OF THE OFFENSE

3.

4. EX PARTE SCHULTZ, 42 Nev. 254 (1918):

5. "The complaint lacks essential elements of the crime charged. These cannot  
6. be supplied by intendment or implication." [citations omitted]

7.

8. EX PARTE ROVNIANEK, 41 Nev. 141 (1917):

9. "It is an elementary principle of criminal proceeding that where the definition  
10. of an offense, whether it be at common law or by statute, includes generic  
11. terms, it is not sufficient that the indictment shall charge the offense in the  
12. same generic terms as in the definition, but it must state the species; it  
13. must descend to particulars." (quoting U.S. v. Cruikshank, 92 U.S. 542, 23 Led 588)

14.

15. PEOPLE v. LOGAN, 1 Nev. 111 (1865):

16. "Archbold says: 'The want of direct allegation of anything material in the  
17. description of the substance, nature or manner of the offense, cannot be  
18. supplied by any intendment or implication whatever.' (Archb. Cr. Pr. and Pl. 82)  
19. So strictly observed is this rule, that 'in an indictment for murder the  
20. omission of the words *ex malitia praecogitata* is not supplied by the words  
21. *felonice murderavit*, although the latter words imply them." (id)."

22.

23. ANDERSON v. STATE, 95 Nev. 625 (1979):

24. "Criminal statutes may not be enlarged by implication or intendment beyond  
25. the fair meaning of the language used, and will not be held to include other

1. offenses and persons than those which are clearly described and provided  
2. for."

3.

4. U.S. v. BACHMAN, 164 F.Supp. 898 (1958):

5. "However, it must be remembered that the offenses charged here are statutory,  
6. and, as such, the indictment may ordinarily be laid in the language of the  
7. statute, unless the statute omits an essential element of the offense or  
8. includes it only by implication, in which case the indictment or information  
9. should allege it directly and with certainty. Federal Practice and Procedure,  
10. Barron, Vol. 48 Sec. 1914; Reynolds v. U.S., 225 F.2d 123."

11.

12. 4 BLACKSTONE COMMENTARIES, §§ 301-02:

13. "INDICTMENTS must have a precise and sufficient certainty. The offence itself  
14. must also be set forth with clearness and certainty: and in some crimes  
15. particular words of art must be used, which are so appropriated by  
16. the law to express the precise idea which it entertains of the offence,  
17. that no other words, however synonymous they may seem, are capable  
18. of doing it.

19.

20. In indictments for murder, it is necessary to say that the party indicted  
21. "murdered" not "killed" or "slew" the other."

22.

23. U.S. v. RESENDIZ-PONCE, 549 U.S. 102 (2007):

24. "If one accept the court's opinion, however, the indictment could just as well  
25. have omitted the phrase "knowingly and intentionally", since that is under-

1. stood in "common parlance" and has been an element of attempt for  
2. centuries. Would we say that, in a prosecution for first-degree murder,  
3. the element of "malice aforethought" could be omitted from the indict-  
4. ment simply because it is commonly understood, and the law has always  
5. required it? Surely not.

1.	MEMORANDUM OF LAW
2.	ARGUMENT
3.	
4.	a. THE ELEMENTS DEFINING THE ACTOR OF THE CRIME ARE UNCONSTITUTIONALLY
5.	PRESUMED BY THEIR OMISSION FROM STATUTES BY THE LEGISLATURE
6.	
7.	The State of Nevada has, by intendment or implication, supplied the specific
8.	name of an Artificial, Aggregate Lay Corporation of the Civil sort (i.e., the
9.	accused's Artificial, Secular "legal" name or Straw Man) as the description
10.	of legislatively omitted abstract Common Law elements defining the Actor (i.e.,
11.	the "Person") accused of the crime. The statute(s) do not define the Actor.
12.	
13.	At Common Law and other systems of law, it must be proven that the Actor has
14.	the capacity to commit a crime. Thus, the law defines the accused Actor as:
15.	"a Person of Sound Mind and Discretion." Cf. NRS 193.200. See e.g., NEVADA v.
16.	THOMPSON, 12 Nev. 140 (1877), Cf. 4 BLACKSTONE COMMENTARIES 8195.
17.	
18.	At Common Law, the aforementioned elements defined the Subjective
19.	Circumstance or Condition of the accused Actor. Under Nevada Law today,
20.	however, those elements have been combined to form an Objective Legal
21.	Fiction and Term of Art called "sanity".
22.	
23.	Nevada law is thus utilizing a Civil Procedural device to presumptively
24.	establish subjective elements against Criminal defendants. See STATE v. BURALLI
25.	27 Nev. 41 (1903) ("...in criminal cases... nothing... can be presumed against a defendant.")
	4.

1. 4 BLACKSTONE, COMMENTARIES, § 277:

2. "We are next... to take into consideration the proceedings in the courts of  
3. criminal jurisdiction, in order to the punishment of offences. These are  
4. plain, easy, and regular; the law not admitting any Fictions, as in civil  
5. causes, to take place where the life, the liberty, and the safety of the  
6. subject are more immediately brought into jeopardy." OF BURALLI supra.

8. Thus far, it can be seen that Nevada law has created an element that  
9. is a legal Fiction and Term of Art (i.e., "sanity"), but has failed to allege  
10. that collective element, as "no other words, however synonymous they  
11. may seem, are capable of doing it." 4 Blk. Comm. §§ 301-02, supra. See People  
12. v. Logan; and U.S. v. Resendiz-Ponce supra.

14. Yet Nevada law has omitted the Term of Art "sanity" from the  
15. indictment or complaint and has instead, supplied the fictional name of a  
16. "person" to describe with particularity the species of "Person" that has  
17. the condition of "sanity", i.e. by intendment or implication. Needless to  
18. say, the fictional "legal" name of a person cannot be used to describe  
19. an element of an offense, since its very meaning cannot properly be  
20. a factor in giving "fair notice" of what the law forbids in plain english.

22. Moreover, the default use of one's secular "legal" name by Nevada,  
23. presupposes that a defendant prefers, and has consented to, having  
24. his rights, duties, and responsibilities restricted by statute, to those  
25. belonging to such a Lay corporate body or "state".

b. BY RULES OF STATUTORY CONSTRUCTION, THE CLASS TO WHICH THE PRESUMED SAME "PERSON" (DEFENDANT) BELONGS, PRECLUDES JURISDICTION OVER A SPIRITUAL PARSON UNDER YAHWEH

1. EXPRESSIO UNIVS EST EXCLUSIO ALTERIUS.

BUTLER v. STATE, 120 Nev. 879 (2004):

"This court has, for more than a century, recognized that the legislature's mention of one thing or person is in law an exclusion of all other things or persons..." under the expressio unius est exclusio alterius." See also, GALLOWAY v. TRUESDELL, 81 Nev. 13 (1967) (confirming by several Nevada cases)

Under Federal law, the UNITED STATES is defined as a "corporation."

28 USCS, § 3002 (15)(A). A corporation is an association of "persons".

Under State law, the STATE OF NEVADA, e.g., is defined as a "person" or "corporation". NRS 193.0205; 0.039; See BLACK'S LAW DICTIONARY: Corporation; and Person.

Because there is a separation of Church and State in this country by Constitution, the UNITED STATES and the STATE OF NEVADA can only be of the class called a "lay" aggregate corporation of the civil sort. This class is but one of the two contrasted by Blackstone. 1 BLK. COMM., §§ 457-8 (contrasting "lay" corporations with "spiritual" corporations).

1. The nature of a "lay" corporation is that of an association of "persons"  
2. ~~not~~ considered as members of the Church or "Clergy." See Black's Law  
3. Dict.: Lay.

4.  
5. 1 BLACKSTONE Commentaries, § 384

6. "The lay... Subjects... are not comprehended under the denomination  
7. of clergy... [T]he civil state, includes all orders of men... that are not  
8. included under... our former division, of clergy..."

9.  
10. It should be noted here that, by Nevada Constitution, its jurisdiction  
11. as a "lay" State corporation is restricted to the subject-matter  
12. of one object and subject. NV Const. Art. IV, Sec. 17

13.  
14. Because Nevada law must aim at only one subject, it is only  
15. logical to suppose that it will always opt to charge a subject of  
16. its law as belonging to a "State" (i.e., "lay" corporation). To do other-  
17. wise, would conflict with the presumption that, by a two-thirds  
18. majority rule, all of the people in this country have been deemed  
19. to constitute the UNITED STATES (i.e., a "lay" corporation), by  
20. making themselves separated from the "Church" by U.S. Constitution.

21.  
22. However, the two-thirds majority rule that establishes the "lay"  
23. association for everyone, leaves much room for rebuttal, and also  
24. conflicts with the Constitutional requirement that a prosecutor  
25. must prove every elemental fact *beyond a reasonable doubt*. Winship.



1. It has already been shown that a civil "state" (lay corporation)  
2. does not include the clergy. 1 BLK, Comm. 8384, supra. Thus, if some-  
3. one shows he is of a class of "person" excluded by the rule  
4. of construction (i.e., a Sole Spiritual Corporation), the "State" of  
5. Nevada can have no jurisdiction, since its Constitution restricts  
6. its laws to having only one object and subject. NV Const. Art. 4, Sec. 17.

7.  
8. Although there are various ways to establish one's association  
9. with a "Spiritual Corporation"; a lay "State" may claim jurisdiction  
10. over such a person by the claim of a treaty with the person  
11. (e.g., by the Union or Agreement called the Constitution), or by  
12. a claim of treaty with the nation to whom the person is subject  
13. to. Such a claim shows that a person is in amity or league with  
14. the "State" (lay corporation). Otherwise, a State (lay corporation)  
15. and a Church (Spiritual Corporation) would naturally be enemies  
16. (hostile) to each other. See JAMES 4.4.

17.  
18. ZORACH V. CLAUSON, 343 U.S. 306 (1952):  
19. "... there shall be no concert or union or dependency one on the  
20. other [of Church and State]. That is the common sense of the matter.  
21. Otherwise, the state and religion would be aliens to each other -  
22. hostile, suspicious, and even unfriendly." (emphasis mine) See, e.g., 4 BLK  
23. Comm. 833 (stating a "foreign prince" is necessarily an "enemy" of a King/State,  
24. since he "owes no allegiance" to the other.) Cf. Biblical Command by the King  
25. Yahweh, to the Body ("Church"), to "make no treaty" with the nations. EX. 34:11-12.

1. Consequently, [re]claiming one's allegiance to Yahweh, who  
2. owes no allegiance to an inferior Secular/Worldly Civil "State",  
3. amounts to "treason" and a loss of "citizenship" to the "State"  
4. (leg corporation). See 4 BLK Comm, §§ 75; 81-3; and 87.  
5.

6. Although there are various formal ways provided for by human  
7. laws to effect a loss of subjection to a "State" as its "citizen", one's  
8. First Allegiance to Yahweh is by an Oath of Supremacy, which is first  
9. effected by an implied intrinsic original. 1 BLK Comm, §§ 356-9  
10.

11. 4 BLACKSTONE, Commentaries, §§ 356-7:  
12. "[T]he formal profession... or oath of subjection, is nothing more  
13. than a declaration in words of what was before implied in law."  
14.

15. Cf. Annotations under 8 USC, § 1481:

16. • A person's right to expatriation is not dependent upon consent  
17. of government. U.S. ex rel WRONA v. KAMUTH (1936, DC NY) 14 F. Supp. 70.  
18.

19. • A person performs an expatriating act with intent to renounce  
20. his citizenship whether or not he knew act was expatriating act.  
21. RICHARDS v. SECRETARY OF STATE, DEPT OF STATE (1985, CA9 Cal) 752 F.2d 1413.  
22.

23. • Expatriating conduct may be such as to indicate an "implied renun-  
24. ciation of tie." In re R---S--- (1958, BIA) 71 § N Dec 718  
25.

1. • A person who takes a foreign oath of allegiance to a king, in an informal  
2. proceeding, loses his former citizenship. REVEDIN v. ACHESON (1952, CA2 NY)  
3. 194 F.2d. 482

4.  
5. • A person may renounce his nationality with or without a claim of  
6. allegiance to another nation. DAVIS v. DISTRICT DIRECTOR, IMMIGRATION &  
7. NATURALIZATION SERVICE (1979 DC Dist Col) 481 F. Supp. 1178.

8.  
9. It is without question that various religious rites effect  
10. an Allegiance or Covenant with Yahweh, e.g., baptism, conversion,  
11. confession, profession, etc. The accused (a "Yahwistic" Hebrew Israylite)  
12. has accomplished and publicly professed these and other rites.

13.  
14. Moreover, under 18 USCA, § 2381; and Article III, Sec. 3 of the U.S.  
15. Constitution, one may be "convicted" of treason "on the testimony of  
16. two witnesses, or confession in open court." Such a simple confession  
17. would likewise result in a loss of citizenship & allegiance to the secular  
18. civil state (lay corporation), while (re)claiming subjection to Yahweh,  
19. as a Spiritual Corporation may be the natural default.

20.  
21. A state would then lose its jurisdiction, since its laws can only  
22. embrace one object and subject, to the exclusion of the other(s). NY  
23. Const. Art. 4, Sec. 17.

24.  
25. This results from the rule: Expressio Unius Est Exclusio Alterius.

## 2. EJUSDEM GENERIS

ORR DITCH & WATER CO. V. JUSTICE CT. OF RENO TOWNSHIP, 64 Nev. 138 (1947):

"The rule of ejusdem generis has been declared to be a specific application of the broader maxim 'noscitur a sociis'..."

Note the following abbreviated rules relating to Ejusdem Generis, by J.G. SUTHERLAND, Statutes and Statutory Construction (1891):

• § 278. A statute treating persons of inferior degree cannot, by any general words, be extended to those of a superior degree.

• § 279. General words are not read according to their natural and usual sense, but are restricted to the same kind or genus as those enumerated.

• § 277. General words following particular words will not include any of a class superior to that to which the particular words belong.

• § 350. Penal statutes cannot be extended by implication or construction.

1. Under analysis of rules governing Eiusdem Generis, the  
2. main question in this case is whether the specific class out of  
3. which the specific "person" (lay corporation) named in the Complaint  
4. descends from, can embrace the class that a "parson" belongs to  
5. (i.e., a sole spiritual corporation under Yahweh).

6. The answer may be easily found in the fact that not only is the  
7. "Church" a separate and distinct thing from the common people (civil  
8. society), but it is a class superior to them for various reasons.

9.  
10. FIRST. Although by Constitution "we the people" (the vulgus-vulgar)  
11. agreed to form a lay corporation, it pledged its allegiance to be  
12. "one nation under God". 4 USCS, § 4.

13.  
14. SECOND. The fact that "the people" (literally meaning "vulgar")  
15. constitute a "common weal", places it in a class under those  
16. called "holy" or "sacred" (literally "separated-set apart") to Yahweh,  
17. Who is said to be "above" the world(ly) in heaven. Cf. John 3:31; 8:23.

18.  
19. McDANIEL V. PATY, 435 U.S. 618 (1975):  
20. "... the church itself is a thing absolutely separate and distinct  
21. from the common wealth." (citing 5 Works of John Locke 21,  
22. c. Baldwin ed. 1824)

23.  
24. A "class" is defined as: The order or rank according to which  
25. persons or things are arranged or assorted. BLACK'S LAW Dict., 6<sup>th</sup> Ed.

1. It is without argument that Yahweh has existed before man-  
2. kind. Therefore, the "body" corporate about which Scripture says  
3. He is forming, is a "Spiritual Corporation" under Him. It is there-  
4. fore first in "order" or "rank" with regard to man's later invention  
5. of a "lay" corporation. It is thus superior in "class" and "person." The  
6. same may be said of its "kind" or "sort," etc.

7.  
8. Because Nevada's complaint has descended to name a  
9. particular inferior artificial lay "person" out of an inferior  
10. artificial aggregate lay corporation, it cannot extend to a superior.

11.  
12. "A statute treating persons of inferior degree cannot by  
13. any general words be extended to those of a superior degree."  
14. J.G. SUTHERLAND, § 278, *supra*. Cf. 1 BLK, Comm, § 3.

15.  
16. "Penal statutes cannot be extended by implication or con-  
17. struction." *id.*, at § 350. See *ANDERSON v. STATE*, *supra*.

18.  
19. The accused is a "parson" and Sole Spiritual Corporation,  
20. practicing a "learned profession" of religion under Yahweh, which  
21. class no artificial person can belong to.

22.  
23. U.S. BURWELL v. HOBBY LOBBY STORE, 189 Fed 2d 675 ( ):  
24. "... for the exercise of religion is characteristic of natural  
25. persons, not artificial legal entities."

1. POTOMAC ENGINEERS, INC. v. WALSER, 127 F. Supp. 41 ( ):

2. "It may be added that traditionally only natural persons can  
3. practice a learned profession, because only natural persons  
4. can be charged with the moral responsibility that the practice  
5. of a learned profession requires.... [T]raditionally, the learned  
6. professions have been regarded as: the law, medicine, and  
7. the ministry.. See BLACK'S Law Dict.: Profession

8.

9. In re MACFARLAND, 30 App DC 365 (1908):

10. "The courts have inherent power over artificial persons or  
11. corporations, which they have not over the natural person."

12.

13.

14.

15.

16.

17.

18.

19.

20.

21.

22.

23.

24.

25.

## EXHIBIT H

(excerpt of 7 pages numbered 11-16 of authorities given to counsels)



### 3. AN UNCONSTITUTIONAL LEGAL DEVICE:

#### (a) PROCEDURAL: OMISSION & BURDEN SHIFT OF CRITICAL ELEMENT

##### (1) THE CASE PRECEDENT OF PATTERSON v. NEW YORK

Since Nevada's admission that the unwritten element of sanity must be proved by a prosecutor, the Supreme Court of Nevada has since been deceptive about this understood fact.

See, e.g., ROGERS v. STATE, 101 Nev. 457 (1985) ("sanity is not an element of an offense"). Cf. YBARRA v. STATE, 100 Nev. 167 (1984); and CLARK v. STATE, 95 Nev. 24 (1979).

It must be stated here, however, that the statements above are not based on any change in law regarding the required proof of the mental element of sanity "in all cases whatever." See, J.G. SUTHERLAND *supra*, §355. Rather, it stems from the fact that Nevada law, like many others, have cleverly created another meaning out of the same term "sanity", while confusing their principles.

U.S. v. BYRD, 834 F.2d. 145 (1987): "Willfulness is not confederate minus with the legal concept of insanity. Willfulness presumes some degree of sanity in common parlance. However, the affirmative defense of insanity has its own special meaning distinct from the use of the words "sanity" and "insanity" in everyday life.

1. Indeed, although the accused's sanity is an ingredient of the  
2. requisite mens rea, the existence or nonexistence of legal  
3. insanity, bears no necessary relationship to the existence  
4. or nonexistence of the required mental elements of crime."

6. Knowing that the required mental element of sanity has no-  
7. thing to do with the in/sanity, about which Nevada law refers to  
8. in its "affirmative defense" of legal "insanity", it ought to be  
9. clear from the ruling in Patterson that, Nevada's murder  
10. statute is fatally defective.

11. This is because, as LaFAVE points out, Patterson demon-  
12. strated that, the only way a legislature can, at the same time,  
13. omit and then convert an essential element of an offense into  
14. a burden of persuasion-shifting affirmative defense, is if  
15. and only if the remaining statutory elements, standing alone  
16. still constitute a criminal offense.

18. LaFAVE, Principles of Criminal Law (2010), § 1.8(c). Affirmative  
19. Defenses:

21. "Patterson, as the majority explained, does not give the  
22. legislature a free hand "to reallocate burdens of proof by labeling  
23. elements as affirmative defenses. The "obvious constitutional  
24. limits" to which the majority referred are the various  
25. constitutional doctrines that presently exist regarding

1. the way in which crimes may be defined. Thus, if a crime  
2. defined by law as consisting of elements X, Y and Z is  
3. reformulated by the legislature so as to consist only  
4. of elements X and Y, with non-Z now an affirmative  
5. defense to be proved by the defendant, this is permissible  
6. under Patterson if and only if it is constitutionally per-  
7. missible to make X plus Y, standing alone, a criminal  
8. offense." (citing PATTERSON v. NEW YORK, 432 U.S. 197 (1977))

9.  
10. To illustrate how Patterson renders the NV statutory (X+Y)  
11. definition of murder fatally defective, let us now suppose that  
12. the Z elements below constitute the traditionally omitted/  
13. "reallocated" common law elements which, as I have already proven,  
14. "completes the crime of murder." NEVADA v. THOMPSON, *supra*.

15. Thus:

16.  
17. X and Y: (NRS 200.010) (Statute) (Written)

18. (1.) Unlawfully [kills]; (2.) a (1) Human Being; (3.) with  
19. Malice Aforethought; (4.) either Express or Implied

20.  
21. Z: (4 BLACKSTONE, Comm., § 195) (Common Law) (Unwritten)

22. (1.) a Person; (2.) of Sound Memory [Sane]; (3.) and Discretion  
23. (4.) a Reasonable [Person]; (5.) under the King's peace

24.  
25. Now, it ought to be clear from the illustration above, that

1. the Nevada legislature has indeed omitted 5 essential elements  
2. of murder, and "reallocated" a burden of proof on more than  
3. 1 essential Z element. (a)

4. Such a "reallocation" by a legislature is fatal under  
5. *Patterson*, since X plus Y, standing alone, does not constitute  
6. a crime!

7. Put another way, it is without question that a prosecutor's  
8. failure to prove a defendant's sanity ("sound memory"), e.g., at the  
9. time of the offense, results in an acquittal of all charges. Since  
10. sanity is a prerequisite to proving any criminal intent, there  
11. can likewise be no criminal offense without that element.

12.  
13. To be sure that this conclusion is not skewed by this  
14. observation, let us now suppose that a Z element of  
15. "unlawfulness" is the only element omitted by the legislature.  
16. Under *Patterson*, such a murder statute would pass constitutional  
17. muster, since all remaining X and Y elements, standing alone,  
18. will still constitute a crime: manslaughter! Once again, put  
19. another way, if a prosecutor failed to prove a defendant acted  
20. "unlawfully" at the time of the offense, then it would still be  
21. possible for a jury to find him guilty of a crime: manslaughter  
22. The same would be true if that Z element were "malice", e.g.

23.  
24. It is important to note that the majority in *Patterson*  
25. did not except from its ruling, the "classical elements" (i.e.,

② E.g., it is not against only a statutorily defined "human being" (X and Y element), which a defense to murder challenges. Rather, it is against the omitted/"reallocated" common law Z element that the victim was a "reasonable" [human being], which is challenged by a "lawful", or "duress", or "protection of self or others" defense, etc. The same can be said against the Z element that the victim was "under the king's peace", which by Nevada law, is still alleged by information or indictment that an accused acted "against the peace and dignity of the State of Nevada." DAWSON v. STATE, 108 Nev. 112 (1992) (stating those elements are alleged pursuant to the form required by NRS 179.235). Cf. STATE v. ANDERSON, 4 Nev. 265 (1868).

In any event, this latter unwritten Z element is at issue, like the others, whether or not a defense is put on against them. Otherwise, the State need not allege them, since they are not a part of its statutory (X and Y) elements. A failure to allege them, however, would bring an attack that the State does not have jurisdiction.

U.S. v. BACHMAN, 164 F. Supp. 654 (1979):

"... the indictment may ordinarily be laid down in the language of the statute, unless the statute omits an essential element of the offense or includes it only by implication, in which case the indictment or information should allege it directly & with certainty."



1. the traditionally omitted unwritten common law elements)  
2. alluded to by the minority. And that remark, as quoted by the  
3. minority, sounded a clear alarm, since pretending that elements  
4. don't exist, simply because a legislature has not written them  
5. into its statutory definition, does not preclude a finding of  
6. every elemental fact necessary to constitute a crime, which,  
7. in the same way, must also be considered for a due process  
8. violation. Since, as the minority explained:

9.  
10. "In Mullaney we made it clear that Winship is  
11. not "limited to a State's definition of the elements of  
12. the crime." 421 U.S., at 699 n. 24. "PATTERSON, *supra*. (J.J. Powell  
13. Brennan and Marshall, dissenting)<sup>(a)</sup>

14.  
15. As the minority also pointed out, the interpretation of a  
16. statute by a State's highest court is also considered to be  
17. in the language of a statute.

18.  
19. "In the usual case it is well settled that an authoritative  
20. construction by the State's highest court "puts [appropriate]  
21. words in the statute as definitely as if it had been so  
22. amended by the legislature." *Winters v. New York*, 333  
23. U.S. 507, 514 (1948). "PATTERSON, *supra*, at n. 7 (emphasis original)

24.  
25. Rem. Nevada's Supreme Court, in *THOMPSON*, *supra*, named

1. all of the common law elements, which are omitted
2. from the statutory definition, but which "completes the crime
3. of murder." See p. 3, Ln. 21; and Lewis, p. 5, Ln. 9.

4.

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ROBERT BROWN - 6006120  
330 S. CASINO CENTER BLVD.  
CLARK COUNTY DETENTION CENTER  
LAS VEGAS, NV 89101  
#2.60

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Attorney for Plaintiff

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,  
Plaintiff.

-vs-

**ROBERT BROWN, JR.,**  
**#6006120**

Defendant.

CASE NO: **C-14-299234-1**

DEPT NO: **IX**

**STATE'S FIFTH SUPPLEMENTAL NOTICE OF WITNESSES**  
**AND/OR EXPERT WITNESSES**  
**[NRS 174.234]**

**TO: ROBERT BROWN, JR., Defendant; and**

**TO: IVETTE MANINGO, ESQ., Counsel of Record;**

**YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE** that the STATE OF NEVADA intends to call the following witnesses and/or expert witnesses in its case in chief:

**\*indicates additional witness(es) and/or modification(s)**

**ALBERT, JOEL, LVMPD #13204;** is a Criminalist/Crime Scene Analyst with the Las Vegas Metropolitan Police Department. He is an expert in the area of crime scene analysis and will give opinions related thereto. He is expected to testify regarding the processing of the various crime scene(s) in this case, as well as the collection and preservation of evidence.

**ALLISON, SONIA:** Address Unknown

**ALSUP, TREVER:** LVMPD #5782

1       \*ASHENFELTER, DEBORAH; c/o CCDA Investigations  
2       BALDASSARRE, BENJAMIN; LVMPD #13977  
3       BARKER, TIMOTHY; LVMPD #4106  
4       BARRINGER, DAMON; LVMPD #7178  
5       BASKETT, OFFICER; LAPD #32050  
6       \*BIRO, TROY; c/o AMR  
7       BRADFORD, OFFICER; LAPD #32623  
8       BRAMBILLA, JESSE; LVMPD #13423  
9       BROCIUS, JOHN; 4580 Ross Ave., LVN  
10      BROWN, TONYA; c/o CCDA Victim Witness  
11      BRYANT, KEITH; LVMPD #7773  
12      \*BUCKELY, JAMES; Address Unknown  
13      CARROLL, MICHAEL; LVMPD #6439  
14      CARTER, MATTHEW; LVMPD #14048  
15      COLEMAN, SOLOMON; LVMPD #13127  
16      COLON, MARC; LVMPD #7585  
17      \*CONNELL, DAVID; c/o CCFD  
18      CONNELL, JASON; LVMPD #6722  
19      **COXON, DANIEL, c/o FBI**, 1787 W. Lake Mead Blvd., LVN; is an expert in the area  
20      of cellular phones and cellular system technology including cell tower generation of calls and  
21      ability to determine the location where generated based upon historical records of cellular  
22      phone records as well as the creation, functioning, data collection and information received  
23      and collected by cellular provider cell sites, its analysis and conclusions that can be drawn and  
24      is expected to testify thereto.  
25      CROW, SHATANDA; c/o CCDA Victim Witness  
26      CRUSE, CHAD; LVMPD #14299  
27      \*CUSTODIAN OF RECORDS - AMR, 7201 W. Post Rd., LVN

28      ///



1 DNA technology and will give scientific opinions related thereto. She is expected to testify  
2 regarding the DNA profiling analysis and related procedures she performed in this case.

3 \*DARR, A., LVMPD P#5485

4 DENNIS, CHRISTOPHER; LVMPD #9811

5 DOSIO, RICHARD; LVMPD #14338

6 DOWDY, SHALLEY; LVMPD #5311

7 EBRAHIM, FAIZA, c/o CPS/DFS; Will testify as an expert as to the nature, process  
8 and limitations of forensic interviewing, and/or as the forensic interview(s) conducted in the  
9 instant case.

10 ELLSWORTH, RUSSELL; LVMPD #13242

11 FASULO, TODD; LVMPD #13459

12 FLOWERS, TIA; c/o CCDA Victim Witness

13 FRIDAY, PETE; LVMPD #6039

14 \*FZOKE, M., Clark County Fire Department

15 \*GANON, MICHAEL; c/o AMR

16 GIFFORD, DAVID; LVMPD #6238

17 GILLIS, MATTHEW; LVMPD #6432

18 GOULDTHORPE, HEATHER, LVMPD #8646; is a Latent Print Examiner with the  
19 Las Vegas Metropolitan Police Department. She is an expert in the area of latent print  
20 examination and comparison and will give scientific opinions related thereto. She will testify  
21 regarding the various latent print comparisons that she performed in this case.

22 GRONEMAN, GAVIN; LVMPD #9489

23 GUSMAN, SAM; LVMPD #9065

24 \*GUARDIAN OF KAYLA HIGGINS

25 \*GUARDIAN OF ESTHER MAESTAS

26 \*GUARDIAN OF KATHLEEN MAESTAS

27 HENDRICKS, JEREMY; LVMPD #6091

28 HIGGINS, KAYLA; c/o CCDA Victim Witness

1 HOGANS, DWAYNE: CCDA Process Server

2 HOVANEK, MATTHEW: LVMPD #13227

3 \*HUBERT, STEPHEN: c/o Los Angeles Superior Court, Office of Probation

4 JACOBY, DAVID: LVMPD #4591

5 JONES, NICKOLAS: LVMPD #9043

6 JUNEMAN, GERALD: c/o CCDA Victim Witness

7 KEEN, JAMES: LVMPD #14455

8 KEHRLI, MONICA: 525 South St., Ryan, IA

9 KIM, DR. KITAE, M.D.: is a trauma surgeon at Sunrise Hospital. He is a medical  
10 expert and will testify as to the injuries, diagnosis, treatment, and any other relevant  
11 information as to the victim in this case.

12 KRYLO, JAMES, LVMPD #5954; is a Firearm/Toolmark Examiner with the Las  
13 Vegas Metropolitan Police Department. He is an expert in the area of firearm/toolmark  
14 analysis and will give opinions related thereto. He is expected to testify regarding the firearms  
15 and bullet trajectory comparison of certain evidence collected from the crime scene(s).

16 LEACH, ANTHONY: LVMPD #12898

17 \*LEE, OFFICER: LAPD #25897

18 LNU, ALTON: c/o Stout Property Management, 10151 W. Park Run Dr., LVN

19 LOVE, DEBBIE: LVMPD #3748

20 \*LOWANDTZ, L., LAPD#31120

21 LYNCH, SHANDRA, LVMPD #13206: is a Criminalist/Crime Scene Analyst with the  
22 Las Vegas Metropolitan Police Department. She is an expert in the area of crime scene  
23 analysis and will give opinions related thereto. She is expected to testify regarding the  
24 processing of the various crime scene(s) in this case, as well as the collection and preservation  
25 of evidence.

26 MAAS, STEVE: LVMPD #13015

27 MAESTAS, ANGELA; c/o CCDA Victim Witness

28 MAESTAS, ESTHER; c/o CCDA Victim Witness

1 MAESTAS, KATHLEEN; c/o CCDA Victim Witness  
2 MAHON, KARA; LVMPD #8922  
3 MAINES, MICHAEL; LVMPD #4040  
4 MARTIN, TERRY, LVMPD #5946; is a Criminalist/Crime Scene Analyst with the Las  
5 Vegas Metropolitan Police Department. He is an expert in the area of crime scene analysis  
6 and will give opinions related thereto. He is expected to testify regarding the processing of  
7 the various crime scene(s) in this case, as well as the collection and preservation of evidence.

8 MARZEC, JUSTIN; LVMPD #9816

9 MCCARTHY, JASON; LVMPD #4715

10 MCFARLANE, BRANDON; LVMPD #13740

11 MCKNIGHT, KYLE; LVMPD #13468

12 MERRICK, FRED; LVMPD #7549

13 MICHELLE, BETH; c/o CCDA Victim Witness

14 MILLER, KATHERINE; LVMPD #8560

15 MORALES, CARLOS; LVMPD #8788

16 MORRIS, ERIK; LVMPD #13248

17 MORRIS, SHAUNA; LVMPD #14316

18 \*MULLIN (fka Darr), ANNETTE; LVMPD #5485

19 \*MUENZENMEYER, BRIANNA; LVMPD #15362

20 \*NASBY, JOIN; c/o CCDA Victim Witness

21 NEMCIK, AMY, LVMPD #8504; is a Criminalist/Crime Scene Analyst with the Las  
22 Vegas Metropolitan Police Department. She is an expert in the area of crime scene analysis  
23 and will give opinions related thereto. She is expected to testify regarding the processing of  
24 the various crime scene(s) in this case, as well as the collection and preservation of evidence.

25 O'BRIEN, JOHN; c/o CCDA Victim Witness

26 O'GRADY, ANDREW; LVMPD #14071

27 OLSON, DR. ALANE, M.D., CCMF #0068, and/or Designee; is a Medical Examiner  
28 employed by the Clark County Coroner's Office. She is an expert in the area of forensic

1 pathology and will give scientific opinions related thereto. She is expected to testify regarding  
2 the cause and manner of death of Nichole Nick.

3 OSCAR, STEVEN; LVMPD #14325

4 PATTERSON, DEBRA; District Attorney Process Server

5 \*PECKHAM (fka Braun), LAURA: LVMPD #12946

6 PETERSEN, ALAN, LVMPD #13579, c/o CCDA's Office; is a Criminalist/Crime  
7 Scene Analyst with the Las Vegas Metropolitan Police Department. He is an expert in the  
8 area of crime scene analysis and will give opinions related thereto. He is expected to testify  
9 regarding the processing of the various crime scene(s) in this case, as well as the collection  
10 and preservation of evidence.

11 PIERCE-STAUFFER, SHELLEY; CCME #0028

12 PULLIAM, DETECTIVE; LAPD #17187

13 RAETZ, DEAN; LVMPD #4234

14 RAPP, CORIE; LVMPD #13455

15 REED, RONALD; LVMPD #7641

16 RICHTER, TODD; LVMPD #4374

17 RILEY, GRANT; LVMPD #13428

18 ROBERTS, VINCENT, LVMPD #5714; is a Criminalist/Crime Scene Analyst with the  
19 Las Vegas Metropolitan Police Department. He is an expert in the area of crime scene analysis  
20 and will give opinions related thereto. He is expected to testify regarding the processing of  
21 the various crime scene(s) in this case, as well as the collection and preservation of evidence.

22 ROBERTSON, MARK; c/o CCDA Victim Witness

23 ROMAN, FRANKIE; LVMPD #14097

24 ROSAS, DAVID; LVMPD #12896

25 SACHS, MICHAEL; c/o CCFD

26 SCHOFIELD, MARTHA; LVMPD #3374

27 \*SIMOLA, OFFICER; LAPD #32605

28 \*SIMPER, PARKER; c/o CCFD

1 SKIMERTON, SHERRI; LVMPD #8981

2 SMAKA, SHAWN; LVMPD #6098

3 SPEAS, WILLIAM, LVMPD #5228, c/o CCDA's Office; is a Criminalist/Crime Scene  
4 Analyst with the Las Vegas Metropolitan Police Department. He is an expert in the area of  
5 crime scene analysis and will give opinions related thereto. He is expected to testify regarding  
6 the processing of the various crime scene(s) in this case, as well as the collection and  
7 preservation of evidence.

8 STANLAKE, CODY; 525 Harris St., #317, Henderson, NV

9 STEIBER, LT. RAYMOND; LVMPD #3542

10 STINNETT, GREGORY; LVMPD #8091

11 \*STONE, MICHAEL; c/o CCFD

12 \*SZOKE, MICHAEL; c/o CCFD

13 TENNANT, JAMES; LVMPD #9817

14 WILDS, MELISSA; LVMPD #4957

15 ZYGMONT, PAUL; LVMPD #8558

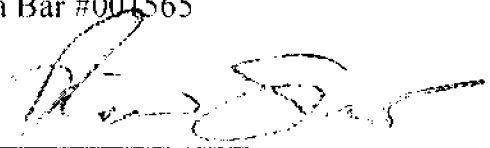
16 These witnesses are in addition to those witnesses endorsed on the Information or  
17 Indictment and any other witness for which a separate Notice of Witnesses and/or Expert  
18 Witnesses has been filed.

19 The substance of each expert witness's testimony and copy of all reports made by or at  
20 the direction of the expert witness have been provided in discovery.

21 A copy of each expert witness's curriculum vitae, if available, is attached hereto.

22 STEVEN B. WOLFSON  
23 Clark County District Attorney  
24 Nevada Bar #001565

25 BY

  
26 RICHARD SCOW  
27 Chief Deputy District Attorney  
28 Nevada Bar #009182

27 ///

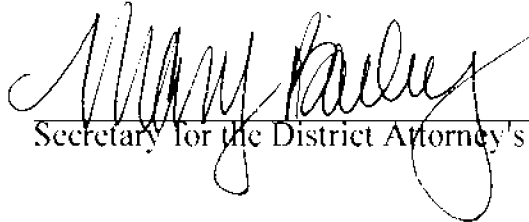
28 ///



CERTIFICATE OF ELECTRONIC FILING

I hereby certify that service of State's Fifth Supplemental Notice Of Witnesses And/Or Expert Witnesses, was made this 5<sup>th</sup> day of August, 2020, by Electronic Filing to:

IVETTE MANINGO, ESQ.  
EMAIL: iamaningo@iamlawnv.com

  
Secretary for the District Attorney's Office

12F19975X/jg/mlb/SVU



1 RTRAN

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4  
5 DISTRICT COURT  
6 CLARK COUNTY, NEVADA  
7

8 THE STATE OF NEVADA,  
9 Plaintiff,

10 vs.

11 ROBERT BROWN, JR.,  
12 Defendant.

CASE NO. C-14-299234-1  
DEPT. XVII

13  
14 BEFORE THE HONORABLE MICHAEL VILLANI, DISTRICT COURT JUDGE  
15 FRIDAY, AUGUST 14, 2020

16 **RECORDER'S TRANSCRIPT OF HEARING RE:**  
17 **DEFENDANT'S PRO PER MOTION TO DISMISS COUNSELS**

18 APPEARANCES:

19 For the State:

JAY P. RAMAN, ESQ.  
Chief Deputy District Attorney  
[Appearing By BlueJeans]

21 For the Defendant:

22 ABEL M. YANEZ, ESQ.  
IVETTE A. MANINGO, ESQ.

23  
24 RECORDED BY: TRISHA GARCIA, COURT RECORDER  
25

1 LAS VEGAS, NEVADA; FRIDAY, AUGUST 14, 2020

2 \* \* \* \* \*

3 [Proceedings commenced at 10:44 a.m.]

4 THE COURT: Page 4 is Robert Brown. It says here, Ms.  
5 Maningo -- interesting mask.

6 MS. MANINGO: You've got to keep it interesting these days,  
7 you know.

8 MR. YANEZ: I'm actually letting her borrow. That's mine,  
9 Judge, so.

10 THE COURT: Who's here for the State [indiscernible]?

11 MR. RAMAN: Good morning, Your Honor. J.P. Raman for  
12 the State on BlueJeans.

13 THE COURT: All right, thank you. And this is a -- is the  
14 Defendant present, Mr. Brown? Yes, he is. The Defendant has filed a  
15 pro per motion to dismiss counsel.

16 Mr. Brown, I read the motion. It sounds like that you're upset  
17 that your attorneys filed a motion to get you out of custody or to get your  
18 bail reduced? I'm not quite sure why you have an objection to be  
19 released from custody.

20 THE DEFENDANT: That's about everything that I wrote.  
21 That's one of the issues, sure. I've turned over to you probably about 40  
22 pages, so I surely didn't speak about just that one matter in 40 pages. As  
23 you should know, there are several issues.

24 THE COURT: Well, sir, you put in here that you're refusing to  
25 visit with your attorneys, and that's up to you, sir. You don't have to visit

1 with them. I think that's -- it's not a very wise choice on your part. But if  
2 you don't wish to visit with them, so be it.

3 THE DEFENDANT: That's not going [indiscernible]. Well,  
4 that's --

5 THE COURT: They're still going to continue to prepare your  
6 trial and they'll -- I'm sure they're notating their file on their efforts in this  
7 case. So I'm not sure what --

8 THE DEFENDANT: That has nothing --

9 THE COURT: Do you wish to represent yourself, sir?

10 THE DEFENDANT: No.

11 THE COURT: Okay.

12 THE DEFENDANT: I tried that.

13 THE COURT: All right, so give me some more specifics as to  
14 why you think there's a conflict with them representing you.

15 THE DEFENDANT: Villani, there's a bunch of issues that you  
16 have. I don't -- I didn't bring the motion with me but the motion speaks  
17 for itself. There are many issues in that motion. There's not just one  
18 issue and my denying their visits has nothing to do with why I want them  
19 dismissed. I've never said that in the motion but like I said, I don't have  
20 the motion with me, but you do and there are many issues in there.

21 THE COURT: I read it.

22 THE DEFENDANT: One of them --

23 THE COURT: I read it, sir, but I'm just --

24 THE DEFENDANT: One of them has -- one of them has the  
25 fact that --

1 THE COURT: I just don't have any specifics that they're  
2 working against you.

3 THE DEFENDANT: Well, they're not going to put on the  
4 defense that I want. That's one of the issues that I can remember off the  
5 top of my head, but that's in the motion. You have the motion.

6 THE COURT: All right. Are you not going to give me any  
7 specifics today, sir?

8 THE DEFENDANT: The specifics are in the motion.

9 THE COURT: Okay. I'm giving you the --

10 THE DEFENDANT: I don't know. I don't have no --

11 THE COURT: Sir, listen. I'm giving you the opportunity to  
12 further discuss those with me. You don't have to but I want to -- I'm  
13 putting on the record that I'm giving you that opportunity.

14 THE DEFENDANT: Well, there's nothing I can add to it,  
15 nothing I can think of. It's spelled out in there very clearly --

16 THE COURT: Okay.

17 THE DEFENDANT: -- any issues.

18 THE COURT: All right, thank you.

19 Ms. Maningo or Mr. Yanez, anything to add or --

20 MR. YANEZ: Nothing.

21 MS. MANINGO: We have nothing, Your Honor.

22 THE COURT: All right. Sir, I don't find -- from what you have  
23 written, I don't find that there's any conflict. I don't find that your  
24 attorneys are working --

25 THE DEFENDANT: Well, I would object to this.

1 THE COURT: -- against --

2 THE DEFENDANT: I would object to that, sir.

3 THE COURT: Well, sir --

4 THE DEFENDANT: You can't even --

5 THE COURT: Sir, we take turns.

6 THE DEFENDANT: You can't even bring up [indiscernible] --

7 THE COURT: Sir, did you notice I didn't interrupt you when  
8 you were speaking, so please don't interrupt me. There's nothing in your  
9 motion that, in my opinion, creates a conflict where you will not be  
10 properly represented. The only thing I see in here is that you're not  
11 cooperating with them and that is your choice. And so you have two fine  
12 attorneys and if you don't want to cooperate with them that's your  
13 decision, but they're going to continue to work on your case and file the  
14 appropriate motions and present the best case they can under the  
15 circumstances. All right. So the motion is -- the motion to dismiss  
16 counsel is denied.

17 We do have a status check: trial readiness August 28<sup>th</sup>. Why  
18 don't we just handle that today? Are we on -- we do have a trial date set  
19 for November 2<sup>nd</sup>, 2020. Do the Defense appear that they would be  
20 ready for trial dates, assuming the Court can accommodate?

21 MS. MANINGO: Your Honor, based on -- this is no surprise to  
22 anybody, but, based on what's going on in the pandemic, we have --  
23 really our issues are with experts and not being able to develop things  
24 that we're working on because of people can't travel here; they can't  
25 have contact with our client. I'm not sure if he would refuse the visits, as

1 he's refusing them with us, but they can't even make an attempt. And so  
2 we do have some issues and we don't anticipate we could be ready in  
3 November based on really specifically expert issues.

4 THE COURT: Okay. Mr. Raman, as far as you being ready?

5 MR. RAMAN: Yes, Your Honor. We believe at this time that  
6 we would be ready. However, we completely understand the issues that  
7 the Defense are dealing with under the circumstances, so we take no  
8 position on their struggle.

9 THE COURT: All right. I think because of the circumstances,  
10 lack of cooperation and also the -- because of the COVID situation and  
11 difficulty in meeting with experts and having them prepare evaluations in  
12 this matter -- we'll go ahead -- let's go ahead and vacate the trial date  
13 today. How much time does the Defense envision they need?

14 MR. YANEZ: If you can tell us when the pandemic might  
15 pass. We're -- it's --

16 THE COURT: Or when the vaccine comes out that you can  
17 trust.

18 MR. YANEZ: Right, right.

19 MS. MANINGO: I guess, Your Honor --

20 THE COURT: Russia has one right now, I guess, right?

21 MS. MANINGO: I guess, and I know -- I mean on behalf of  
22 Mr. Brown, I know he doesn't want this continued longer than he needs  
23 to. There has been a lot of delays in this case. His investigator died. He  
24 passed away in the middle of his case unexpectedly. And so we've had  
25 some delays with regards to stuff that is not any control of Mr. Brown's.

1 So I guess my request is to set this trial as soon as we -- as soon as  
2 you're setting trials under the circumstance. In other words, I really don't  
3 want to kick this out a year because I know that's not what he wants and  
4 we may not need that much time. So I don't know if I'm answering the  
5 question --

6 THE COURT: Right.

7 MS. MANINGO: -- completely, but I guess as soon as  
8 possible within the time that you're setting things. So six months?

9 MR. YANEZ: Yeah.

10 THE COURT: We can put you in the spring. Does that work,  
11 or we can give you an April date?

12 MS. MANINGO: If -- Court's indulgence.

13 THE COURT: Sure.

14 MS. MANINGO: Let me just check to make sure that I don't  
15 have --

16 MR. RAMAN: That would be fine with the State.

17 THE COURT: Okay.

18 MR. YANEZ: And when you say spring, Judge, what specific?

19 MS. MANINGO: April.

20 THE COURT: April.

21 MR. YANEZ: April you said.

22 MS. MANINGO: I currently have another case set here in this  
23 courtroom on April 19<sup>th</sup>. It's the Stewart case, also a death penalty case.  
24 So that would be my -- and there's a -- actually there's a couple. There's  
25 Stewart and Glass that are set in this department in April.



1 THE COURT: We can triple book them and 'cause -- or if you  
2 know the other ones are definitely not going to resolve or you don't think  
3 this one's --

4 MS. MANINGO: I actually don't know that. There's still a  
5 possibility of resolution in both of the cases I just mentioned.

6 THE COURT: Why don't we try this, maybe first week of May,  
7 give you a little bit more time and then -- so you can, you know, work on  
8 all the cases and see what we can do.

9 MS. MANINGO: That's fine, Your Honor.

10 THE COURT: Okay. Is that good for you, Mr. Raman?

11 MR. RAMAN: Yes. I'm sure that will be fine.

12 THE COURT: Okay.

13 THE CLERK: Calendar call, April 20<sup>th</sup>, 8:30 a.m. Jury trial,  
14 May 3<sup>rd</sup>, 9:00 o'clock a.m. And we'll do status check on trial readiness  
15 October 16<sup>th</sup>.

16 THE COURT: And, counsel, I'm assuming you were notating  
17 your file very thoroughly as far as the cooperation of your client.

18 MS. MANINGO: We are, Your Honor.

19 THE COURT: All right.

20 MS. MANINGO: And we are trying our best to communicate  
21 with him via mail.

22 THE COURT: Okay.

23 MS. MANINGO: He is responsive in that way.

24 I'm sorry. The status check on October 16<sup>th</sup>, what time was  
25 that?

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THE CLERK: 10:15.

MS. MANINGO: 10:15, thank you.

THE COURT: And, Mr. Brown, I do suggest that you cooperate with your attorneys. I've had both of them in my courtroom for trials and they're -- it's just always better to cooperate than -- than not. But that's up to you. You know, they're still going to do the best job they can under the circumstances.

All right, we'll see you at the status check.

MS. MANINGO: Thank you, Your Honor.

THE COURT: Thank you.

[Proceedings concluded at 10:53 a.m.]

\*\*\*\*\*

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.

  
\_\_\_\_\_  
Angelica Michaux  
Court Recorder/Transcriber



1 RTRAN

2  
3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA

5  
6  
7 THE STATE OF NEVADA,  
8 Plaintiff,

CASE: C-14-299234-1

DEPT. XVII

9 vs.

10 ROBERT BROWN, JR.,  
11 Defendant.

12  
13 BEFORE THE HONORABLE MICHAEL VILLANI, DISTRICT COURT JUDGE  
14 FRIDAY, OCTOBER 16, 2020

15 **RECORDER'S TRANSCRIPT OF HEARING:**  
16 **STATUS CHECK: TRIAL READINESS**

17  
18 APPEARANCES via Bluejeans:

19  
20 For the State:

JAY P. RAMAN, ESQ.  
Chief Deputy District Attorney

21  
22 For the Defendant:

ABEL M. YANEZ, ESQ.  
IVETTE A. MANINGO, ESQ.

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25 Recorded by: TOSHIANA PIERSON, COURT RECORDER

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Las Vegas, Nevada, Friday, October 16, 2020

[Hearing begins at 10:31 a.m.]

THE COURT: Page 4 is Robert Brown. This is a status check trial readiness; Ms. Maningo.

MS. MANINGO: Yes, Your Honor, I'm present and so is Mr. Yanez.

THE COURT: Okay, thank you.

MR. YANEZ: Good morning, Judge.

MR. RAMAN: And Jay P. Raman for the State.

THE COURT: Thank you.

And we have a trial date May 3<sup>rd</sup>, 2021. Defense Counsel, are we on track to keep that date?

MS. MANINGO: We are, Your Honor. We're in the process of working with experts now.

THE COURT: Okay. Any outstanding discovery, any issues you have with the DA's office?

MS. MANINGO: No, not at this time, Your Honor.

THE COURT: Okay. Anything by the DA's office as far as why we can't keep this trial date?

MR. RAMAN: Nothing at this time, Your Honor.

THE COURT: All right. If there is by either side, please file the appropriate motion. We'll go out another 60 days.

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THE COURT CLERK: December 18<sup>th</sup>, 10:15 a.m.

THE COURT: Thank you, Counsel.

[Hearing concludes at 10:32 a.m.]

\* \* \* \* \*

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

  
CYNTHIA GEORGILAS  
Court Recorder/Transcriber  
District Court Dept. XVII



1 RTRAN

2  
3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA

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7 THE STATE OF NEVADA,  
8 Plaintiff,

CASE: C-14-299234-1

DEPT. XVII

9 vs.

10 ROBERT BROWN, JR.,  
11 Defendant.

12  
13 BEFORE THE HONORABLE MICHAEL VILLANI, DISTRICT COURT JUDGE  
14 FRIDAY, DECEMBER 18, 2020

15 **RECORDER'S TRANSCRIPT OF HEARING:**  
16 **STATUS CHECK: TRIAL READINESS**

17  
18 APPEARANCES via Bluejeans:

19  
20 For the State: JAY P. RAMAN, ESQ.  
21 Chief Deputy District Attorney

22 For the Defendant: ABEL M. YANEZ, ESQ.  
23 IVETTE A. MANINGO, ESQ.

24  
25 Recorded by: CYNTHIA GEORGILAS, COURT RECORDER

1 Las Vegas, Nevada, Friday, December 18, 2020

2 [Hearing begins at 10:49 a.m.]

3 THE COURT: 2 is Robert Brown; Ms. Maningo.

4 MS. MANINGO: Good morning, Your Honor, Ivette Maningo  
5 [indiscernible] Mr. Brown [indiscernible].

6 THE COURT: We're getting some major feedback. I don't  
7 know -- all right, --

8 MS. MANINGO: Abel, do you want to take over  
9 [indiscernible]?

10 MR. YANEZ: Yeah. Judge, Abel Yanez. I'm co-counsel with  
11 Ms. Maningo on this case. I'm present as well.

12 MR. RAMAN: And Jay P. Raman for the State.

13 THE COURT: All right, thank you. And we have a trial right  
14 now May 3<sup>rd</sup> of next year. Do the Defense -- will the Defense be ready on  
15 that date?

16 MR. YANEZ: Judge we anticipate -- obviously, things have  
17 been delayed with our experts due to Covid but since things seem to be  
18 turning around, we're going to do everything obviously in our effort to be  
19 prepared to go. So, as of right now, obviously with the understanding  
20 that Covid could change things, we intend to be ready on that date.

21 THE COURT: All right. Mr. Raman, will your office be ready on  
22 May 3<sup>rd</sup>?

23 MR. RAMAN: Yes. I -- everything that Abel just said I would  
24 apply that to me as well.

25 THE COURT: All right. Have there been any settlement

1 negotiations in this case? I do see that this is from 2014.

2 MR. YANEZ: Judge, there have been discussions. I know Mr.  
3 Raman's fairly new on the case. There have been other District  
4 Attorneys we've had negotiations but we have not been able to come to  
5 a resolution unfortunately.

6 THE COURT: All right. If you think that a settlement  
7 conference with Judge Bell would be worth everyone's time, then please  
8 contact her office.

9 MR. YANEZ; We will, Judge.

10 THE COURT: All right, and here's our next status – trial  
11 readiness status check.

12 THE COURT CLERK: February 19<sup>th</sup> at 10:15.

13 THE COURT: Thank you. We'll see everybody back at that  
14 time.

15 THE MARSHAL: Page 23.


16 MR. RAMAN: Thank you.

17 MR YANEZ: Thank you.

18 [Hearing concludes at 10:51 a.m.]

19 \* \* \* \* \*

20  
21 ATTEST: I do hereby certify that I have truly and correctly transcribed the  
22 audio/video recording in the above-entitled case to the best of my ability.

23   
24 CYNTHIA GEORGILAS  
25 Court Recorder/Transcriber  
District Court Dept. XVII





1 RTRAN

2  
3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA

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7 THE STATE OF NEVADA,  
8 Plaintiff,

CASE: C-14-299234-1

DEPT. XVII

9 vs.

10 ROBERT BROWN, JR.,  
11 Defendant.

12  
13 BEFORE THE HONORABLE MICHAEL VILLANI, DISTRICT COURT JUDGE  
14 FRIDAY, FEBRUARY 19, 2021

15 **RECORDER'S TRANSCRIPT OF HEARING:**  
16 **STATUS CHECK: TRIAL READINESS**

17  
18 APPEARANCES via Bluejeans:

19  
20 For the State: JAY P. RAMAN, ESQ.  
21 Chief Deputy District Attorney

22 For the Defendant: ABEL M. YANEZ, ESQ.  
23 IVETTE A. MANINGO, ESQ.

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25 Recorded by: CYNTHIA GEORGILAS, COURT RECORDER

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Las Vegas, Nevada, Friday, February 19, 2021

[Hearing begins at 8:41 a.m.]

THE COURT: Page 2 is Robert Brown.

THE CORRECTIONS OFFICER: Brown.

THE COURT: And this is -- I see Ms. Maningo is on Bluejeans.

MS. MANINGO: I am, Your Honor, and so is Mr. Yanez.

THE COURT: Okay.

MR. YANEZ: Good morning, Judge.

THE COURT: All right. And we see Mr. Brown there. We have a trial set --

MR. RAMAN: Good morning, J.P. Raman for the State.

THE COURT: Thank you.

We have a trial set for May 3<sup>rd</sup>. Again, assuming courtrooms open up, and I don't know where this case stands on the priority scale, but putting all that aside, does the Defense appear ready to go to trial on May 3<sup>rd</sup>?

MS. MANINGO: Your Honor, we're not ready now but we are working towards that date the best we can. We've been meeting as a team and we'll do so today again. So, we're trying to get things lined up. So, depending on courtroom availability and what happens with Covid, then we could give a better update in probably 30 to 60 days.

THE COURT: All right. And is there any outstanding discovery that you are aware of?

MS. MANINGO: No, we've had -- dealt with some discovery

1 issues or something outstanding that we're aware of.

2 THE COURT: Good to hear. And as far as the State,  
3 assuming we have a –

4 MR. RAMAN: Judge, I –

5 THE COURT: -- courtroom to --

6 MR. RAMAN: -- anticipate we should be ready.

7 THE COURT: Okay. The 60 days from today is basically  
8 calendar call which is April 20<sup>th</sup>, and so we'll just come back at calendar  
9 call date to see where everybody is at and also to see if we have  
10 courtroom availability.

11 Have the parties discussed any offers to resolve the case?

12 MS. MANINGO: There has been discussion for some time  
13 with regards to offers. We just – we have not come to an agreement.

14 THE COURT: Okay. And have those offers been  
15 communicated to Mr. Brown?

16 MS. MANINGO: They have, Your Honor.

17 THE COURT: Is that correct, Mr. Brown?

18 THE DEFENDANT: Um, the last offer I can remember was  
19 probably –

20 THE COURT: Well, you don't need to tell me. You don't need  
21 to tell me, but has an offer been –

22 THE DEFENDANT: I'm not trying to tell you what the --

23 THE COURT: -- communicated to resolve the case?

24 THE DEFENDANT: Yeah, I'm not trying to tell you what the  
25 offer was. I'm trying to tell you that I was – I probably received an offer

1 about a year ago. That's all I remember.

2 THE COURT: Okay. And that offer a year ago was rejected by  
3 you, is that correct, sir?

4 THE DEFENDANT: Correct.

5 THE COURT: All right. Has this –

6 MS. MANINGO: And –

7 THE COURT: -- case gone through --

8 MS. MANINGO: And, Your Honor, --

9 THE COURT: -- settlement conferences?

10 MS. MANINGO: No, Your Honor. And for the record, we  
11 explained to the State -- and they left the offer open, that we hadn't  
12 come to an agreement -- but my understanding, and we've had  
13 communications with the State with regards to this, that the offer hasn't  
14 been taken off the table. Its just that we still -- we had some issues with  
15 communicating with Mr. Brown, but he's actually accepting our visits  
16 now so we're hoping to discuss this more. It has not been set for  
17 settlement conference. And Mr. Yanez, if you want to address that  
18 because I think he recently had communications with the client with  
19 regards to the fact that that's an option. And so, that's where we're at.

20 THE COURT: Okay. As you may know, the settlement  
21 conferences have now been expanded to cases beyond invoked,  
22 in-custody cases, and so if you think this case is appropriate for a  
23 settlement conference please contact Judge Bell's chambers to set a  
24 time, okay?

25 MS. MANINGO: Thank you, Your Honor.

1 THE COURT: So, we –

2 MS. MANINGO: Thank you.

3 MR. YANEZ: And, Judge, on that point. I had recently spoke  
4 to Mr. Brown about that as an option. I'll speak to Mr. Brown again. I  
5 think we were a little too far apart based on our conversations with Mr.  
6 Brown, but I'll speak to him again just to see if that's an option just to  
7 make sure.

8 THE COURT: Okay. And Mr. Brown, as you see from the  
9 previous cases, its probably best to communicate with your attorneys,  
10 okay? You can have disagreements, but they are here to try to help you  
11 with this case.

12 THE DEFENDANT: Well, at this point, Judge, I'm only  
13 communicating because I don't want any excuses, you know, as far as  
14 trying to put the trial off. That's basically it. There's – I mean I still have  
15 my issues. You know, I filed the motions to dismiss a couple of times as  
16 you know, so my issues have not magically gone away just because of  
17 the communication at this point. So, I don't want any interference with  
18 my trial. I need to – you know you guys need to have to trial. Get it over  
19 with so I can [indiscernible]. That's all I'm concerned with and that's my  
20 only goal and purpose for having these communications at this point.

21 THE COURT: All right. No, that's – like I said, its just best to  
22 communicate with your attorneys and it sounds like Mr. Yanez is  
23 probably going to come down and speak to you about a – and they have  
24 to talk to the DA as well, talk about a possible settlement conference.  
25 They've been very successful with their program. I'm not saying your

1 case will settle, but its something to think about and they'll just – your  
2 attorneys will discuss with you, sir, the pros and cons of such a  
3 conference; okay?

4 THE DEFENDANT: Yeah.

5 THE COURT: So, we will see everybody back at calendar call  
6 on April 20<sup>th</sup>. Thank you.

7 THE MARSHAL: Page 3.

8 MR. YANEZ: Thank you, Judge.


9 THE DEFENDANT: Thank you.

10 THE COURT: Thank you.

11 [Hearing concludes at 8:46 a.m.]

12 \* \* \* \* \*

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

22   
23 CYNTHIA GEORGILAS  
24 Court Recorder/Transcriber  
25 District Court Dept. XVII



1 RTRAN

2  
3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA

5  
6  
7 THE STATE OF NEVADA,  
8 Plaintiff,

CASE: C-14-299234-1

DEPT. XVII

9 vs.

10 ROBERT BROWN, JR.,  
11 Defendant.

12  
13 BEFORE THE HONORABLE MICHAEL VILLANI, DISTRICT COURT JUDGE  
14 TUESDAY, APRIL 20, 2021

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

17  
18 APPEARANCES:

19  
20 For the State:

WILLIAM ROWLES, ESQ.  
Deputy District Attorney  
[Appearing via Bluejeans]

21  
22 For the Defendant:

IVETTE A. MANINGO, ESQ.  
[Appearing via Bluejeans]  
ABEL M. YANEZ, ESQ.

23  
24  
25 Recorded by: CYNTHIA GEORGILAS, COURT RECORDER

1 Las Vegas, Nevada, Tuesday, April 20, 2021

2 [Hearing begins at 8:34 a.m.]

3 THE COURT: Ms. Maningo, what do you have this morning?

4 MS. MANINGO: I am on Mr. Brown, but I believe Mr. Yanez,  
5 my co-counsel, is not in the courtroom yet. He's going to be appearing in  
6 person. So, if we could trail this that would be great.

7 THE COURT: Okay. This was – unless this was an invoked  
8 case, we just need to reset a trial date because we can go forward on a  
9 procedural matter because it's a – even though it's a 250 case. Do you  
10 happen to know his calendar?

11 MS. MANINGO: I don't know his calendar, but he – I know  
12 he's going to be in the courtroom. And I'm not sure if the DA's present in  
13 person or by video.

14 MR. ROWLES: I'm here, Your Honor, William Rowles will be  
15 covering for J.P. Raman.

16 THE COURT: All right, we'll wait for the other Defense  
17 Counsel to show up.

18 [Matter trailed at 8:35 a.m.]

19 Matter recalled at 9:48 a.m.]

20 THE COURT: All right, page 3, Robert Brown. Mr. Yanez is  
21 here, Ms. Maningo is here. Is Mr. Rowles still there?

22 MR. ROWLES: Yes, Your Honor.

23 THE COURT: All right. This is the time set for calendar call.  
24 I'm assuming the matter is not resolved; is that correct?

25 MR. YANEZ: That's correct.



1 THE COURT: And Mr. Brown had previously waived; is that  
2 correct?

3 MR. YANEZ: That's my understanding.

4 THE COURT: All right. A lot of these 250 cases we're just  
5 going forward in, like, first part of next year just to be realistic.

6 MR. YANEZ: Understood.

7 THE COURT: All right.

8 THE COURT CLERK: Okay, let's do February 22<sup>nd</sup>, 2022 at  
9 8:30 for calendar call. Jury trial will be March 7<sup>th</sup>, 2022 at 9:00 a.m.

10 THE COURT: And you know what, I may be gone –

11 THE COURT CLERK: Oh, okay.

12 THE COURT: -- part of the early part of March so if you could  
13 set this, like, the last – or the third or fourth week of March. Is that good  
14 for all parties the third or fourth week of March start time?

15 MR. YANEZ: That's fine with me.

16 MR. ROWLES: Yes, Your Honor.

17 MR. YANEZ: Yeah.

18 MS. MANINGO: Yes, Your Honor.

19 THE COURT CLERK: I can do the beginning of April.

20 THE COURT: Or – the end of March or the first part of April.

21 THE COURT CLERK: Okay. Let's do calendar call April the  
22 5<sup>th</sup>, 2022 at 8:30. Jury trial April 18<sup>th</sup>, 2022 at 9:00 a.m.

23 THE COURT: And then we'll do a 60 day status check trial  
24 readiness.

25 THE COURT CLERK: And that will be June 25<sup>th</sup> at 8:30.

1 THE COURT: And, again, if the parties have not gone to a  
2 settlement conference, maybe discuss it, see if that might help to resolve  
3 the case.

4 THE RECORDER: Judge, who is the State -- for the State on  
5 this?

6 THE COURT: It's Mr. Rowles.

7 THE RECORDER: Oh, okay.

8 THE COURT: Yeah.

9 MR. YANEZ: Mr. Raman's on the case but I know someone  
10 was covering from -- but Mr. Raman is the --

11 THE COURT: Okay.

12 MR. YANEZ: -- DA on the case.

13 THE COURT: All right.


14 MR. YANEZ: Thank you, Judge.

15 THE COURT: Thank you.

16 [Hearing concludes at 9:50 a.m.]

17 \* \* \* \* \*

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

22   
23 CYNTHIA GEORGILAS  
24 Court Recorder/Transcriber  
25 District Court Dept. XVII



**EIGHTH JUDICIAL DISTRICT COURT  
CLERK OF THE COURT**

REGIONAL JUSTICE CENTER  
200 LEWIS AVENUE, 3<sup>rd</sup> FL.  
LAS VEGAS, NEVADA 89155-1160  
(702) 671-4554

Steven D. Grierson  
Clerk of the Court

Anntoinette Naumec-Miller  
Court Division Administrator

---

June 09, 2021

**Attorney:** Ivette A. Maningo  
400 S Fourth ST STE 500  
Las Vegas NV 89101

**Case Number:** C-14-299234-1  
**Department:** Department 17

**Defendant:** Robert Brown, Jr.

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 Proceed In Pro Persona**

**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

DISTRICT COURT  
CLARK COUNTY, NEVADA

1 STATE OF NEVADA

2 Plaintiff

3 Vs.

4 ROBERT BROWN - 6006120, by

5 Yahshua Ariyl Ha-Kohen

6 Accused

Case No.: C-14-299234-1

Dept. No.: XVII

8 NOTICE OF MOTION

9 DATE OF HEARING: / /

10 TIME OF HEARING: : AM/PM

11 CRAL ARGUMENT REQUESTED: YES

12  
13 You will please take notice that the above mentioned Accused,  
14 ROBERT BROWN, will come on for hearing in the forthcoming MOTION  
15 TO PROCEED IN PRO PERSONA AND APPOINT NEW STAND-BY COUNSEL on the  
16 DAY OF 20 ; at time set forth AM/PM,  
17 Dept. No. .

18 \* COURT CLERK TO ADVISE PARTIES OF INTEREST; TO SET COURT SPECIFICS \*

20

21

22 DATED THIS 3<sup>rd</sup> DAY OF JUNE, 2021

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Distressfully submitted,

ROBERT BROWN, by Ariyl

TZ & BA

DISTRICT COURT  
CLARK COUNTY, NEVADA

1 STATE OF NEVADA

2 Plaintiff

3 Vs.

4 ROBERT BROWN - 6006120, by

5 Yahshua Ariyl Ha-Kohen

6 Accused

Case No.: C-14-299234-1

Dept. No.: XVII

8 MOTION TO PROCEED IN PRO PERSONA

9 AND APPOINT NEW STAND-BY COUNSEL

11 COMES NOW, the Accused, ROBERT BROWN (a private aggregate lay  
12 corporation of the Treasonous insolvent UNITED STATES), by Yahshua  
13 Ariyl Ha-Kohen (a Public Ecclesiastical Corporation Sole of the  
14 Messiah of Israyl, by Prescription), hereby moves this court in this  
15 MOTION TO PROCEED IN PRO PERSONA to be ordered as a matter of  
16 right to the Accused. FARRETTA v. CALIFORNIA.

17 This court need only refresh its memory to the two (2)  
18 previously denied MOTIONS TO DISMISS COUNSELS of record, to  
19 know that none of those issues have ever been resolved by  
20 these present counsel. And to the extent that this court has, by  
21 its incompetence, continued to act unlawfully against the Accused  
22 and has resolved to torture with no trial for almost 8 years now,  
23 such matters need to have recourse to its Supreme Court, which  
24 would obviously not be filed by counsel.

Distressfully submitted,

ROBERT BROWN, by Ariyl

tzr BQ.

26 DATED THIS 3<sup>rd</sup> DAY OF JUNE, 2021

VERIFICATION

1

2 I, ROBERT BROWN, do solemnly affirm under penalty of perjury,  
3 that this MOTION TO PROCEED IN PRO PERSONA AND APPOINT NEW STAND-BY  
4 COUNSEL is true, correct, and accurate to the best of my knowledge.  
5 NRS 208.165.

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DATED THIS 3<sup>rd</sup> DAY OF JUNE, 2021.

Distressfully submitted,

ROBERT BROWN, by Ariyl

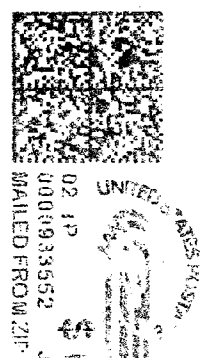
to RJ.

ROBERT BROWN - 6006120  
CLARK COUNTY DETENTION CENTER  
330 S. CASINO CENTER BLVD.  
LAS VEGAS, NV 89101

SENT FROM C

LEGAL

CLERK OF THE COURT  
200 LEWIS AVE. 3RD FLOOR  
LAS VEGAS, NV 89101





**MOT**

IVETTE AMELBURU MANINGO, ESQ.  
LAW OFFICES OF IVETTE AMELBURU MANINGO, ESQ.  
NEVADA BAR NO. 7076  
400 S. 4<sup>th</sup> Street, Suite 500  
Las Vegas, Nevada 89101  
(T): (702) 793-4046  
(F): (844) 793-4046  
EMAIL: iamaningo@iamlawnv.com

ABEL M. YANEZ, ESQ.  
NOBLES & YANEZ LAW FIRM  
NEVADA BAR NO. 7566  
324 South Third Street, Suite 2  
Las Vegas, Nevada 89101  
(T): (702) 641-6001  
(F): (702) 641-6002  
EMAIL: ayanez@noblesyanezlaw.com

*Attorneys for Defendant*

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,	)		
	)		
Plaintiff,	)	CASE NO.:	C-14-299234-1
	)		
v.	)	DEPT. NO.:	XVII
	)		
ROBERT BROWN, JR.,	)		
#6006120	)		
	)		
Defendant.	)		
_____	)		

**MOTION TO PROCEED IN PRO PERSONA & APPOINT NEW STAND-BY COUNSEL**

COMES NOW, the Defendant, ROBERT BROWN, JR., by and through his attorneys,  
Ivette Amelburu Maningo, of the Law Offices of Ivette Amelburu Maningo, Esq., and Abel M.  
Yanez, Esq., of the Nobles & Yanez Law Firm, and hereby submits his Motion to Proceed in Pro

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Persona & Appoint New Stand-By Counsel, attached hereto as Ex. "A."

DATED this 22nd day of June, 2021.

**Nobles & Yanez Law Firm**

**Law Offices of Ivette Amelburu Maningo**

/s/ Abel Yanez

/s/ Ivette Maningo

ABEL M. YANEZ, ESQ.

IVETTE AMELBURU MANINGO, ESQ.

Nevada Bar No.: 7566

Nevada Bar No.: 7076

324 South Third St., Ste. #2

400 S. 4<sup>th</sup> Street, Suite 500

Las Vegas, Nevada 89109

Las Vegas, Nevada 89101

(T): (702) 641-6001

(T): (702) 793-4046

(F): (702) 641-6002

(F): (844) 793-4046

*Attorneys for Defendant*

**EX. "A"**

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RECEIVED  
JUN - 8 2021  
CLERK OF THE COURT

DISTRICT COURT  
CLARK COUNTY, NEVADA

1	STATE OF NEVADA	)	Case No: C-14-2992
2	Plaintiff	)	Dept No: XVI
3		)	
4	ROBERT BROWN - 600612, c.	)	
5	Yoshua Am. Hoshino	)	
6	Accused	)	
7			
8			
9			NOTICE OF MOTION
10			DATE OF HEARING: 1 / 1
11			TIME OF HEARING: 1 AM/PM
12			LEGAL ARGUMENT REQUESTED: YES
13			
14			You will please take notice that the above mentioned Accused,
15			ROBERT BROWN, will come on for hearing in the forthcoming MOTION
16			TO PROCEED IN PRO PERSONA AND APPOINT NEW STAND-BY COUNSEL in the
17			DAY OF 20 at time set forth AM/PM.
18			Dept. No.
19			* COURT CLERK TO ADVISE PARTIES OF INTEREST TO SET MUST SPECIFIC *
20			
21			
22			Dated this 2nd DAY OF JUNE, 2021
23			
24			
25			
26			
27			

Distressfully submitted,

ROBERT BROWN, by Arlyl

2021

VERIFICATION

1  
2 I, ROBERT BROWN, do solemnly affirm under penalty of perjury,  
3 that the MOTION TO PROCEED IN PRO PERSONA AND APPOINT NOW STAND-BY  
4 COUNSEL is true, correct, and accurate to the best of my knowledge.  
5 NRS 208.105.

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Distressfully submitted

ROBERT BROWN, Plaintiff

*Robert Brown*

DATED THIS 30<sup>th</sup> DAY OF JUNE, 2011

CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of June, 2021, pursuant to Administrative Order 14-2 and Rule 9 of the NEFCR, I caused the foregoing **Motion to Proceed in Pro Persona & Appoint New Stand-By Counsel**, to be transmitted via electronic service to the person(s) identified in the E-Service list for this captioned case in Odyssey E-File & Serve of the Eighth Judicial District Court, County of Clark, State of Nevada.

District Attorneys Office  
E-Mail Address:

[jay.raman@clarkcountyda.com](mailto:jay.raman@clarkcountyda.com)

/s/ Jennifer Ortega  
Employee of Nobles & Yanez

DISTRICT COURT  
CLARK COUNTY, NEVADA

\*\*\*\*

Electronically Filed  
6/23/2021 12:01 PM  
Steven D. Grierson  
CLERK OF THE COURT



State of Nevada  
vs  
Robert Brown, Jr.

Case No.: C-14-299234-1  
Department 17

**NOTICE OF HEARING**

Please be advised that the Motion to Proceed in Pro Persona & Appoint New Stand-By Counsel in the above-entitled matter is set for hearing as follows:

**Date:** July 06, 2021  
**Time:** 8:30 AM  
**Location:** RJC Courtroom 11A  
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/ Ondina Amos  
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/ Ondina Amos  
Deputy Clerk of the Court



1 RTRAN

2  
3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA

5  
6  
7 THE STATE OF NEVADA,  
8 Plaintiff,

CASE: C-14-299234-1

DEPT. XVII

9 vs.

10 ROBERT BROWN, JR.,  
11 Defendant.

12  
13 BEFORE THE HONORABLE CHRISTINA SILVA, DISTRICT COURT JUDGE  
14 FRIDAY, JUNE 25, 2021

15 **RECORDER'S TRANSCRIPT OF HEARING:**  
16 **STATUS CHECK: TRIAL READINESS**

17 APPEARANCES:

18  
19 For the State:

WILLIAM ROWLES, ESQ.  
Deputy District Attorney  
[Appearing via Bluejeans]

20  
21 For the Defendant:

IVETTE A. MANINGO, ESQ.  
[Appearing via Bluejeans]  
ABEL M. YANEZ, ESQ.

22  
23  
24  
25 Recorded by: CYNTHIA GEORGILAS, COURT RECORDER



1 Las Vegas, Nevada, Friday, June 25, 2021

2 [Hearing begins at 8:44 a.m.]

3 THE COURT: C299234, State of Nevada versus Robert  
4 Brown, Jr.

5 MR. YANEZ: Good morning, Your Honor, Abel Yanez, bar  
6 number 7566. I believe Ms. Ivette Maningo should be on Bluejeans as  
7 well. She's co-counsel on this case.

8 THE COURT: All right. And good morning --

9 MS. MANINGO: I am, Your Honor.

10 THE COURT: -- to you. And good morning to you.

11 MS. MANINGO: Good morning.

12 THE COURT: All right. We are here on a status check  
13 regarding trial readiness. You have a trial date for April of 2022. And  
14 there's also a pending motion that it's set for July 6<sup>th</sup> to -- the Defendant  
15 would like to proceed pro per it looks like.

16 MR. YANEZ: Correct.

17 THE COURT: Good morning, Mr. Brown. This is Judge Silva.  
18 Can you hear me?

19 THE DEFENDANT: Yes.

20 THE COURT: All right. Mr. Brown is present in custody.

21 So, let me first hear from Counsel regarding trial readiness. I  
22 know this motion might change things, but I would like to know where  
23 the Defense is in terms of trial.

24 MR. YANEZ: Well, we anticipate we're going to be ready at  
25 the -- with the new date that we got for next year, obviously we'll have

1 enough time barring anything unforeseen with Covid to move forward.  
2 We just recently completed a file review with the District Attorney's office  
3 so we're proceeding forward.

4 As to the pro per motion, Judge, obviously, we're not taking a  
5 position on that. I submitted that on Mr. Brown's behalf at his request.

6 THE COURT: Understood. All right, and State, what is your  
7 position regarding trial readiness?

8 MR. ROWLES: Good morning Your Honor, William Rowles on  
9 behalf of the State. We anticipate being ready in April.

10 THE COURT: All right. Well, I'm going to go ahead and  
11 advance that motion to proceed in pro persona and appoint new standby  
12 counsel today to resolve that issue.

13 So, Mr. Brown, I have reviewed your motion and I understand  
14 that there have been two prior motions filed in this matter. However, in  
15 looking at the motion, it doesn't set forth a basis for me to relieve your  
16 current counsel and appoint new counsel. You have to meet certain  
17 standards and I don't see that here so I guess if you could briefly tell me  
18 why you want new counsel.

19 THE DEFENDANT: Well, I filed two previous motions to  
20 dismiss counsel and I laid out all the issues in those motions if the Court  
21 would take the time to review those. To go off of memory at this point I  
22 couldn't do that. There are a slew of issues so they're in those motions.

23 THE COURT: Well, I appreciate that. I was not the Judge who  
24 heard those motions. I'm standing in for Judge Villani today so he's the  
25 one who heard those motions. And understanding that those motions set

1 forth what you to believe to be a basis for relieving counsel, those were  
2 twice denied and the pending motion before the Court doesn't set forth a  
3 basis even -- it just refers to those motions, it doesn't incorporate them.

4 So, Mr. Brown, I don't have a basis to grant your motion at this  
5 time. I am going to deny it without prejudice. And if you continue to feel  
6 that you need to have new counsel, I -- you are certainly free to file a  
7 new motion and make sure that you set forth the basis for the request.  
8 That way, Judge Villani can consider that in going forward; okay?

9 THE DEFENDANT: So, it's your belief that those two motions  
10 that I just referred to do not have any issues in there with respect to why  
11 I [indiscernible] to go pro se at this point?

12 THE COURT: No, sir. I didn't review those motions because  
13 they aren't part of the pending motion in front of me. I don't know what  
14 they contain or what they say, but they were incorporated into this  
15 pending motion which means I can't consider them because they were  
16 already denied. If you want to refile this and incorporate the basis that  
17 are set forth in there you can do that, but you didn't do that in this  
18 motion; okay?

19 THE DEFENDANT: Yeah, I'll do that then.

20 THE COURT: All right, and you take care of yourself.

21 THE COURT CLERK: We need to set it for a new status  
22 check, Your Honor.

23 THE COURT: We're going to set this for a status check in six  
24 months?

25 THE COURT CLERK: Um, we'll do 60 days, yeah. That will be

1 August 20<sup>th</sup>, at 8:30 for a status check.


2 MR. YANEZ: August 20<sup>th</sup>; thank you.

3 THE COURT: Thank you.

4 [Hearing concludes at 8:48 a.m.]

5 \* \* \* \* \*

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19  
20 ATTEST: I do hereby certify that I have truly and correctly transcribed the  
21 audio/video recording in the above-entitled case to the best of my ability.

22   
23 CYNTHIA GEORGILAS  
24 Court Recorder/Transcriber  
25 District Court Dept. XVII



**EIGHTH JUDICIAL DISTRICT COURT  
CLERK OF THE COURT**

REGIONAL JUSTICE CENTER  
200 LEWIS AVENUE, 3<sup>rd</sup> Fl.  
LAS VEGAS, NEVADA 89155-1160  
(702) 671-4554

Steven D. Grierson  
Clerk of the Court

Anntoinette Naumec-Miller  
Court Division Administrator

---

July 14, 2021

**Attorney:** Ivette A. Maningo  
400 S Fourth ST STE 500  
Las Vegas NV 89101

**Case Number:** C-14-299234-1  
**Department:** Department 17

**Defendant:** Robert Brown, Jr.

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 Proceed In Forma Pauperis And Appoint New Stand By Counsel**

**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

DISTRICT COURT  
CLARK COUNTY, NEVADA

1	STATE OF NEVADA	}	Case No.: C-14-299234-1
2	Plaintiff	}	Dept. No.: XVII
3	Vs	}	
4	ROBERT BROWN - 6006120, by	}	
5	Yahshua Ariyl Ha-kohen	}	
6	Accused	}	

MOTION TO PROCEED IN PRO PERSONA  
AND APPOINT NEW STAND-BY COUNSEL

COMES NOW, the Accused, ROBERT BROWN (a Private lay aggregate corporation of the Treasonous insolvent UNITED STATES), by Ariyl (a Public ecclesiastical "common law" Corporation Sole of the Messiah of Israyl, by Prescription), hereby moves this court by this MOTION to be ordered as a matter of "unqualified right." FARETTA v. CALIFORNIA.

This court need only refresh its memory by the two (2) previously denied MOTIONS TO DISMISS COUNSEL of record, to know heretofore that none of those issues have ever been, nor indeed can they ever be, resolved with these present hostile counsel. And to the extent that this court has, by its own incompetence and prejudicial hostility to such an aforesaid Church (that is, by prescription) continued to act unlawfully against the Accused and has resolved to torture him with no trial for almost 8 years now; such matters need to have recourse to its Supreme Court, which matters would obviously not be filed by said counsel.

RECEIVED

JUL 13 2021

1 This MOTION is a refileing of the one still scheduled to  
2 be heard on July 6, 2021, but which was unlawfully heard and  
3 denied in "advance" by stand-in judge on June 25<sup>th</sup>, 2021.

4 This stand-in judge denied the MOTION based on the only  
5 question she asked the Accused: "why" do you want to be pro se?  
6 Notwithstanding the fact that a properly administered "Faretta  
7 canvass" is not determined by such a question, and hence is  
8 nowhere found in SCR 253, the judge not only recklessly failed  
9 to refresh her memory to the unresolved matters in the court's  
10 previously denied MOTIONS TO DISMISS COUNSEL of record (which  
11 the MOTION at bar actually suggests that the court does), but refused  
12 the Accused's request that she do so because he did not have  
13 those MOTIONS with him, since he could not have expected the  
14 MOTION to be heard in "advance." The judge did not deny that the  
15 Accused's contention that the MOTIONS TO DISMISS COUNSEL of  
16 record might answer her "why" question, and therefore suggested  
17 that the MOTION at bar be refiled with said MOTIONS attached.  
18 Because the judge would not deny the relevance of the two (2)  
19 previously denied MOTIONS TO DISMISS COUNSEL in answering her  
20 "why" question and knew that she would, in "advance," answer the  
21 MOTION without prior notice to the Accused, amounts to a  
22 behavior no less than the instinct of an animal laying a trap  
23 for its unsuspecting victim. Unless this court feels it is privied to  
24 hide its unjust wickedness behind acting "Willfully blind" to its Duty  
25 to know and apply the basic grounds of its law, then its Supreme  
26 Court should find it a shameful absurdity that this court needs a  
27 presumed layman that is not so gullible to put blind faith in a secular

1 judge's "ruling", to prove that its law contradicts that ruling.

2

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## ARGUMENT

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FURBAY v. STATE, 116 Nev. 481 (2000)

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HARRIS v. STATE, 113 Nev. 799 (1997)

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"In Nevada, "[a] court may... deny a request for self-representation if the request is untimely, equivocal, or made solely for purposes of delay or if the defendant is disruptive." VANISI v. STATE, 117 Nev. 330, at 338, 22 P.3d at 1170 (2001).

"To determine whether a defendant can represent himself, courts conduct a two-part inquiry. First, the defendant must be competent to waive his right to assistance of counsel. See Godinez v. Moran, 509 U.S. 389, 399, 125 L.Ed.2d 321, 113 S.Ct. 2680 (1993). Second, when an accused relinquishes his right to counsel, he must do so "knowingly and intelligently." Faretta, 422 U.S. at 835."

"The relevant assessment examines the accused's competence to choose self-representation, not his ability to adequately defend himself. Godinez v. Moran, 509 U.S. 389, 400 (1993). ... Waiver of the right to counsel must be made knowingly and intelligently. Faretta v. California, 422 U.S. 806, 835 (1975). "The test of a valid waiver is... whether the record as a whole demonstrates that the defendant understood the disadvantages of self-representation, including the risks and complexities of the particular case." Arajakis v. State, 108 Nev. 976, 980, 843 P.2d 800, 802-03 (1992) (quoting People v. Bloom, 774 P.2d 698 (Cal.1989)). ...



1 Denial of that right is per se harmful."

2  
3 Because harmless-error analysis does not apply, reversal  
4 and a new trial are necessary. Hooks v. STATE, 124 Nev. 48, at 57-58,  
5 176 P.3d at 1086-87 (2008).  
6

7 Courts are required to be guided by SCR 253 in conducting  
8 a proper "Faretta canvass," which provides a broad list of questions  
9 that should be asked by a judge, and which as a whole are aimed  
10 at determining whether or not a defendant understands "the dangers,  
11 disadvantages, and consequences of self-representation." SCR 253(2).  
12 And not one of these questions alone, that is misunderstood  
13 by a defendant, is grounds for denying the "unqualified right"  
14 of self-representation, since it is the duty of the judge to  
15 "inform" the defendant (SCR 253, supra). Thus, if one question, e.g., is about  
16 the possible penalty that the defendant faces is misunderstood  
17 by him to be 5 years, the judge has the duty to "inform" him  
18 that the penalty is life. This is a "specific" inquiry that is  
19 required by SCR 253(1). In this case, the stand-in judge asked  
20 a single "broad" and extraneous subjective question: "why" do you  
21 want to be pro se? No other question was asked, hence there was no duty to  
22 "inform" the Accused about anything but her unjust denial.

23  
24  
25 Distressfully submitted,

26 DATED THIS 5<sup>th</sup> DAY OF JULY, 2021. ROBERT BROWN, by Ariyl

27 

DISTRICT COURT  
CLARK COUNTY, NEVADA

1	STATE OF NEVADA	}	Case No.: C-14-299234-1
2	Plaintiff	}	Dept. No.: XVII
3	Vs.	}	
4	ROBERT BROWN-6006120, by	}	
5	Yahshua Ariyl Ha-Kohen	}	
6	Accused	}	

NOTICE OF MOTION

DATE OF HEARING:

TIME OF HEARING:

ORAL ARGUMENT REQUESTED: YES

You will please take notice that the above mentioned  
Accused, ROBERT BROWN, will come on for hearing in the forthcoming  
MOTION TO PROCEED IN PRO PERSONA AND APPOINT NEW STAND-BY COUNSEL  
on the \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_; at time set forth \_\_\_\_\_ AM/PM,  
Dept. No. \_\_\_\_\_.

\* COURT CLERK TO ADVISE PARTIES OF INTEREST; TO SET COURT SPECIFICS \*

Dated this 5<sup>th</sup> DAY OF JULY, 2021

Distressfully submitted,  
ROBERT BROWN, by Ariyl  
EBO.

VERIFICATION

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I, ROBERT BROWN, do solemnly affirm under penalty of perjury, that this MOTION TO PROCEED IN PRO PERSONA AND APPOINT NEW STAND-BY COUNSEL is true, correct, and accurate to the best of my knowledge. NRS 208.165.

Distressfully submitted,

ROBERT BROWN, by Ariyl



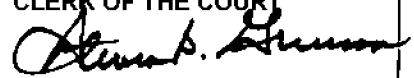
DATED THIS 5<sup>th</sup> DAY OF JULY, 2021

ROBERT BROWN 6006120  
Clark County Detention Center  
330 S. Casino Center Blvd.  
Las Vegas, NV 89101

# LEGAL

CLERK OF THE COURT  
200 LEWIS AVE. 3rd Floor  
LAS VEGAS, NV 89101





**MOT**

IVETTE AMELBURU MANINGO, ESQ.  
LAW OFFICES OF IVETTE AMELBURU MANINGO, ESQ.  
NEVADA BAR NO. 7076  
400 S. 4<sup>th</sup> Street, Suite 500  
Las Vegas, Nevada 89101  
(T): (702) 793-4046  
(F): (844) 793-4046  
EMAIL: iamaningo@iamlawnv.com

ABEL M. YANEZ, ESQ.  
NOBLES & YANEZ LAW FIRM  
NEVADA BAR NO. 7566  
324 South Third Street, Suite 2  
Las Vegas, Nevada 89101  
(T): (702) 641-6001  
(F): (702) 641-6002  
EMAIL: ayanez@noblesyanezlaw.com

*Attorneys for Defendant*

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

THE STATE OF NEVADA, )  
 )  
 ) Plaintiff, )  
 )  
 ) v. )  
 )  
 ) ROBERT BROWN, JR., )  
 ) #6006120 )  
 )  
 ) Defendant. )  
 )

CASE NO.: C-14-299234-1

DEPT. NO.: XVII

**MOTION TO PROCEED IN PRO PERSONA & APPOINT NEW STAND-BY COUNSEL**

COMES NOW, the Defendant, ROBERT BROWN, JR., by and through his attorneys,  
Ivette Amelburu Maningo, of the Law Offices of Ivette Amelburu Maningo, Esq., and Abel M.  
Yanez, Esq., of the Nobles & Yanez Law Firm, and hereby submits his Motion to Proceed in Pro

///

///

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///

Persona & Appoint New Stand-By Counsel, attached hereto as Ex. "A."

DATED this 20th day of July, 2021.

**Nobles & Yanez Law Firm**

**Law Offices of Ivette Amelburu Maningo**

/s/ Abel Yanez

/s/ Ivette Maningo

ABEL M. YANEZ, ESQ.

IVETTE AMELBURU MANINGO, ESQ.

Nevada Bar No.: 7566

Nevada Bar No.: 7076

324 South Third St., Ste. #2

400 S. 4<sup>th</sup> Street, Suite 500

Las Vegas, Nevada 89109

Las Vegas, Nevada 89101

(T): (702) 641-6001

(T): (702) 793-4046

(F): (702) 641-6002

(F): (844) 793-4046

*Attorneys for Defendant*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 20th day of July, 2021, pursuant to Administrative Order 14-2 and Rule 9 of the NEFCR, I caused the foregoing **Motion to Proceed in Pro Persona & Appoint New Stand-By Counsel**, to be transmitted via electronic service to the person(s) identified in the E-Service list for this captioned case in Odyssey E-File & Serve of the Eighth Judicial District Court, County of Clark, State of Nevada.

District Attorneys Office  
E-Mail Address:

[jay.raman@clarkcountyda.com](mailto:jay.raman@clarkcountyda.com)

/s/ Jennifer Ortega  
Employee of Nobles & Yanez

**EX. "A"**



STATE OF NEVADA

Plaintiff

Vs

ROBERT BROWN-6006120, by

Yahshua Ariyl Ha-Kohen

Accused

Case No: C-14-28923--1

Dept. No: XVI

MOTION TO PROCEED IN PRO PERSONA

AND APPOINT NEW STAND-BY COUNSEL

COMES NOW, the Accused, ROBERT BROWN (a Private lay aggregate corporation of the Treasonous insolvent UNITED STATES), by Ariyl (a Public ecclesiastical "common law" Corporation Sole of the Messiah of Israyl, by Prescription), hereby moves this court by this MOTION

to be ordered as a matter of "unqualified right" FARETTA v. CALIFORNIA.

This court need only refresh its memory by the two (2) previously denied MOTIONS TO DISMISS COUNSEL of record, to know heretofore that none of those issues have ever been, nor indeed can they ever be, resolved with these present hostile counsel. And to the extent

that this court has, by its own incompetence and prejudicial hostility to such an aforesaid Church (that is, by prescription) continued to

act unlawfully against the Accused and has resolved to torture him with no trial for almost 8 years now; such matters need

to have recourse to its Supreme Court, which matters would obviously not be filed by said counsel.

RECEIVED

JUL 13 2021

CLERK OF THE COURT

1.

1 This MOTION is a re-filing of the one still scheduled to  
2 be heard on July 6, 2021, but which was unlawfully heard and  
3 denied in "advance" by stand-in judge on June 25, 2021.

4 This stand-in judge denied the MOTION based on the only  
5 question she asked the Accused: "why" do you want to be prose?  
6 Notwithstanding the fact that a properly administered "Faretta  
7 hearing" is not a criminal trial, and that the Accused's  
8 or case for a SCR 253, the judge not only recklessly failed  
9 to refresh her memory to the unresolved matters in the court's  
10 previously denied MOTIONS TO DISMISS COUNSEL of record (which  
11 the MOTION at bar actually suggests that the court does), but refused  
12 the Accused's request that she do so because he did not have  
13 those MOTIONS with him, since he could not have expected the  
14 MOTION to be heard in "advance". The judge did not deny that the  
15 Accused's contention that the MOTIONS TO DISMISS COUNSEL of  
16 record might answer her "why" question, and therefore suggested  
17 that the MOTION at bar be refiled with said MOTIONS attached.  
18 Because the judge would not deny the relevance of the two (2)  
19 previously denied MOTIONS TO DISMISS COUNSEL in answering her  
20 "why" question and knew that she would, in "advance", answer the  
21 MOTION without prior notice to the Accused, amounts to a  
22 behavior no less than the instinct of an animal laying a trap  
23 for its unsuspecting victim. Unless this court feels it is privied to  
24 hide its unjust wickedness behind acting "willfully blind" to its Duty  
25 to know and apply the basic grounds of its law, then its Supreme  
26 Court should find it a shameful absurdity that this court needs a  
27 presumed layman that is not so gullible to put blind faith in a secular

A

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... of the defendant is dispositive. DAVIS v. STATE 107 Cal. 2d 107

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the case  
in California.

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76,

Denial of that right is per se harmful."

Because harmless-error analysis does not apply, reversal and a new trial are necessary. Hooks v STATE, 124 Nev. 48, at 57-58, 176 P.3d at 1036-87 (2008).

SCR 253 in conducting a proper Faretta canvass, which provides a broad list of questions that should be asked by a judge, and which as a whole are aimed at determining whether or not a defendant understands "the dangers, disadvantages, and consequences of self-representation." SCR 253(2). And not one of these questions alone, that is misunderstood by a defendant, is grounds for denying the "unqualified right" of self-representation, since it is the duty of the judge to "inform" the defendant (SCR 253, *supra*). Thus, if one question, e.g., is about the possible penalty that the defendant faces is misunderstood by him to be 5 years, the judge has the duty to "inform" him that the penalty is life. This is a "specific" inquiry that is required by SCR 253(1). In this case, the stand-in judge asked a single "broad" and extraneous subjective question: "why" do you want to be pro se? No other question was asked, hence there was no duty to "inform" the Accused about anything but her unjust denial.

Distressfully submitted,

ROBERT BROWN, by *Amiri*

*T. E. R.*

DATED THIS 5<sup>th</sup> DAY OF JULY, 2021.

DISTRICT COURT  
CLARK COUNTY, NEVADA

STATE OF NEVADA

Case No: C-14-299234-1

2 Plaintiff

Dept. No: XVII

3 Vs

4 ROBERT BROWN-6006120, by

5 Yahshua Ariyl Ha-Kohen

6 Accused

7 NOTICE OF MOTION

8 DATE OF HEARING:

9 TIME OF HEARING:

10 ORAL ARGUMENT REQUESTED: YES

11 You will please take notice that the above mentioned

12 Accused, ROBERT BROWN, will come on for hearing in the forthcoming

13 MOTION TO PROCEED IN PRO PERSONA AND APPOINT NEW STAND-BY COUNSEL

14 on the DAY OF 20 at time set forth AM/PM,

15 Dept. No.

16 \* COURT CLERK TO ADVISE PARTIES OF INTEREST; TO SET COURT SPECIFICS \*

17 Distressfully submitted,

18 DATED THIS 5<sup>th</sup> DAY OF JULY, 2021

ROBERT BROWN, by Ariyl

19 I. ESO.

VERIFICATION

I, ROBERT BROWN, do solemnly affirm under penalty of perjury, that this MOTION TO PROCEED IN PRO PERSONA AND APPOINT NEW STAND-BY COUNSEL is true, correct, and accurate to the best of my knowledge. NRS 208.165.

Disrespectfully submitted,

DATED THIS 5<sup>th</sup> DAY OF JULY, 2021

ROBERT BROWN by Attlyl

TEA BA

DISTRICT COURT  
CLARK COUNTY, NEVADA

\*\*\*\*

Electronically Filed  
7/20/2021 10:23 AM  
Steven D. Grierson  
CLERK OF THE COURT



State of Nevada  
vs  
Robert Brown, Jr.

Case No.: C-14-299234-1  
Department 17

**NOTICE OF HEARING**

Please be advised that the Defendant's Motion to Proceed in Pro Persona & Appoint New Stand-By Counsel in the above-entitled matter is set for hearing as follows:

**Date:** August 03, 2021  
**Time:** 8:30 AM  
**Location:** RJC Courtroom 11A  
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.**

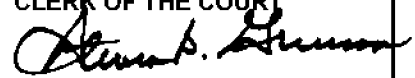
STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Imelda Murrieta  
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/ Imelda Murrieta  
Deputy Clerk of the Court



**RSPN**  
**STEVEN B. WOLFSON**  
Clark County District Attorney  
Nevada Bar #001565  
**JAY P. RAMAN**  
Chief Deputy District Attorney  
Nevada Bar #010193  
200 Lewis Avenue  
Las Vegas, Nevada 89155-2211  
(702) 671-2500  
Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA, )  
 )  
Plaintiff, )  
 )  
-vs- )  
 )  
ROBERT BROWN JR, #6006120, )  
 )  
Defendant. )  
 )  
 )  
 )  
 )

Case No. C-14-299234-1  
Dept No. XVII

**RESPONSE TO MOTION TO PROCEED IN PRO PERSONA & APPOINT NEW  
STAND-BY COUNSEL**

DATE OF HEARING: August 3, 2021  
TIME OF HEARING: 8:30 A.M.

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, District Attorney,  
through JAY P. RAMAN, Chief Deputy District Attorney, and files this Response.

This Response is made and based upon all the papers and pleadings on file herein, the  
attached points and authorities in support hereof, and oral argument at the time of hearing, if  
deemed necessary by this Honorable Court.

**Points and Authorities**

**STATEMENT OF FACTS**

In this case, the Defendant committed the murder of Nichole Nick on December 7,  
2012. The Defendant is also charged with the Attempt Murder with Use of a Deadly Weapon  
of Esther Maestas committed on December 7, 2012. If the Defendant is convicted at trial of



1 the attempt murder of Esther Maestas, this will qualify as a conviction of a felony involving  
2 the use or threat of violence to the person of another before a penalty hearing is conducted.

3 On Friday, December 7, 2012, the Las Vegas Metropolitan Police Department  
4 ("LVMPD") call center received multiple telephone calls from residents at the Canyon Pointe  
5 Apartments located at 5421 East Harmon Avenue, Las Vegas, Clark County, Nevada,  
6 indicating glass breaking, a woman screaming, and a male entering Apartment E-13 through  
7 the broken window. Callers subsequently informed the LVMPD that they heard gunshots after  
8 the male entered Apartment E-13.

9 When officers arrived, they observed a broken window with shards of glass next to the  
10 doorway of Apartment E-13. Officers entered Apartment E-13 to find a white female adult  
11 lying on the living room floor with apparent gunshot wounds to her abdomen, leg, and  
12 shoulder. That woman was later identified as Esther Maestas. Esther informed the responding  
13 officers that Robert Brown, the Defendant, had broken into the apartment and shot her and her  
14 daughter. Esther indicated that Robert and Nichole had been arguing earlier in the evening.  
15 She told officers that her daughter and granddaughter were in the bedroom.

16 Officers entered the only bedroom of the apartment to find a white female adult  
17 deceased from several apparent gunshot wounds. She was later identified as Nichole Nick,  
18 the daughter of Esther Maestas and the girlfriend of Robert Brown. In that same bedroom,  
19 officers also located an uninjured juvenile female, who was later identified as three-year-old  
20 Kayla Higgins, Nichole Nick's niece and Esther Maestas' granddaughter. Kayla had been  
21 lying on a toddler bed that now had a bullet hole in it.

22 Nichole Nick was lying face up on the floor, twisted and bent slightly at the waist with  
23 her back, right hip, and outside of right leg on the carpet. She had been rolled from her right  
24 side to her back by officers so that they could check for her pulse. There was blood covering  
25 her face and upper body as well as pooled on the carpet inside of her right elbow. Nichole  
26 Nick suffered the following injuries: (1) a perforating gunshot entry-wound to her upper right  
27 chest/shoulder and a corresponding gunshot exit-wound to her rear left side; (2) perforating  
28 gunshot wounds to her upper left thigh; (3) a perforating wound to the back left of her head;

1 (4) a stab wound to her upper left chest; (5) a stab wound to her left armpit; (6) a stab wound  
2 to the left side of her neck; (7) a stab wound to the upper left side of her back; (8) and several  
3 lacerations to her upper left arm. Clark County Medical Examiner Dr. Alane Olson  
4 determined that the cause of death was a gunshot wound to the chest with significant sharp  
5 force trauma (stab wounds). The manner of death was homicide.

6 Medics were called for Esther Maestas and they subsequently removed her from the  
7 scene prior to the arrival of homicide detectives. She was taken to Sunrise Hospital Emergency  
8 Trauma Center where she was immediately taken into surgery.

9 Homicide Detectives D. Raetz, M. Gillis, J. McCarthy, and F. Merrick subsequently  
10 responded to the scene. In the living room Detectives observed broken shards of glass in the  
11 vicinity of the window, a Verizon Motorola cellular telephone on the south edge of the center  
12 seat of the sofa, blood on a pillow of the sofa as well as on the north seat cushion and arm rest.

13 A pony wall separated the living room from the kitchen. On the pony wall Detectives  
14 discovered a T-Mobile Samsung cellular telephone. Detectives located a Sprint HTC cellular  
15 telephone on the table in the kitchen belonging to Nichole Nick, and a LG cellular telephone  
16 in pieces on the floor near the table. The Sprint HTC cellular telephone had blood on the  
17 screen of the telephone and the background wallpaper was a photograph of an individual,  
18 which matched the driver's license belonging to Robert Brown.

19 The only bedroom and bathroom in the apartment were located off of the kitchen. In  
20 the threshold to the bathroom, Detectives discovered blood on the floor of both sides of the  
21 door as well as on the lower portions of the exterior of the bathroom door and the west door  
22 frame and west wall of the hall. The bathroom itself was otherwise unremarkable. In the  
23 bedroom, Detectives observed a toddler bed against the northwest corner and a twin bed at the  
24 northeast corner. A blue multi-colored comforter was bunched up on the floor at the southwest  
25 corner of the twin bed. Detectives observed blood on the floor at the south end of the bedroom,  
26 on the east closet door, on the west portion of the vertical blinds of the window in the north  
27 wall, on the sheet and pillow on the twin bed, the west side of the bed, the blue comforter, and  
28 on the floor between the two beds.

1       Eight cartridge cases, seven bearing the "R-P 9mm LUGER" headstamps and one  
2       bearing a "PMC 9MM LUGER" headstamp, were recovered from the floor of the bedroom.  
3       Five were visible upon entering the room, and the other three were found when Detectives  
4       moved items in the room.

5       There were multiple bullet holes through the bunched up comforter on the floor at the  
6       southwest corner of the twin bed. There were two bullet holes in the mattress and box springs  
7       of the bed. Detectives later recovered bullet fragments once the trajectories were traced. A  
8       bullet also perforated the west closet door and penetrated into the south wall of the closet.  
9       Detectives recovered bullet fragments from the floor of the interior of the wall. A bullet  
10      perforated the west bed rail of the pink child's bed where Kayla Higgins had been sleeping  
11      before perforating the west wall of the bedroom. That bullet was later recovered from the  
12      neighboring apartment under the carpet of the northeast portion of the bedroom of Apartment  
13      E-12.

14      The weapon used in the commission of the murder of Nichole Nick and the attempted  
15      murders of Esther Maestas and Kayla Higgins was located by a man out walking his dog the  
16      following morning. Gerald Juneman reported that he had found a handgun in the gutter of  
17      Jimmy Durante Boulevard. He picked the gun up in a plastic shopping bag and took it home.  
18      LVMPD Officers subsequently responded to the home to retrieve the weapon. Homicide  
19      Detectives responded to Juneman's residence as well and ultimately recovered a Smith &  
20      Wesson model 439, 9 mm semi-automatic, bearing serial #TBK5560 from the patrol officers.  
21      It appeared as if the gun had been thrown from a moving vehicle as half of the right side wood  
22      grip was missing, the magazine was jammed in the magazine well with the magazine floor  
23      plate missing, and there was grass and leaf debris on the right side. The hammer of the gun  
24      was down, the chamber and the magazine were empty, and the safety was engaged.

25      When Detectives responded to the location where the weapon had been found, they  
26      located the missing portion of the wood grip, the magazine floor plate, and the spring. These  
27      items were found spread in a line in the west gutter of Jimmy Durante Boulevard indicating  
28      that the gun was thrown out of a moving vehicle traveling south on Jimmy Durante. The

1 location was south of both the crime scene and Brown's apartment.

2 All eight 9MM cartridge cases recovered from the crime scene were later determined  
3 by LVMPD Forensic Scientist James Krylo to have been fired by the Smith & Wesson. The  
4 three bullets recovered from the scene as well as a single bullet recovered at a later date from  
5 the apartment by Esther Maestas were all marked with rifling characteristics similar to those  
6 made by the Smith & Wesson pistol. However, these bullets could not be conclusively tied to  
7 the pistol.

8 Esther Maestas was later interviewed at Sunrise Hospital on December 10, 2012.  
9 Esther indicated that after Nichole and Kayla had gone to bed, Esther heard someone attempt  
10 to force the apartment door open. The next thing Esther knew, the window next to the door  
11 was broken out and the Defendant was coming inside the apartment. The Defendant was  
12 carrying a gun in his right hand and something else in his left. Nichole came out of the  
13 bedroom and yelled for Esther to call 911. The Defendant shot Esther then went into the  
14 bedroom. Esther heard gunshots and followed the Defendant into the bedroom. Esther heard  
15 Kayla start crying and saw the Defendant turn the gun towards Kayla, who was lying in the  
16 toddler bed. Esther and Nichole both yelled at the Defendant not to shoot the baby.  
17 Nonetheless, a bullet hole was found in the toddler bed. The Defendant then turned the gun  
18 and shot Esther before shooting Nichole repeatedly. Esther later remembered that the  
19 Defendant shot her a few more times when Esther was back in the living room.

## 20 **PROCEDURAL HISTORY**

21 A warrant was subsequently obtained for the Defendant's arrest since he absconded  
22 right after the incident. He was located in California in January of 2014 and later extradited  
23 to Nevada. The Defendant was arraigned in Justice Court on April 15, 2014. On July 1, 2014  
24 the Defendant had his Preliminary Hearing, and was held to answer to the charges in the  
25 Amended Criminal Complaint and stand trial on them.

26 The first trial setting was September 2, 2014 and his appointed attorneys at that time  
27 were Peter Christiansen and Joshua Tomsheck (prior to that it was the Public Defender, and  
28 then Special Public Defender). On March 3, 2015 the Defendant filed a motion to dismiss

1 counsel and appoint alternative counsel. To bolster this motion, the Defendant filed complaints  
2 with the State Bar of Nevada against counsel. The motion to dismiss counsel was granted.

3 On April 15, 2015 Andrea Luem and Amenda Gregory accepted appointment.

4 On July 11, 2016 the Defendant filed a Motion to Dismiss Counsel, and a Motion to  
5 Proceed Pro-Se and Appoint Stand-In Counsel. The matter was set for August 5, 2016 for  
6 Faretta canvas. On that August 5, 2016 date the Court (Judge Jennifer Togliatti) ruled : “Court  
7 engaged in an ex parte conversation with Deft. regarding his relationship with his attorneys.  
8 COURT STATED FINDINGS, and FURTHER ORDERED Deft. to participate in a court  
9 certified psychiatric evaluation; if Deft. does not participate or comes back incompetent he  
10 will be sent to Lakes Crossing, however, if he returns competent, they will proceed to a Faretta  
11 Canvass and Deft. will represent himself. Court advised that Ms. Luem will remain as attorney  
12 of record in the meantime.” On September 2, 2016 the Court noted that the Defendant was  
13 found competent to stand trial. On September 15, 2016 the Court conducted a Faretta Canvas  
14 with the Defendant, and ruled that he will be allowed to represent himself at trial. Amanda  
15 Gregory became standby counsel.

16 On June 9, 2017 the Defendant requested appointment of new counsel. On June 15,  
17 2017 Ivette Maningo and Abel Yanez were appointed to represent the Defendant. Between  
18 2019 and 2021 counsel for the Defendant (Abel Yanez and Ivette Maningo) informed the court  
19 (as did the Defendant) that the relationship between them was difficult, with refused visits and  
20 lack of progress in preparing a defense.

21 On June 22, 2021 the Defendant filed the motion to proceed in forma pro persona and  
22 appoint new standby counsel. That motion was denied without prejudice on June 25, 2021 by  
23 Judge Christina Silva, who was sitting in for Judge Michael Villani. The Defendant then  
24 refiled the Motion on July 20, 2021.

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1 valid waiver is not whether specific warnings or advisements were given but whether the  
2 record as a whole demonstrates that the defendant understood the disadvantages of self-  
3 representation, including the risks and complexities of the particular case.’ ” *Arajakis v. State*,  
4 108 Nev. 976, 980, 843 P.2d 800, 802–03 (1992) (quoting *People v. Bloom*, 48 Cal.3d 1194,  
5 259 Cal.Rptr. 669, 774 P.2d 698 (1989)). The relevant assessment examines the accused's  
6 competence to choose self-representation, not his ability to adequately defend himself.  
7 *Godinez v. Moran*, 509 U.S. 389, 400, 113 S.Ct. 2680, 2687, 125 L.Ed.2d 321 (1993). This  
8 court will give deference to the district court's determination that the defendant waived his or  
9 her right to counsel with a full understanding of the disadvantages and clear comprehension  
10 of the attendant risks. *Graves v. State*, 112 Nev. 118, 124, 912 P.2d 234, 238 (1996); *Harris*  
11 *v. State*, 113 Nev. 799, 801–02, 942 P.2d 151, 153–54 (1997)

12       Should the Jury find the Defendant guilty and sentence him to death, life, or some other  
13 sentence, the manner in which he was allow to proceed will be scrutinized on appeal. The facts  
14 are he has had ample time (8+ years) to go to trial with the aid of several teams of competent  
15 counsel – and he chose not to. He has repeatedly expressed interest in representing himself at  
16 trial, and it was granted once previously and then rescinded on his request. Whatever occurs,  
17 this case needs to proceed to trial in April of 2022. From the State’s position – if he again  
18 passes the Faretta canvass, he should be allowed to represent himself at trial – and that needs  
19 to be the final position – no more switching. He has already been afforded all manner of  
20 representation, and further switching is simply delay and should not weigh in his favor on  
21 appeal. Therefore, the State agrees that a Faretta canvass take place and if found that he can  
22 represent himself, it must be impressed that this case will proceed to trial in April of 2022 with  
23 him representing himself.

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## II. THE COURT SHOULD PROPERLY LIMIT STANDBY COUNSEL

Standby counsel is simply an attorney who isn't necessarily at counsel table, and is there to advise on court procedure and if necessary – to step in and become trial counsel if that becomes necessary during the proceedings. Standby counsel is not the Defendant's co-counsel or chief legal strategist. The Court should make very clear what the role of standby counsel will be, as often on appeal Defendants try to make their standby counsel the scapegoat for why their appeal should be granted.

"A defendant does not have a constitutional right to advisory counsel. *United States v. Kienenberger*, 13 F.3d 1354, 1356 (9th Cir.1994); see also *Wheby v. Warden*, 95 Nev. 567, 569, 598 P.2d 1152, 1153 (1979) (defendant has no right to have his case presented in court both by himself and by counsel acting at the same time or alternatively at the defendant's pleasure), overruled on other grounds, *Keys v. State*, 104 Nev. 736, 766 P.2d 270 (1988). Accordingly, the district court has no duty to appoint advisory counsel when a defendant elects to represent himself. See *United States v. Patterson*, 42 F.3d 246, 248 (5th Cir.1994). District courts have no duty to inform defendants that advisory counsel might be available in some circumstances. *Harris v. State*, 113 Nev. 799, 804, 942 P.2d 151, 155 (1997)

The fundamental issue is as follows:

- (1) One of the few generally un-waivable rights is the right to effective assistance of counsel.
- (2) Because there is no constitutional right to standby or advisory counsel, representing one's self is the only way effective assistance of counsel is waived.
- (3) The reason that claims against standby counsel have failed on appeal are because standby counsel are not acting as the Defendant's lawyer or co-counsel – they are simply there to advise on procedure or step in if the Defendant feels he can no longer represent himself. If they step in, they become attorney, and only then effective assistance would attach.

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1 The State simply wants to prevent a situation where the Defendant tries to circumvent the rules  
2 by forcing an attorney to become co-counsel to him – which is not proceeding pro se. The  
3 more the standby attorney does in representing the Defendant, the less the case will look like  
4 pro se representation, and the more the Defendant will have grounds to complain and  
5 scapegoat on appeal. Therefore, a clear and bright line should be established about the extent  
6 of the relationship the Defendant is going to have if representing himself.

7 As a matter of education for the defendant, the Nevada Supreme Court has established  
8 these general guidelines and procedures for Defendant's electing self-representation:

9 Rule 253. Guidelines and Procedures in Criminal Proceedings in the District  
10 Court Where the Defendant Elects Self Representation

11 1. Where a defendant appearing in district court chooses self representation, the  
12 court should make a specific, penetrating and comprehensive inquiry of the  
13 defendant to determine whether the defendant understands the consequences of  
14 his or her decision to proceed without counsel. The district court's observation  
15 of the defendant should reveal that the defendant appears to understand the  
16 nature of the proceedings, and is voluntarily exercising his or her informed free  
17 will. The district court's inquiry should reveal whether the defendant should  
18 consult with appointed counsel to discuss the consequences of self  
19 representation before deciding to proceed in proper person.

20 2. The court should inform the defendant of some of the dangers, disadvantages  
21 and consequences of self representation:

22 (a) Self representation is often unwise and a defendant may conduct a defense  
23 to his or her own detriment;

24 (b) A proper person defendant is responsible for knowing and complying with  
25 the same procedural rules as lawyers, and cannot expect help from the judge in  
26 complying with these procedural rules;

27 (c) A defendant proceeding in proper person will not be allowed to complain  
28 on appeal about the competency or effectiveness of his or her representation;

(d) The state will be represented by experienced professional counsel who will  
have the advantage of skill, training and ability;

(e) The proper person defendant is not entitled to special library privileges;

(f) A defendant unfamiliar with legal procedures may allow the prosecutor an  
advantage, may not make effective use of legal rights, and may make tactical

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1 decisions that produce unintended consequences; and

2 (g) The effectiveness of the defense may well be diminished by defendant's dual  
3 role as attorney and accused.

4 3. The court's canvass of the defendant may include questions in the following  
5 areas:

6 (a) The defendant's age, education, literacy, background, and prior experience  
7 or familiarity with legal proceedings;

8 (b) Defendant's health and whether the defendant is taking any medication or is  
9 under the influence of any alcohol or other drugs;

10 (c) Defendant's mental health history;

11 (d) Whether defendant has been threatened or coerced in any way to waive the  
12 right to an attorney;

13 (e) Defendant's understanding of the right to representation at no cost if the  
14 defendant is unable to pay;

15 (f) Defendant's understanding of the elements of each crime and lesser included  
16 or related offenses;

17 (g) Defendant's understanding of the possible penalties or punishments, and the  
18 total possible sentence the defendant could receive;

19 (h) Defendant's understanding of the pleas and defenses which may be  
20 available;

21 (i) Defendant's understanding that the court may appoint standby counsel who,  
22 in the event that the court terminates the defendant's self representation, would  
23 become appointed counsel and represent the defendant in the remaining  
24 proceedings;

25 (j) Defendant's understanding that if standby counsel is appointed, standby  
26 counsel is not required to advise or provide a proper person defendant with legal  
27 advice; and

28 (k) Defendant's understanding that he or she has 30 days within which to file an  
appeal from the entry of a judgment of conviction.

4. The court shall make findings on the record concerning whether:

(a) The defendant is competent to waive his or her constitutional right to be  
represented by an attorney; and

(b) The defendant is waiving the right to counsel freely, voluntarily and  
knowingly, and has a full appreciation and understanding of the waiver and its  
consequences.

5. If the district court appoints counsel to represent a defendant who insists on  
exercising his or her right to self representation, then the district court should  
state the basis for denying defendant's request for self representation.

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DATED this 29th day of July, 2019.

BY */s/ Jay P. Raman*  


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Jay P. Raman  
Chief Deputy District Attorney  
Nevada Bar #010193

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BY /s/ Zem Martinez  
Zem Martinez,  
Secretary for the District Attorney's Office



RTRAN

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

BROWN, ROBERT, JR.,

Defendant.

CASE NO. C-14-299234-1

DEPT. NO. XVII

BEFORE THE HONORABLE MICHAEL P. VILLANI, DISTRICT COURT JUDGE

TUESDAY, AUGUST 3, 2021

**RECORDER'S TRANSCRIPT OF HEARING:  
DEFENDANT'S MOTION TO PROCEED IN PRO PERSONA &  
APPOINT NEW STAND-BY COUNSEL**

APPEARANCES:

For the State:

ROBERT BRAD TURNER, ESQ.  
JAY P. RAMAN, ESQ.  
Chief Deputy District Attorney's

For the Defendant:

IVETTE A. MANINGO, ESQ.  
ABEL M. YANEZ, ESQ.

RECORDED BY: KRISTINE SANTI, COURT RECORDER

1 Las Vegas, Nevada; Tuesday, August 3, 2021

2 [Case called at 8:29 a.m.]

3 \* \* \* \* \*

4 THE COURT: Page 8 is Robert Brown.

5 Mr. Brown, you had -- you were last in court on June 25<sup>th</sup> of  
6 this year requesting that counsel be removed from your case. Judge  
7 Silva was sitting in my place and she denied your motion without  
8 prejudice and now you've refiled the motion. And, sir, what is your issue  
9 with Ms. Maningo, with Mr. Yanez?

10 THE DEFENDANT: Once again, Judge, as I explained to the  
11 other attorney that all those issues aren't in the previous motions to  
12 dismiss those counsels. They've -- they have not changed; those  
13 issues.

14 THE COURT: Okay, well, sir, I don't have that in front of me.  
15 I have your present motion in front of me. So please tell me what your  
16 issues are with your --

17 THE DEFENDANT: I --

18 THE COURT: -- two attorneys.

19 THE DEFENDANT: -- I don't have the -- I don't have those -- I  
20 don't have those motions before me either, Judge. And I asked the  
21 attorneys when I refiled this to attach those motions as the -- you're  
22 sitting judge recommended that I do and they were not attached.

23 THE COURT: Okay, I mean, are you disagreeing with trial  
24 strategy or tactics or what?

25 THE DEFENDANT: Yeah. There's strategy problems, there's

1 tactic problems, there's defense problems. Yeah, there's a slew of  
2 things. But at this point, they've been on my case for four years; over  
3 four years. And I expressed to Ivette Maningo at the time of her  
4 appointment that I wanted my case resolved as soon as possible. And  
5 four years later to me is not as soon as possible.

6 THE COURT: Okay.

7 THE DEFENDANT: I've been having problem -- were you  
8 going to say something?

9 THE COURT: Well, sir, if we give you a new attorney and I'm  
10 not saying I'm going to. You know, it'll probably be delayed again  
11 because the new attorney needs to get ready for your case and it's a  
12 death penalty case so obviously you want --

13 THE DEFENDANT: Well --

14 THE COURT: -- your attorney to be prepared. There's  
15 mitigation work to be accomplished, there's witnesses to interview,  
16 there's probably more --

17 THE DEFENDANT: I understand that, Judge.

18 THE COURT: -- investigation to be completed.

19 THE DEFENDANT: I understand that, Judge. But also we,  
20 you know, we have to acknowledge the fact that there may not even be  
21 a trial because of coronavirus and there's still eight months left and  
22 that's plenty of time. I know this for a fact because Ivette Maningo has  
23 taken on a multiple 250 case with Supreme Court only giving her six  
24 months' notice to do so. She successfully took on that case within six  
25 months so I know that's plenty -- that's ample time for any new counsel

1 to take on this case --

2 THE COURT: Okay, sir --

3 THE DEFENDANT: -- especially.

4 THE COURT: -- tell me what your problem is with Ms.  
5 Maningo and Mr. Yanez?

6 MR. YANEZ: And, Judge, I'm sorry. Can --

7 THE COURT: I haven't heard anything from you.

8 MR. YANEZ: Can I just jump in real quick?

9 THE COURT: Sure. Go ahead, Mr. Yanez.

10 MR. YANEZ: I just want to make sure the record's clear. Mr.  
11 Brown, I don't think is asking that -- that different counsel be appointed.  
12 He wants to represent himself which I think under the case law doesn't  
13 necessarily require him to show the Court --

14 THE COURT: Oh okay.

15 MR. YANEZ: -- why he wants to dispense with old counsel. I  
16 just want to put that out there. Obviously, I don't want to get involved in  
17 this whole issue but I just want to make sure that the record is clear.  
18 And that Mr. Brown's Sixth Amendment right to represent himself is  
19 protected. And I think that's what the thrust of the State's response was  
20 so I just wanted to make sure that's clear. That is what Mr. Brown is  
21 requesting.

22 THE COURT: Okay. Is that sir --

23 THE DEFENDANT: Oh well in the --

24 THE COURT: -- sir, because I wasn't clear -- actually, sir, I  
25 wasn't clear from your motion. Do you wish to represent yourself?

1 THE DEFENDANT: Well in lieu of that, I would accept new  
2 counsel, Judge. So let's be --

3 THE COURT: Okay. No, no.

4 THE DEFENDANT: -- clear with that.

5 THE COURT: Listen to my question. Do you wish to  
6 represent yourself?

7 THE DEFENDANT: Yes.

8 THE COURT: Okay. I will set this Friday, a *Faretta* canvas  
9 hearing for you. I think you may have gone through that before, I'm not  
10 sure. But I will give you a *Faretta* canvas and that is where I'm going to  
11 ask you or advise you of all of your rights and advise you of the pros and  
12 cons of representing yourself. And after I go through that canvas, I'll ask  
13 you again if you wish to represent yourself and if you do then that will be  
14 granted. But we're going to keep this trial date. It is April 18<sup>th</sup>, 2022; do  
15 you understand that, sir?

16 THE DEFENDANT: Yes.

17 THE COURT: Now I do note you -- in 2014, you had Mr.  
18 Tomsheck, Mr. Christiansen then you had Ms. Luem and Mr. or Ms.  
19 Gregory then you had Ms. Maningo and Mr. Yanez. And I hope you're  
20 not playing a game with the Court, sir.

21 THE DEFENDANT: Absolutely not. I'm sure you can deduce  
22 from all the facts in this case that that's -- that would be an absurd  
23 proposition.

24 THE COURT: Well, have you -- you know it's hard -- well,  
25 we'll see. We'll go forward on Friday with the *Faretta* canvas and if



1 you -- if we get through the canvas then I'll let you represent yourself.  
2 Do you understand that, sir?

3 THE DEFENDANT: Yes.

4 THE COURT: All right. We'll see you on Friday at 8:30.

5 THE COURT CLERK: So yeah, that will be August 6<sup>th</sup>.

6 MR. YANEZ: Thank you, Your Honor.

7 THE COURT: All right, thank you.

8 THE COURT: Now if you could be -- you or Ms. Maningo  
9 could --

10 MR. YANEZ: Yes, we will be. Yes, we will be here.

11 THE COURT: -- be present, thank you.

12 MS. MANINGO: Thank you. Thank you, Your Honor.

13 THE COURT: Thank you.

14 MS. MANINGO: Thank you.

15 THE COURT: Thank you. You're welcome.

16 [Case recalled at 9:23 a.m.]

17 [Colloquy between the Court and staff]

18 THE COURT: Okay, page 8 is Robert Brown. Recalling  
19 Robert --

20 MR. RAMAN: Good morning, Your Honor, J.P Raman for the  
21 State. Thank you for recalling the matter.

22 THE COURT: Okay.

23 MR. YANEZ: And Judge, Abel Yanez. I'm on BlueJeans now.  
24 Ms. Maningo's unavailable, she was taking a flight but I spoke to  
25 Mr. Raman and I can make the appearance.

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THE COURT: All right. What's going on?

MR. RAMAN: I was informed that the Court called this case earlier, set a *Faretta* canvas for Friday. I have a date, time conflict with the Friday setting. I was wondering if we could have an adjustment to that date and time or potentially time.

THE COURT: We'll pass to the next homicide date.

THE COURT CLERK: Okay. We'll do August 20<sup>th</sup> at 8:30.

MR. RAMAN: Okay, thank you.

THE COURT: All right, thank you.

[Hearing concluded at 9:24 a.m.]

\* \* \* \* \*

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.



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Angelica Michaux  
Court Recorder/Transcriber



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#: C-14-299234-1  
DEPT. XVII

10 vs.

11 ROBERT BROWN, JR.,  
12 Defendant.

13  
14 BEFORE THE HONORABLE MICHAEL VILLANI, DISTRICT COURT JUDGE  
15 FRIDAY, SEPTEMBER 3, 2021

16 RECORDER'S TRANSCRIPT OF HEARING:  
17 **STATUS CHECK: APPOINTMENT OF STAND-BY  
COUNSEL/DISCOVERY TURN OVER**

18 APPEARANCES: [All appearances via videoconference]

19 For the State: JAY P. RAMAN, ESQ.  
20 Chief Deputy District Attorney

21 For the Defendant: IN PROPER PERSON

22 ALSO PRESENT:

23 Previous Counsel for Defendant IVETTE A. MANINGO, ESQ.  
24 ABEL M. YANEZ, ESQ.

25 RECORDED BY: KRISTINE SANTI, COURT RECORDER

1 Las Vegas, Nevada, Friday, September 3, 2021

2  
3 [Case called at 9:57 a.m.]

4 THE COURT: Robert Brown. Is Ms. Maningo on?

5 MS. MANINGO: Am, Your Honor, and so is Able Yanez.

6 THE COURT: Okay.

7 MR. YANEZ: Good morning, Judge.

8 MR. RAMAN: J.P. Raman for the State.

9 THE COURT: And this is status check on it says stand-by  
10 counsel. Actually I understand that Judge Leavitt -- why is there  
11 feedback?

12 THE RECORDER: I can mute them for now.

13 THE COURT: Judge Leavitt conducted a *Faretta* canvass in  
14 August, found defendant competent to represent himself. She had  
15 directed the State to provide defendant with all discovery. And she was  
16 going to appoint stand-by counsel. Has anyone contacted us? I don't  
17 have any information in that regard.

18 THE CLERK: I don't either.

19 THE COURT: Ms. Maningo, do you know anything, or Mr.  
20 Yanez, do you know anything about the stand-by counsel?

21 MS. MANINGO: I have not heard. I thought that the OAC  
22 was appointing for today, but I have not heard who that would be. I  
23 thought that we would learn that today.

24 THE COURT: All right. Mr. Brown, I do not want you to  
25 discuss your case. Has any new counsel spoken to you, sir?

1 THE CLERK: That jail's [indiscernible], hold on.  
2 THE COURT: Mr. Brown, --  
3 THE DEFENDANT: [Indiscernible].  
4 THE COURT: -- can you hear me now?  
5 THE DEFENDANT: Okay. No.  
6 THE COURT: Has any new counsel contacted you?  
7 THE DEFENDANT: No.  
8 THE COURT: All right. Like I said, someone else was  
9 covering my calendar there may be a mix up and so we will contact  
10 stand-by -- or Court Appointed Counsel's Office and get you a stand-by  
11 counsel, sir. And so, --  
12 THE DEFENDANT: Okay, Judge, --  
13 THE COURT: I'm sorry.  
14 THE DEFENDANT: I have a couple issues of immediate  
15 concern. I am officially in pro per persona, is that right?  
16 THE COURT: You are officially what?  
17 THE DEFENDANT: In pro persona, pro se.  
18 THE COURT: Pro se, yes. Because Judge --  
19 THE DEFENDANT: I know.  
20 THE COURT: I think it was Judge Leavitt did a *Faretta*  
21 canvas. Do you remember that, sir?  
22 THE DEFENDANT: Yes, well I -- like I said, I have two issue  
23 of immediate concern. First, I'd like to make an objection for the record  
24 that by common law of the Hebrew Israelite named Ariel, which is also a  
25 foreign corporation -- a foreign ecclesiastical corporation so of Yahweh.

1 And in this state it is clear that the Court must have both jurisdiction over  
2 the person and jurisdiction over the subject matter. But the nature of  
3 such a church and its members is that it is a -- it is not a juristic person  
4 but a thing or res [phonetic]. And this makes void ab initio the Court's  
5 assumed jurisdiction over the person since there is no person. And that  
6 is an offense against simulating due process. Okay, and I think for now  
7 that should be enough until I file a motion with the Supreme Court on  
8 this issue.

9 My second issue is that on the 1<sup>st</sup> the jail notified me that I  
10 have three boxes of legal work sent from -- I'm assuming from one of the  
11 previous counsels. Those boxes were opened and inspected by  
12 officers. And I was told that after they did that that I cannot have all of  
13 my discovery. So I denied the discovery, because it's pointless to not  
14 have it all. They told me it was a fire hazard was the reason they could  
15 not give it to me.

16 Since then it has been sitting in their office. It has been  
17 opened. I don't know what they've done with it. It's been sitting in their  
18 office even until now. It has not been brought down into their property  
19 room and secured or nothing sort. And I have not received any type of  
20 itemized list as far as maybe receiving from previous counsel as to notify  
21 me as to what precisely is in those boxes in terms of the amount of  
22 papers that are supposed to be there so that I can now verify it since the  
23 officers have opened it and are sitting on -- since having those boxes in  
24 their private office basically at this point. So at this point I'd ask for a  
25 court order to allow those -- to allow this jail to have -- to give me all of

1 my discovery.

2 And one of the issues, like I said, they said it was a fire hazard  
3 and there are single man cells that would alleviate part of the problem  
4 where I don't have to worry about one inmate having their own separate  
5 amount of discovery and hazardous fire -- you know, fire materials that  
6 can be a threat as far as a fire is concerned. So there are single cells in  
7 this jail, so I would ask the Court to also order that to alleviate part of this  
8 jail's problem.

9 MS. MANINGO: Your Honor, --

10 THE COURT: Well let's let Mr. Brown finish.

11 MS. MANINGO: Go ahead, Mr. Brown.

12 THE COURT: Anything else, Mr. Brown?

13 THE DEFENDANT: That's it.

14 THE COURT: Okay. Ms. Maningo, how many boxes did you  
15 or Mr. Yanez send over to Mr. Brown?

16 MS. MANINGO: I want to tell the Court that I -- we both Mr.  
17 Yanez and I have spent a good amount of time together putting together  
18 the boxes for him. There's three full boxes, which of course I tried to  
19 condense as much as I could in three boxes. The entire -- all of his  
20 discovery with regards to the first phase and potential penalty phase is in  
21 those boxes. I've also itemized the boxes. I provided a letter with a full  
22 list of what is in there with regards to witnesses and it's all organized by  
23 category to help him get through this.

24 I sent that letter with the list is inside the boxes, which I  
25 thought he would have by now. Because I had communicated with Post

1 10 and they did not tell me there was any issues, any fire hazard or  
2 anything like that. In fact, I told them I potential [audio distortion] -- he  
3 can so I also sent of the letter with the list separately in the mail, which  
4 apparently he hasn't received yet. So he should be getting that  
5 separately in the mail [audio distortion] included the list inside them.

6 THE COURT: All right. Mr. Brown, have you received a letter  
7 from Ms. Maningo giving you an itemized statement of all the documents  
8 that are -- came in the various boxes?

9 THE DEFENDANT: No, I have not. And like I said, the more  
10 immediate concern, Judge, that's great that she has -- if she has in fact  
11 sent one separately. The more immediate concern, like I said, is the fact  
12 that my discovery is now sitting in the office with various officers that are  
13 free to just do whatever they wish to do with it now that they're opened.  
14 They were sealed -- taped up and sealed and all of that until Sergeant  
15 Reynolds came and ordered a couple officers to open them up and  
16 inspect those items.

17 THE COURT: All right. Thank you, sir. Sir, you're requesting  
18 a court order for those boxes to be immediately turned over to you.  
19 You're requesting a court order from me directed to CCDC to turn those  
20 boxes over to you. But on the other hand, you're saying I do not -- or the  
21 Court does not have jurisdiction over you or the case, so that's an  
22 inconsistent position. I do find that --

23 THE DEFENDANT: No --

24 THE COURT: Hang on. I do find that the Court has  
25 jurisdiction over you and the case, although there's no pending motion.



1 So, I'm just telling you I am finding that I have jurisdiction or the court  
2 system has jurisdiction over you and the case. We will --

3 THE DEFENDANT: Okay, well I --

4 THE COURT: Hang on, sir.

5 THE DEFENDANT: -- I object to your position that --

6 THE COURT: Sir, don't interrupt me please.

7 We're going to contact Court Appointed Counsel's Office to  
8 make sure you have stand-by counsel and we'll have that next available  
9 date for Judge Bluth. And hopefully by then you will have the letter from  
10 Ms. Maningo with an itemized list of everything that they've provided in  
11 their three banker's boxes. When we have court appointed counsel they  
12 will be able to determine where the boxes are and how they can get  
13 those to you. And so that will be taken care of by court appointed  
14 counsel.

15 THE DEFENDANT: Okay.

16 THE COURT: And so the next available status check for  
17 Judge Bluth.

18 THE CLERK: That will be -- so you just want her regular  
19 calendar, Judge?

20 THE DEFENDANT: Judge, for the record I object to your  
21 reasoning about my property being the same issue with regards to --

22 THE COURT: All right. That's my order. Okay. No, it would  
23 be on a homicide day.

24 THE CLERK: A homicide day. Okay, so we'll do -- I'm going  
25 to set it for October the 1<sup>st</sup> at 8:30.

1 THE COURT: All right.

2 MS. MANINGO: And, Your Honor, this Ivette Maningo. There  
3 is one more pending issue that I want to make sure that Your Honor is  
4 aware of. Last time we were in court when -- after the canvass, I guess  
5 one outstanding matter was with regards to the investigator who is on  
6 this case. We have -- one other thing I want to tell the Court is we have  
7 several expert reports on this case. I have [audio distortion] by the court  
8 after the canvass, I have notified all the experts and advised them to  
9 submit their final invoices to me and the if Mr. Brown decided that he  
10 wanted to continue with any of those experts he would be contacting  
11 them direct -- he would be obligated to contact those people directly and  
12 get additional funding and those things.

13 The one thing that was outstanding was the investigator. Mr.  
14 Brown requested that not only Mr. Able -- Mr. Yanez and I have been  
15 taken off the case but that the investigator in our case also be removed,  
16 which is Toby Tobiason with -- and our mitigation specialist Angie  
17 Mason. There is no objection to that. And according to Mr. Brown, I  
18 guess the issues with them are in his words hostile as well. And we are  
19 requesting that in addition to the stand-by counsel that new -- a new  
20 investigator and a mitigation specialist, if he wants one, be appointed.  
21 And so the entire team be removed.

22 THE COURT: Okay. The new judge will inquire from stand-  
23 by counsel after conferring with Mr. Brown as far as whether or not Mr.  
24 Brown wants a mitigation expert and who that expert would be. And I'm  
25 sure the Court system will provide the appropriate funds for those

1 experts. Okay. But thank you, Ms. Maningo.

2 THE DEFENDANT: Judge, lastly, can I have a transcript of  
3 today's proceedings?

4 THE RECORDER: Judge, all of the 250 --

5 THE DEFENDANT: Hello?

6 THE COURT: Sir, it is a -- if you knew the court rules, you  
7 would know that on a 250 case, which this is such a case, transcripts are  
8 to be made daily. Okay, so you will -- a transcript will be prepared for  
9 today.

10 THE DEFENDANT: That will be provided to me?

11 THE COURT: Yes, sir.

12 THE DEFENDANT: And how long does that take, Judge?

13 THE COURT: As soon as -- well --

14 THE RECORDER: They're dailies if it's post-conviction;  
15 pretrial then they have to be done before trial.

16 THE COURT: As soon as possible. That's what we'll -- we will  
17 have that done as soon as possible, can't give you a specific date.

18 THE DEFENDANT: All right.

19 MR. YANEZ: And, Judge, Able Yanez here. I want to confirm  
20 on the October 1<sup>st</sup>, date are you requiring me and Ms. Maningo to be  
21 present or since we've already provided the discovery and it's just for  
22 stand-by you don't --

23 THE COURT: No.

24 MR. YANEZ: -- need our presence?

25 THE COURT: Your presence is excused. Thank you, both of

1 you.

2 MR. YANEZ: Thank you, Judge.

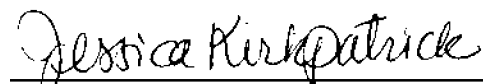
3 MS. MANINGO: Thank you.

4 THE COURT: All right. Thank you, sir.

5 [Hearing concluded at 10:10 a.m.]

6 \* \* \* \* \*

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

23 

24 Jessica Kirkpatrick  
25 Court Recorder/Transcriber



1 RTRAN

2  
3  
4 DISTRICT COURT  
5 CLARK COUNTY, NEVADA  
6

7 THE STATE OF NEVADA,

8 Plaintiff,

9 vs.

10 ROBERT BROWN, JR.,

11 Defendant.

CASE NO. C-14-299234-1

DEPT. 17

12  
13 BEFORE THE HONORABLE MICHELLE LEAVITT, DISTRICT COURT JUDGE

14 FRIDAY, AUGUST 20, 2021

15 **TRANSCRIPT OF PROCEEDINGS RE:**

16 **FARETTA CANVASS; STATUS CHECK: TRIAL READINESS**  
17  
18

19 APPEARANCES:

20 For the State:

JAY P. RAMAN

Chief Deputy District Attorney

21  
22 For the Defendant:

ABEL YANEZ, ESQ.

IVETTE A. MANINGO, ESQ.

23  
24  
25 RECORDED BY: SARA RICHARDSON, COURT RECORDER

1 LAS VEGAS, NEVADA; FRIDAY, AUGUST 20, 2021

2 [Proceeding commenced at 9:24 a.m.]

3  
4 THE COURT: Case called.

5 MR. AYANEZ: Good morning, Your Honor, Able Yanez, bar number  
6 7566 on behalf of Mr. Brown. Ms. Ivette Maningo's co-counsel and I believe she's  
7 on Bluejeans.

8 THE COURT: Yeah.

9 MR. AYANEZ: And it looks like Mr. Brown's out in the jail?

10 THE COURT: Ms. Maningo? Are you present?

11 MS. MANINGO: [indiscernible]

12 MR. AYANEZ: One more time Ivette?

13 THE COURT: Let's just -- yeah.

14 MS. MANINGO: I am, Your Honor.

15 THE COURT: Okay. All right. I just wanted to make sure. And who's  
16 here on behalf of the State?

17 MR. RAMAN: Jay P. Raman on behalf of the State.

18 THE COURT: Okay. And Mr. Brown's present and he's in custody.  
19 Okay. Good morning, Mr. Brown, it's my understanding that you have indicated that  
20 you have a desire to represent yourself?

21 THE DEFENDANT: Yes.

22 THE COURT: Okay. Is that still true? Do you want to move forward  
23 with the *Faretta* canvas?

24 THE DEFENDANT: Yes.

25 THE COURT: Okay. And you understand that under the Constitution

1 of the United States that you are entitled to the assistance of an attorney at all  
2 stages of the proceedings?

3 THE DEFENDANT: Yes.

4 THE COURT: Okay. And you understand you also have the right to  
5 represent yourself and conduct your own defense. Do you understand that?

6 THE DEFENDANT: Yes.

7 THE COURT: Okay. And the Court cannot force a lawyer on you if you  
8 insist on representing yourself in conducting your own defense. You understand  
9 that?

10 THE DEFENDANT: Yes.

11 THE COURT: Okay. So you want to give up your right under the  
12 United States Constitution for the assistance of counsel. Is that correct?

13 THE DEFENDANT: For assistance of counsel? Yes. Yes.

14 THE COURT: Okay. You've indicated you want to represent yourself  
15 and waive your right to have an attorney. And in this case two attorneys assisting.  
16 Do you understand that?

17 THE DEFENDANT: Yes.

18 THE COURT: Okay. And that's what you want to do today, correct?

19 THE DEFENDANT: Yes.

20 THE COURT: How old are you?

21 THE DEFENDANT: Fifty-one.

22 THE COURT: I'm sorry, will you say that again?

23 THE DEFENDANT: Fifty-one.

24 THE COURT: Okay. And you understand that before I can make a  
25 determination that you've freely, voluntarily, and knowingly waived your right to

1 counsel. I'm going to have to ask you a few questions. You understand that right?

2 THE DEFENDANT: Yes.

3 THE COURT: Okay. So are you doing this freely and voluntarily?

4 THE DEFENDANT: I believe so. Yes.

5 THE COURT: Okay. Well. Are you doing this freely and voluntarily?

6 THE DEFENDANT: I believe so. Yes.

7 THE COURT: Okay. No one's forcing you to give up the right to  
8 counsel, is that correct?

9 THE DEFENDANT: No human individual is forcing me. That's correct.

10 THE COURT: Okay. And so you've made a determination that it's in  
11 your best interest to reject counsel and represent yourself. Is that correct?

12 THE DEFENDANT: Yes. I suppose so. Yes.

13 THE COURT: Okay. What's your level of education?

14 THE DEFENDANT: Ninth grade I believe.

15 THE COURT: I'm sorry. I'm sorry. I didn't hear that?

16 THE DEFENDANT: Ninth grade I believe.

17 THE COURT: Okay. And do you read, write, and understand the  
18 English language?

19 THE DEFENDANT: Fairly well. Yes.

20 THE COURT: Okay. But you've only finished the ninth grade? Did you  
21 actually finish ninth grade?

22 THE DEFENDANT: I believe so.

23 THE COURT: Okay. Well, you should know what level of education  
24 you finished. Did you finish seventh grade?

25 THE DEFENDANT: I don't have records to determine if I actually



1 finished. They passed me on past ninth grade. That's all I know. If I actually had to  
2 [indiscernible] I'm not sure.

3 THE COURT: Okay. Well I'm asking you. You know, it's not like I'm  
4 asking you to corroborate it with documents. What's your belief of how far you went  
5 in school?

6 THE DEFENDANT: Ninth grade.

7 THE COURT: Okay. And did you finish ninth grade?

8 THE DEFENDANT: Yes.

9 THE COURT: Okay. And then after ninth grade you didn't go back to  
10 school?

11 THE DEFENDANT: Correct.

12 THE COURT: Okay. Do you have any legal education?

13 THE DEFENDANT: No. [indiscernible]

14 THE COURT: Okay. I don't understand what that means. Do you  
15 have any formal legal education?

16 THE DEFENDANT: Legal state law, no.

17 THE COURT: What did you say?

18 THE DEFENDANT: Legal state law, no I don't have education in it.

19 THE COURT: Okay. I'm asking you to repeat because I'm having a  
20 hard time hearing. So I apologize. So you haven't gone to law school, right?

21 THE DEFENDANT: That's correct.

22 THE COURT: And you've not attended any type of formal training  
23 regarding the law. Is that correct?

24 THE DEFENDANT: That's correct.

25 THE COURT: And you have not studied criminal law. Is that correct?

1 THE DEFENDANT: I've studied some; yes.

2 THE COURT: Okay. Tell me about that. What have you studied?

3 THE DEFENDANT: I just studied evidence basically.

4 THE COURT: Okay. And what does that mean? How have you  
5 studied evidence?

6 THE DEFENDANT: You know, evidence book. You know for  
7 professors of studying evidence.

8 THE COURT: Okay. Tell me what professors you've read?

9 THE DEFENDANT: Lafays [phonetic]. Several general articles on  
10 different professors. Various professors. I don't remember all the professors'  
11 names.

12 THE COURT: Okay. And have you studied the Nevada Evidence  
13 Code?

14 THE DEFENDANT: No.

15 THE COURT: Okay. Other than what you've told me, do you have any  
16 other legal education or training?

17 THE DEFENDANT: No.

18 THE COURT: Okay. And you understand that the State of Nevada will  
19 be represented by attorneys who have a legal education? Who have passed the bar  
20 exam and have tried many criminal cases? Do you understand that?

21 THE DEFENDANT: Yes.

22 THE COURT: Okay. So you understand that that's what you would be  
23 up against, correct?

24 THE DEFENDANT: Yes.

25 THE COURT: Okay. You'd be up against an attorney. And I assume

1 they'll have two attorneys that have actually studied the law. Criminal law. The  
2 Criminal Code. Evidence specifically. And that you will be held to the same  
3 standard as the District Attorney who's a trained attorney and licensed in the State  
4 of Nevada to practice law. Do you understand that?

5 THE DEFENDANT: I understand that's how Nevada's going to treat  
6 me. Yes.

7 THE COURT: Okay. I'm sorry. I didn't hear that. Will you please  
8 repeat your response?

9 THE DEFENDANT: I said I understand that that's how Nevada is  
10 going to treat me. Yes.

11 THE COURT: Okay. Well you understand that the Court cannot assist  
12 you at the time of trial?

13 THE DEFENDANT: Yes.

14 THE COURT: Okay. And that although the State will be represented  
15 by trained attorneys that have studied the law, and that have been practicing for  
16 years, you're going to be held to that same standard?

17 THE DEFENDANT: Yes.

18 THE COURT: Okay. And you understand that the Court isn't going to  
19 be permitted to assist you?

20 THE DEFENDANT: Yes.

21 THE COURT: Okay. And you understand that you do have the right to  
22 have an attorney represent you at all critical stages of the proceedings?

23 THE DEFENDANT: Yes.

24 THE COURT: Okay. So you understand you have the right to have  
25 two attorneys that specifically practice in this area of law, and are experts in this

1 area of law, and the Court is going to appoint them? And you understand you're  
2 rejecting that? Is that correct?

3 THE DEFENDANT: Yes.

4 THE COURT: Okay. And you also understand that criminal law is a  
5 very complex area of law where experience and professional training is both  
6 required and desirable?

7 THE DEFENDANT: Yes.

8 THE COURT: Okay. And you've told me you have absolutely no legal  
9 education or training is that correct?

10 THE DEFENDANT: That's correct.

11 THE COURT: Okay. And your education level is you finished the ninth  
12 grade? Correct?

13 THE DEFENDANT: Correct.

14 THE COURT: Okay. And you understand that an attorney is trained in  
15 the law and has the skill and experience to properly conduct a defense in your  
16 case? Do you understand that?

17 THE DEFENDANT: Yes.

18 THE COURT: Okay. And you understand that if you reject counsel that  
19 you will be responsible for conducting the defense in your case?

20 THE DEFENDANT: Yes.

21 THE COURT: Okay. Have you ever represented yourself before?

22 THE DEFENDANT: Yes.

23 THE COURT: Okay. When and what kind of case?

24 THE DEFENDANT: I guess 2013 in this capital case.

25 THE COURT: Okay. Any other -- that's correct. That's a good point.

1 You represented yourself for a short time period? Is that correct?

2 THE DEFENDANT: That's correct.

3 THE COURT: And then you decided that wasn't a very good idea. Is  
4 that correct?

5 THE DEFENDANT: No. That's not correct.

6 THE COURT: Okay. Tell me what happened where the Court  
7 appointed counsel again?

8 THE DEFENDANT: When your State basically forced me out of the  
9 situation by losing all of my discovery while we were at the threshold of the trial  
10 basically. After returning from an emergency surgery.

11 THE COURT: Okay. I'm not sure I understand that because it's up to  
12 you whether you want to be represented by counsel.

13 THE DEFENDANT: You know I understand. Well, I wrote a pretty  
14 detailed letter to Judge Togliatti at the time when I gave up that status out of  
15 necessity or duress. However you want to [indiscernible] illegally. There's a letter to  
16 the Judge on file.

17 THE COURT: Okay. For whatever --

18 THE DEFENDANT: I wouldn't call it a choice decision where it's  
19 actually something I wanted to do. I had to do it. It would have been foolish for me  
20 to proceed at that point without any of my discovery.

21 THE COURT: Okay. But in any case you asked the Court to appoint  
22 counsel again?

23 THE DEFENDANT: That's correct.

24 THE COURT: Okay. And you've had counsel since that time? Is that  
25 correct?

1 THE DEFENDANT: That's correct.

2 THE COURT: And you understand your trial date is coming up? It's  
3 April 18, 2022. You understand that, correct?

4 THE DEFENDANT: Yes.

5 THE COURT: And you understand that if the Court allows you to  
6 represent yourself that you will be required to be ready for trial. That you will not be  
7 given a trial continuance. Do you understand that?

8 THE DEFENDANT: Yes.

9 THE COURT: So whether you're ready or not, the trial is going to go  
10 forward. Do you understand that?

11 THE DEFENDANT: Yes.

12 THE COURT: And you understand that capable attorneys may not be  
13 able to be prepared in that amount of time in order to defend the case. Competent,  
14 capable attorneys that have been practicing for a long time. That might not be  
15 enough time for them.

16 THE DEFENDANT: And what am I -- what the seven or eight months  
17 that's left you mean?

18 THE COURT: Yeah. Your trial date is in about seven to eight months.  
19 Okay?

20 THE DEFENDANT: Right. Well I'm going to disagree with you on that  
21 but --

22 THE COURT: Well it doesn't matter. You don't have to agree or  
23 disagree. I'm telling you it's my opinion that very capable competent attorneys may  
24 have a hard time being ready in this complex of a case in that amount of time. Do  
25 you understand that?

1 THE DEFENDANT: Yes.

2 THE COURT: Okay. But even though you're not trained in the law,  
3 and you only have a ninth grade education, you're going to be required to be ready  
4 to go forward on that trial date. Do you understand that?

5 THE DEFENDANT: Yes.

6 THE COURT: Okay. And regardless of whether you're ready. I just  
7 want to make sure you understand that?

8 THE DEFENDANT: Yes.

9 THE COURT: Okay. So in other words, if it get close, we're in, you  
10 know, February, March, and you say, oh, I think I change my mind again. Like that's  
11 not going to work because that would delay the trial date. Do you understand that?

12 THE DEFENDANT: Yes.

13 THE COURT: Okay. And I assume you're not doing this to delay your  
14 trial date. Is that correct?

15 THE DEFENDANT: Correct.

16 THE COURT: Okay. 'Cause you want to go forward with trial, correct?

17 THE DEFENDANT: Correct.

18 THE COURT: In fact that's kind of some of your complaint. You're  
19 upset that you haven't gone to trial yet?

20 THE DEFENDANT: That's correct.

21 THE COURT: Okay. Well, you know, probably some of the reason why  
22 you haven't gone to trial yet is all the requesting new counsel, saying you want to  
23 represent yourself, then requesting counsel again --

24 THE DEFENDANT: I disagree.

25 THE COURT: -- because it --

1 THE DEFENDANT: I disagree with that, Judge. This last attorney's  
2 been on my case for four years. It doesn't take competent counsel four years to  
3 handle a case. I disagree with you.

4 THE COURT: Okay. Again, you don't have to agree or disagree with  
5 me. It doesn't matter. Okay? I'm simply making statements. And yeah, four years  
6 may not be enough time. Especially when a year and a half of that has been a  
7 global pandemic where basically everything has been shut down. So I really want  
8 you to consider that. That these attorneys have been working under extraordinary  
9 circumstances from 2020 until now. I mean all of the restrictions are still not lifted.  
10 We're still wearing masks.

11 THE DEFENDANT: Because they haven't been working hard enough.  
12 I'm under threat of being killed by a coronavirus with underlying conditions that  
13 make it more probable for me to die if I contract it. And these attorney's aren't going  
14 to be able to get me a bail. So that's -- I don't understand that argument you just  
15 made.

16 THE COURT: Well I'm not making an argument. Again, I'm making  
17 statements. And the reason you don't have bail is because of the type of case you  
18 have. That has nothing to do with your lawyers. That was a decision made by the  
19 Judge. Do you understand that?

20 THE DEFENDANT: Yes.

21 THE COURT: Like that has nothing to do with your attorneys. I mean  
22 so if you think that you're going, you know, represent yourself, and somehow get a  
23 bail, you're wrong. That's not going to happen.

24 THE DEFENDANT: I don't know how this -- I don't know how that  
25 doesn't have anything to do with the attorneys when it was their decision to file a



1 motion to attempt to get me a bail. So either they did it just as a frivolous motion  
2 according to your argument, or I actually have a possibility of getting bail.

3 THE COURT: Okay. Do you understand I'm not here to argue with  
4 you? I'm here to tell you about all the pitfalls and what a dangerous decision it is to  
5 waive counsel and represent yourself. Do you understand that? I'm not here to  
6 argue with you.

7 THE DEFENDANT: Yes.

8 THE COURT: You can disagree. I just want to make sure I've done my  
9 job at the end of this canvass. I'm explaining to you what a horrible decision you  
10 would make by waiving counsel and representing yourself. Do you understand that?

11 THE DEFENDANT: Yes. I understand that.

12 THE COURT: Okay. And you understand that an attorney knows the  
13 elements of the offense that you've been charged with and possible defenses that  
14 may be used on your behalf. You understand that correct?

15 THE DEFENDANT: Correct.

16 THE COURT: Okay. And do you know the elements of each charge  
17 that the State is required to prove at the time of trial?

18 THE DEFENDANT: Some of it yes. From memory yes.

19 THE COURT: Okay. So if you don't know them how are you going to  
20 defend against it and determine whether the State has met their burden of proof if  
21 you don't even know what they have to prove?

22 THE DEFENDANT: Well you're asking -- are you asking me to recite  
23 them right now? I mean --

24 THE COURT: Yeah. I'm asking if you know them. Tell me what the  
25 State has to prove for invasion of the home while in possession of deadly weapon?

1 THE DEFENDANT: I can't think of those elements. All I can think of is  
2 your murder of statute elements right now.

3 THE COURT: Okay. Tell me what the State has to prove in a murder  
4 case?

5 THE DEFENDANT: According to the definitions I believe its murder is  
6 the unlawful killing of a human being with malice or forethought. Either express or  
7 implied.

8 THE COURT: Okay. Well you understand that you have 15 counts  
9 against you?

10 THE DEFENDANT: Yes.

11 THE COURT: Fifteen different counts. Okay? And that the State is  
12 required to prove each of those counts by proof beyond a reasonable doubt.

13 THE DEFENDANT: Yes.

14 THE COURT: But you can't even tell me -- I can tell you that I could  
15 ask an attorney that and yes they would be able to recite the elements to --

16 THE DEFENDANT: I can, you know --

17 THE COURT: -- all of these crimes but they would have them  
18 memorized.

19 THE DEFENDANT: And at the same time, Judge, I could ask one of  
20 your attorneys including your DA what are the omitted common law elements to your  
21 statute and I'm pretty sure you probably can't even tell me what they are?

22 THE COURT: Okay. And now again, I'm not here to argue with you or  
23 answer questions. Again, I just want to make sure you understand it's my job to tell  
24 you the pitfalls that could happen as a result of you representing yourself. Do you  
25 understand that?

1 THE DEFENDANT: Yes.

2 THE COURT: Okay. So you can't tell me what the elements are. Do  
3 you know how to put a defense on?

4 THE DEFENDANT: Yes.

5 THE COURT: Okay. Even though you've never done it before?

6 THE DEFENDANT: Yes. I've read some. I'll put it together in time.  
7 Everything that I need to do for a defense, yes.

8 THE COURT: Okay. Again I want to make sure you understand. I've  
9 been doing this a long time. And every single time a defendant represents  
10 themselves they say the same thing. This is a lot harder than it looks. And so I  
11 want to make sure you understand it. It may look easy to represent yourself and  
12 conduct a trial, but it's a lot harder than it seems. Do you understand that?

13 THE DEFENDANT: I understand that. It doesn't look easy to me. I'm  
14 not saying it's easy.

15 THE COURT: Okay. And I -- and you understand that you'll be  
16 required to pick a jury panel?

17 THE DEFENDANT: Yes.

18 THE COURT: Okay. Do you have any idea how to select a jury panel?

19 THE DEFENDANT: Yes.

20 THE COURT: Okay. So you've done it before?

21 THE DEFENDANT: No.

22 THE COURT: Okay. So how do you select a jury panel?

23 THE DEFENDANT: Well you have various modes from what I  
24 understand. You can go through voir dire or you can have a different option, I think  
25 they call it Arizona method. Basically there's probably three or four different modes

1 to choose a jury?

2 THE COURT: Okay. So what is the issue when you're selecting a jury  
3 to sit on a panel? What's the issue?

4 THE DEFENDANT: I'm not sure if I would have an issue with the jury  
5 itself because of the method I intend to choose. It's not even going to involve any  
6 questioning of the jury.

7 THE COURT: Okay. And what method is that?

8 THE DEFENDANT: I'm not sure what it's called. If it is just a blind  
9 strike or Arizona method. It's some method you have in your law. I'll look -- I'll bring  
10 it up -- the case law and all that to you in due time.

11 THE COURT: Okay. It's a method of selecting a jury panel wherein the  
12 defense counsel doesn't ask any questions of the jury panel?

13 THE DEFENDANT: Yes. We just blindly accept the jurors and that's  
14 that. Without any advantage or disadvantage to either party as to who they intend to  
15 use or strike, or any of that.

16 THE COURT: Okay. So you understand that could be catastrophic to  
17 your case?

18 THE DEFENDANT: I, you know, --

19 THE COURT: To simply select the first twelve --

20 THE DEFENDANT: I'm going --

21 THE COURT: Let me finish. To simply select the first twelve people in  
22 the box without asking them any questions could be catastrophic to your case.

23 THE DEFENDANT: I call it faith is what I call it.

24 THE COURT: Okay. I mean -- and that's fine. I just want -- I need to  
25 make sure you understand the pitfalls. And that would be a huge pitfall because

1 selecting a jury is probably the most important thing that you do in a trial.

2 THE DEFENDANT: You just admitted, Judge, that a prosecutor would  
3 have an advantage on me with all of this legal experience so I defiantly wouldn't  
4 want to give him an opportunity to make his proffer inquiries into a jury selection  
5 whereas I don't know all of the proper questions to ask a jury in order to properly  
6 dismiss them from a jury panel. So I wouldn't want to give them that advantage at  
7 all.

8 THE COURT: Okay. I'm not sure what you mean by that because just  
9 because you decide you don't want to question the jury panel doesn't mean the  
10 State of Nevada won't question the jury panel because they will. I can assure you  
11 the District Attorney will be questioning the potential jurors. Do you understand  
12 that?

13 THE DEFENDANT: Doesn't it make it more unfair for me than that's  
14 great for his conscious I guess at that point.

15 THE COURT: Okay.

16 THE DEFENDANT: That's fine.

17 THE COURT: I just want -- yeah, I mean, I agree with you, it's unfair. I  
18 think it's always unfair when a Defendant represents them self. But the law  
19 sometimes lets you make really bad decisions. And you understand that. Correct?

20 THE DEFENDANT: Yes.

21 THE COURT: Okay. But you also understand the State of Nevada will  
22 be permitted to question that jury panel regardless of whether you question the  
23 panel or not. Do you understand that?

24 THE DEFENDANT: Yes.

25 THE COURT: Okay. And do you know how to death qualify jurors?

1 Because this is a death penalty case.

2 THE DEFENDANT: No.

3 THE COURT: Okay. Do you know many --

4 THE DEFENDANT: I'll --

5 THE COURT: Go ahead, sir.

6 THE DEFENDANT: I'll find out if that's the situation. And I don't even  
7 know about that. I'll find out.

8 THE COURT: Okay. How do you plan on finding out?

9 THE DEFENDANT: You have a legal library here and I can ask them.

10 THE COURT: Okay. Do you understand the District Attorney knows  
11 how to death qualify jurors?

12 THE DEFENDANT: Yes.

13 THE COURT: And they know the type of questions to ask. And they  
14 know the type of follow up questions to ask to probe jurors on their opinions and  
15 feelings, especially regarding the death penalty. And that they have, you know, all  
16 the attorneys that try these kinds of cases, there the most experienced attorneys in  
17 the office. Do you understand that?

18 THE DEFENDANT: Yes.

19 THE COURT: Okay. So it won't be their first, you know, trial. Do you  
20 understand that?

21 THE DEFENDANT: Yes.

22 THE COURT: Okay. How many jurors do you have in a case like this?

23 THE DEFENDANT: In a capital case? I think it's 15.

24 THE COURT: Okay. No. There's no difference. You have 12 jurors.

25 THE DEFENDANT: Okay.

1 THE COURT: And, again, I'm just pointing out you don't even know  
2 how many jurors will sit on your case.

3 THE DEFENDANT: I'm sure it will be a dispositive issue on  
4 establishing my guilty though, Judge --

5 THE COURT: Okay I --

6 THE DEFENDANT: I mean if I'm mistaken, okay, that's fine.

7 THE COURT: Okay. Well you understand it's going to be --

8 THE DEFENDANT: I'll eventually actually know that there's 12 jurors.  
9 Eventually I would know.

10 THE COURT: Okay. And you understand those 12 jurors are going to  
11 be the jurors that decide whether the State proved their case, you understand that,  
12 correct?

13 THE DEFENDANT: Yes.

14 THE COURT: And now if that jury comes back with a first degree  
15 murder conviction, that's the same jury panel that would decide the penalty. Do you  
16 understand that?

17 THE DEFENDANT: I thought it was actually the death qualified panel  
18 at that point? But okay, I hear you.

19 THE COURT: I'm sorry you thought it was what?

20 THE DEFENDANT: I thought it was a different panel that actually goes  
21 through the death phase. But I hear you though. I understand.

22 THE COURT: All right. Again, I'm pointing out, you're not familiar with  
23 how the trial proceeds.

24 THE DEFENDANT: That's fine.

25 THE COURT: Again, I want to make sure you understand that if the

1 jury comes back with a first degree murder conviction, then they go -- we go into like  
2 a second phase called the penalty phase, and that same jury would determine the  
3 sentence. Do you understand that?

4 THE DEFENDANT: Yes.

5 THE COURT: Okay. And, again, you understand you're phasing the  
6 death penalty?

7 THE DEFENDANT: Yes.

8 THE COURT: Okay. And that -- this is the most serious cases of all  
9 the cases we do. This is the most serious case. And usually is the most complex  
10 case legally. Do you understand that?

11 THE DEFENDANT: Yes.

12 THE COURT: And you've never represented yourself in a death  
13 penalty case accept the time period in this case that you've already indicated to me.  
14 Correct?

15 THE DEFENDANT: Correct.

16 THE COURT: Okay. And then you understand that you would have to  
17 conduct the trial even though it's pretty clear to me you don't know how to conduct a  
18 trial?

19 THE DEFENDANT: Yes.

20 THE COURT: Okay. And you understand you'll be called upon to give  
21 an opening statement?

22 THE DEFENDANT: Okay.

23 THE COURT: Okay. Do you know what an opening statement is?

24 THE DEFENDANT: Yes.

25 THE COURT: What is it?



1 THE DEFENDANT: When I attend to bring out facts that basically  
2 you're intending to prove my position basically.

3 THE COURT: Okay. And then you understand the State of Nevada will  
4 call witnesses and you will be required to conduct cross examination. Do you  
5 understand that?

6 THE DEFENDANT: Yes.

7 THE COURT: Do you know how to conduct cross examination?

8 THE DEFENDANT: Methodically, no, but I --

9 THE COURT: Okay. And you've never done it before, correct?

10 THE DEFENDANT: Correct.

11 THE COURT: Okay. And again I just want to make sure you  
12 understand trials move quickly, and when the State starts calling their witnesses you  
13 will be required to be ready. I mean it's not like the Court's going to take breaks so  
14 you can prepare for a witness. Do you understand that?

15 THE DEFENDANT: Yes.

16 THE COURT: Okay. And I'm assuming -- how many witnesses have  
17 been identified by the State? Counsel do you recall?

18 MR. YANEZ: A large amount. Off the top of my head there's going to  
19 be at least 20 to 30 witnesses I would assume.

20 THE COURT: Okay.

21 MR. YANEZ: I mean the State would know better the witnesses, but a  
22 ballpark 20 to 30 at a minimum I believe.

23 THE COURT: Counsel for the State can you tell me how many  
24 witnesses you've identified?

25 MR. RAMAN: Yes, off the top of my head I don't have the exact

1 number but Mr. Yanez is accurate, somewhere between 20 and 30.

2 THE COURT: Okay. So you understand that you'd be required, Mr.  
3 Brown, to be prepared to cross examine any of those witnesses any day that the  
4 Court is in trial? Do you understand that?

5 THE DEFENDANT: Yes.

6 THE COURT: Okay. So you understand you're going to have to be  
7 prepared to question 30 plus witnesses?

8 THE DEFENDANT: Yes.

9 THE COURT: Okay. And that preparing to cross examine 30 plus  
10 witnesses, an attorney in this case would need several days of preparation. Do you  
11 understand that?

12 THE DEFENDANT: Yes.

13 THE COURT: Okay. Have you been preparing for trial at all?

14 THE DEFENDANT: Yes.

15 THE COURT: Okay. What have you been doing?

16 THE DEFENDANT: Preparing motions.

17 THE COURT: Okay. What kind of motions?

18 THE DEFENDANT: Motions dealing with the evidence of your crime.  
19 Elements of murder in particular.

20 THE COURT: Okay. What would be the title of a motion you would  
21 file?

22 THE DEFENDANT: One motion I'd file was -- I just filed one when I  
23 was pro se and that was bill of particulars, it's a writ -- there's a motion for a writ of  
24 prohibition. There's -- that's the motion that I have -- that I'm working on now as far  
25 as present motions, writ of prohibition, that's one title of the motion.

1 THE COURT: Okay. And again, I just want to make sure you  
2 understand that just because you're permitted to file these motions with the Court  
3 absent having an attorney, it doesn't mean the Court's going to grant the relief you  
4 request. Do you understand that?

5 THE DEFENDANT: Yes.

6 THE COURT: Okay. And have you ever prepared and filed motions  
7 before?

8 THE DEFENDANT: Yes. I just mentioned I filed a bill of particulars --

9 THE COURT: Okay.

10 THE DEFENDANT: -- earlier in this case.

11 THE COURT: Okay. And what happened with that motion?

12 THE DEFENDANT: My motion was denied.

13 THE COURT: Okay. All right. Because sometimes people want to get  
14 rid of their attorneys because then they can file motions on their own. It doesn't  
15 mean those motions will be granted. I mean there's a reason when your attorney is  
16 telling you I'm not going to file a certain motion. You understand that, right?

17 THE DEFENDANT: Yes.

18 THE COURT: It's not because they want to make you mad. And  
19 number one, attorneys cannot file frivolous motions. They can only bring motions in  
20 good faith to the Court. Do you understand that?

21 THE DEFENDANT: Are you suggesting I filed a frivolous motion or I'm  
22 going to file a frivolous motion?

23 THE COURT: I didn't say that. I'm simply telling you that just because  
24 your attorney -- just because you get rid of your attorney doesn't mean you're going  
25 to be able to file whatever you want and get any relief you want. That attorneys are

1 constrained by the rules and the rules of ethics. And that they are only permitted to  
2 bring forth motions in good faith. I just ask you to keep that in mind because usually  
3 when an attorney doesn't bring a motion it's because they can't in good faith bring a  
4 motion. Do you understand that?

5 THE DEFENDANT: Yes.

6 THE COURT: Okay. And you also understand that during the trial  
7 you'll be required to understand the rules of evidence and to make appropriate  
8 objections. Do you understand that?

9 THE DEFENDANT: Yes.

10 THE COURT: And you'll be required to respond to objections made by  
11 the State of Nevada? Do you understand that?

12 THE DEFENDANT: Yes.

13 THE COURT: Do you understand the rules of evidence? They are  
14 very complex. Do you understand that?

15 THE DEFENDANT: Yes.

16 THE COURT: Have you studied the Nevada evidence code?

17 THE DEFENDANT: No.

18 THE COURT: Okay. Have you studied any of the case law regarding  
19 the Nevada evidence code?

20 THE DEFENDANT: No.

21 THE COURT: Okay. And you understand that you'll be up against  
22 District Attorneys that have, and District Attorneys that have practiced the rules of  
23 evidence for years. Do you understand that?

24 THE DEFENDANT: Yes.

25 THE COURT: Okay. And so you understand that because you're not

1 familiar with the rules of evidence that there could be things you do that prevent you  
2 from raising certain issues on appeal. Do you understand that?

3 THE DEFENDANT: Yes.

4 THE COURT: So in other words, if you don't object to something, you  
5 have not preserved that issue for appeal. Do you understand that?

6 THE DEFENDANT: Yes.

7 THE COURT: So by representing yourself you could make it so the  
8 appellate court doesn't get to hear certain issues on your case. Do you understand  
9 that?

10 THE DEFENDANT: Yes.

11 THE COURT: Okay. And you also understand you'll be waiving certain  
12 issues like ineffective assistance of counsel? Do you understand that?

13 THE DEFENDANT: Yes.

14 THE COURT: Okay. So you can't argue that you were ineffective. Do  
15 you understand that?

16 THE DEFENDANT: Yes.

17 THE COURT: So you're giving up certain appellate rights. Do you  
18 understand that?

19 THE DEFENDANT: Yes.

20 THE COURT: Okay. And you may give up -- you know, there may be a  
21 good issue in your case but you're giving it up because you haven't preserved it on  
22 appeal. Do you understand that?

23 THE DEFENDANT: Yeah. Yes.

24 THE COURT: Okay. And, again, I just want to make sure you  
25 understand. Okay? I know I'm being repetitive. I just want to make sure you

1 understand.

2 THE DEFENDANT: [Indiscernible].

3 THE COURT: Okay. So do you know how to preserve an issue for  
4 appeal?

5 THE DEFENDANT: One of the ways is to make an objection. That's  
6 about it. That's all I know.

7 THE COURT: Okay. Do you know -- how are you going to know what  
8 to object to?

9 THE DEFENDANT: I'll keep reading the books.

10 THE COURT: Okay. And, again, I'm going to explain to you that you  
11 cannot understand the rules of evidence by simply reading the evidence code. That  
12 it's the evidence code and all of the case law by the courts in interpreting that  
13 evidence code. Do you understand that?

14 THE DEFENDANT: Yes.

15 THE COURT: And, again, I just want to make sure you understand that  
16 lawyers that are trained, they take evidence in law school, and they could spend up  
17 to a year in law school studying the evidence code. Do you understand that?

18 THE DEFENDANT: Yes.

19 THE COURT: Okay. And attorneys get good at evidence through  
20 practice. And these District Attorneys that will be on the case have had a lot of  
21 practice with the evidence code. Do you understand that?

22 THE DEFENDANT: Yes.

23 THE COURT: Okay. And, again, you're going to also be required to  
24 respond when the State makes an objection.

25 THE DEFENDANT: Yes.

1 THE COURT: For instance, if you try to do something, and the State  
2 objects, and they have a legal basis for objecting, how are you going to respond?

3 THE DEFENDANT: I'm sorry, repeat the question?

4 THE COURT: Okay. When you're representing yourself, you'll be  
5 required to respond to objections made by the State of Nevada. So, in other words,  
6 if you go to ask a question, whatever you want to do in Court, and the State of  
7 Nevada objects to the Court, they say objection, and then they state the legal basis  
8 for their objection, you'll be required to respond to that objection.

9 THE DEFENDANT: Okay.

10 THE COURT: Okay. What if you don't know what the State is even  
11 talking about? Which will probably happen.

12 THE DEFENDANT: Well, if no one is inclined to tell me what they're  
13 talking about, then I guess that's just something I'm going to have to suffer in Court,  
14 Judge.

15 THE COURT: Okay. And you understand that, again, the Court cannot  
16 assist you?

17 THE DEFENDANT: That's fine.

18 THE COURT: So if you don't know what the State's talking about -- I  
19 mean that's to your detriment. Do you understand that?

20 THE DEFENDANT: Yes.

21 THE COURT: Okay. So, again, I want to make sure you understand  
22 that by representing yourself you're waiving certain appellate issues. You're waiving  
23 'cause you can't say I was ineffective in representing myself. And you can't say, oh,  
24 that Judge shouldn't of let me represent myself. You know, this was a death penalty  
25 case. Do you understand that?

1 THE DEFENDANT: Yes.

2 THE COURT: Okay. Because you have the absolute right to represent  
3 yourself. I cannot force an attorney on you. Do you understand that?

4 THE DEFENDANT: Yes.

5 THE COURT: Even though it's pretty clear to me that you really don't  
6 know what you're doing. Okay. You also understand that you'll be required to make  
7 a closing argument?

8 THE DEFENDANT: Yes.

9 THE COURT: Do you know what a closing argument is?

10 THE DEFENDANT: Yes.

11 THE COURT: Have you ever seen a closing argument?

12 THE DEFENDANT: No. But I believe I know what it is.

13 THE COURT: Okay. Have you ever conducted a closing argument?

14 THE DEFENDANT: No.

15 THE COURT: Okay. What do you think it is?

16 THE DEFENDANT: I believe it's just an overview of the evidence that  
17 was brought up that was established or not established.

18 THE COURT: Okay. And you understand, you know, again, I'm trying  
19 to make sure you understand trials move quickly. And when we get to the end of  
20 the trial, like you'll be required to be ready for closing argument. Do you understand  
21 that?

22 THE DEFENDANT: Yes.

23 THE COURT: Okay. And so you'll be required to kind of prepare your  
24 closing argument throughout the trial based on the evidence that comes out. Do  
25 you understand that?



1 THE DEFENDANT: Yes.

2 THE COURT: Okay. And that's kind of difficult when you're trying to  
3 conduct the case and trying to, you know, figure out what your closing argument is  
4 going to be. You understand that, correct?

5 THE DEFENDANT: Yes.

6 THE COURT: Okay. And then you understand that the Court after all  
7 the evidence has been heard, the Court instructs the jury on the jury instructions.  
8 Do you know what kind of instructions to propose?

9 THE DEFENDANT: A couple [indiscernible]; yes.

10 THE COURT: Okay. You understand an attorney would know what  
11 instructions to propose to the Court. You understand that, correct?

12 THE DEFENDANT: Yes.

13 THE COURT: Okay. And an attorney would know what objections to  
14 make to any instructions proposed by the State. You under --

15 THE DEFENDANT: Yes.

16 THE COURT: Okay. And you understand you haven't been trained in  
17 that area? You understand that, correct?

18 THE DEFENDANT: Yes.

19 THE COURT: Okay. And again, jury instructions move pretty quickly.  
20 When the case ends, you go right into jury instructions, so it's not like you're going  
21 to be given a week to, you know, prepare for jury instructions. Do you understand  
22 that?

23 THE DEFENDANT: Yes.

24 THE COURT: Okay. And jury instructions are extraordinarily important  
25 in a case. You understand that, correct?

1 THE DEFENDANT: Yes.

2 THE COURT: Have you ever participated in settling jury instructions?

3 THE DEFENDANT: No.

4 THE COURT: And, again, you said that there were a couple of  
5 instructions you would want to propose. What instructions would you want to  
6 propose?

7 THE DEFENDANT: Yeah. I'm not sure if there's a particular jury  
8 instruction that I have from [indiscernible]. I do have a copy of the basic jury  
9 instructions.

10 THE COURT: Okay.

11 THE DEFENDANT: But I can't remember it off the top of my head.

12 THE COURT: Okay.

13 THE DEFENDANT: But I have made alterations to jury instructions  
14 thus far.

15 THE COURT: Okay. All right. And you also understand at the time of  
16 trial you'll have to make a determination as to whether you want to testify?

17 THE DEFENDANT: Yes.

18 THE COURT: Okay. And that you'll -- if you're representing yourself  
19 you're going to have to make that determination without the benefit of legal counsel?

20 THE DEFENDANT: Okay.

21 THE COURT: I mean you understand that, correct?

22 THE DEFENDANT: Yes.

23 THE COURT: Okay. And that if you take the stand and testify there  
24 are certain things that can happen. Like you're going to be subject to cross  
25 examination by the State of Nevada. Do you understand that?

1 THE DEFENDANT: Yes.

2 THE COURT: Okay. And anything that you say you understand would  
3 be fair comment for the District Attorney to say to the jury in their closing argument,  
4 correct?

5 THE DEFENDANT: Yes.

6 THE COURT: And you understand an attorney is trained in -- after the  
7 State, you know, puts all their evidence in, they're trained in understanding, and the  
8 advice that they would give to their client after they've heard all of the evidence, and  
9 whether that client should testify or not. Do you understand that?

10 THE DEFENDANT: Yes.

11 THE COURT: Okay. But you'll have to make that determination on  
12 your own. Do you understand that?

13 THE DEFENDANT: Yes.

14 THE COURT: Okay. What factors are you going to consider in  
15 determining whether you would testify or not?

16 THE DEFENDANT: I'm not sure if I can actually legally testify to that.  
17 It would actually probably be a motion in the first place to address that issue. But --

18 THE COURT: I'm sorry, it probably should be a what?

19 THE DEFENDANT: I said actually that would be an argument that I'm  
20 actually barred from legally testifying, but that's going to be a matter probably for me  
21 to file a motion on.

22 THE COURT: Okay. But, again, the only thing I'm telling you is that  
23 you won't have the advice of competent counsel in order to make that decision. Do  
24 you understand that?

25 THE DEFENDANT: Yes.

1 THE COURT: Okay. And although it is your decision whether to testify,  
2 that decision should always be made after consulting with an attorney. That's my  
3 opinion. Do you understand that?

4 THE DEFENDANT: Yes.

5 THE COURT: But you won't have that benefit. Do you understand  
6 that?

7 THE DEFENDANT: Yes.

8 THE COURT: Okay. And again you understand you are being charged  
9 with 15 felonies? You understand that, correct?

10 THE DEFENDANT: Yes.

11 THE COURT: And you understand you are facing the death penalty?

12 THE DEFENDANT: Yes.

13 THE COURT: Okay. Can the District Attorney go through and state for  
14 the record the range of punishment as to each count starting with count one?

15 MR. RAMAN: Your Honor, unfortunately, I'm conducting this  
16 proceeding from home and I didn't bring my file with me. So I don't have the copy of  
17 the Information with me. My apologies.

18 THE DEFENDANT: That's fine.

19 THE COURT: Okay. Counsel, will you be able to state it for me?

20 MR. YANEZ: I don't know if the Information with me. I have just --

21 THE COURT: Okay.

22 MR. YANEZ: -- obviously the --

23 THE COURT: Okay. The first --

24 MR. YANEZ: -- motions that are before the Court.

25 THE COURT: Count one, invasion of the home while in possession of

1 a deadly weapon?

2 MR. YANEZ: Are you asking me or --

3 MR. RAMAN: That would be up to --

4 MR. YANEZ: -- the prosecutor?

5 MR. RAMAN: -- ten years --

6 MR. YANEZ: I'm sorry.

7 THE COURT: I mean I can take a break and I can go look them up  
8 myself because I need the record to be accurate. But usually the District Attorney --

9 MR. YANEZ: Right.

10 THE COURT: -- does that. So I can take a break and I can look it up  
11 myself. But it's very important that he's instructed on each count and what the  
12 range of punishment is.

13 MR. RAMAN: Well let me actually try to get onto Odyssey from home  
14 right here. One second.

15 THE COURT: Okay. I can proceed while the District Attorney --

16 MR. YANEZ: Invasion of the home I believe --

17 THE COURT: -- is doing that.

18 MR. YANEZ: -- is one to five with a consecutive weapon and -- or a  
19 one to 20 for the weapon enhancement. That's just -- obviously I don't want to  
20 interfere if the State --

21 THE COURT: Right.

22 MR. YANEZ: -- is going forward.

23 THE COURT: That's right.

24 MR. YANEZ: But that's my understanding of invasion of the home with  
25 a deadly weapon. Its' one to five, category C, plus any -- up to a one to five

1 equivalent.

2 THE COURT: Okay. All right. So I'm going to move on, Mr. Brown.  
3 Do you understand that in criminal trials they present difficult choices as to strategy  
4 and tactics? And even attorneys can differ as to the proper defense to make in a  
5 case. Do you understand that?

6 THE DEFENDANT: Yes.

7 THE COURT: And you're not trained to make those decisions.  
8 Correct?

9 THE DEFENDANT: Correct.

10 THE COURT: Okay. An attorney knows the degree of proof that the  
11 State must meet to prove their case by proof beyond a reasonable doubt, and by  
12 investigation and review of the State's evidence, it may be determined that the State  
13 cannot prove its case. Do you understand that?

14 THE DEFENDANT: Yes.

15 THE COURT: And you also must determine how to subpoena  
16 witnesses to testify on your behalf. Do you understand that?

17 THE DEFENDANT: Yes.

18 THE COURT: And how do you subpoena a witness?

19 THE DEFENDANT: There are subpoena forms to fill out and give to  
20 the, I guess, to the investigator to give to the Court.

21 THE COURT: Okay. Again, I apologize. Will you just repeat that, Mr.  
22 Brown?

23 THE DEFENDANT: There's forms to fill out. Pretty self-explanatory  
24 information. And I would give it to an investigator to give to the Court.

25 THE COURT: Okay. You understand that you'll be in charge of

1 subpoenaing your witnesses?

2 THE DEFENDANT: Yes.

3 THE COURT: So I don't know that means, give it to the Court.  
4 Because the Court doesn't subpoena your witnesses. You're required to subpoena  
5 your witnesses. Do you understand that?

6 THE DEFENDANT: Okay. Yes.

7 THE COURT: Okay. I just want to make sure you understand that.  
8 Have you ever subpoenaed a witness to come testify at trial before?

9 THE DEFENDANT: To testify, no.

10 THE COURT: Okay. Do you plan on calling witnesses on your behalf,  
11 and witnesses that would require a subpoena?

12 THE DEFENDANT: Probably, yeah, because I believe I have some.

13 THE COURT: Okay. All right. And you also understand that there's  
14 certain requirements if you want to call witnesses that you have to give the State  
15 notice? You understand that, correct?

16 THE DEFENDANT: Yes.

17 THE COURT: Have you done that? I mean have your attorneys filed  
18 any witness notices that you're aware of?

19 THE DEFENDANT: Not that I'm aware of. No.

20 THE COURT: Okay. And do you know how to file a witness notice?

21 THE DEFENDANT: No.

22 THE COURT: Okay. And, again, do you know how to disqualify a juror  
23 during jury selection?

24 THE DEFENDANT: No.

25 THE COURT: No?

1 THE DEFENDANT: No.

2 THE COURT: Okay. But you do understand that you can disqualify a  
3 juror sometimes based on their answers to questions. Do you understand that?

4 THE DEFENDANT: Okay. Yes.

5 THE COURT: Okay. Do you know how to make a challenge for  
6 cause?

7 THE DEFENDANT: No.

8 THE COURT: Okay. I think based on your jury selection is it fair to say  
9 you don't plan on making any challenges for cause?

10 THE DEFENDANT: Well, like I said, it depends on the mode that's  
11 agreed upon as far as selecting a jury. Yes, I mean all of that wouldn't --

12 THE COURT: Okay. Here --

13 THE DEFENDANT: -- even be necessary.

14 THE COURT: Again, let me make sure you understand. You don't  
15 decide the model of how to select a jury. The Judge decides the model of how to  
16 select a jury and you're required to follow that. Do you understand that?

17 THE DEFENDANT: Yes.

18 THE COURT: And these attorneys that are assigned to this case, your  
19 Defense counsel, they know. And they know the differences that different Judges  
20 require. You understand that, correct?

21 THE DEFENDANT: Yes.

22 THE COURT: But again you're going to be held to that standard. You  
23 understand that?

24 THE DEFENDANT: Yes.

25 THE COURT: Okay. And you don't know how to make a challenge for



1 cause? Is that correct?

2 THE DEFENDANT: Correct.

3 THE COURT: Okay. And you understand that each side has certain  
4 peremptory challenges?

5 THE DEFENDANT: Yes.

6 THE COURT: Do you know what --

7 THE DEFENDANT: Yes.

8 THE COURT: Okay. Do you know what a peremptory challenge is?

9 THE DEFENDANT: A challenge for a disqualification of a juror I  
10 guess. Or racial reasons, or prejudice, or something.

11 THE COURT: Well, it's a challenge that you can make for any reason.  
12 You don't have to give a reason. Do you know how many peremptory challenges  
13 you'll be given? Or each side will be given in this case?

14 THE DEFENDANT: I think it's 15. But, no, I don't actually know the  
15 exact number.

16 THE COURT: Okay. That's like something really, really, really  
17 important to know. Do you understand that?

18 THE DEFENDANT: Okay. Yes.

19 THE COURT: Okay. You have to know how many challenges you  
20 have, so when you're selecting the jury, you know, and you're determining who you  
21 want to leave on, and who you don't want on, it's important to know how many  
22 challenges the Court gives you. Do you understand that?

23 THE DEFENDANT: Yes.

24 THE COURT: Okay. And you understand you'll be held to the  
25 standard of knowing this?

1 THE DEFENDANT: Yes.

2 THE COURT: Okay. And you understand the charges against you?  
3 Correct? You've been informed of what the charges are?

4 THE DEFENDANT: Yes.

5 THE COURT: And do you know any possible defenses to those  
6 charges?

7 THE DEFENDANT: Yes.

8 THE COURT: Okay. And you know how to put on a defense? I mean  
9 you know how to put that defense on based on the charge? Is that correct?

10 THE DEFENDANT: I mean to argue, you know, issues about it. I  
11 mean, yeah to that extent. Yes.

12 THE COURT: Okay. Again, I'm not sure I understand the response but  
13 you understand that based on the evidence, the totality of the evidence, an attorney  
14 is trained on how to put a defense on?

15 THE DEFENDANT: Yes.

16 THE COURT: And you've never put a defense on. Is that correct?

17 THE DEFENDANT: That's correct.

18 THE COURT: Okay. And you understand an attorney can research the  
19 law for similar cases and present possible defenses to your charges? Do you  
20 understand that?

21 THE DEFENDANT: Yes.

22 THE COURT: And do you know how to research the law?

23 THE DEFENDANT: Yeah, with the tools that they have here, yes.

24 THE COURT: Okay. Tell me, how do you research the law?

25 THE DEFENDANT: All they have is a LexisNexis kiosk where we log

1 in and check case law. That's basically it. So that's all your jail offers, limited by  
2 what your jail offers at the same time so --

3 THE COURT: Okay. So --

4 THE DEFENDANT: Yeah. I mean I understanding you're warning me  
5 about all these disadvantages, but partly is due to your jail, so I do understand  
6 nevertheless.

7 THE COURT: Okay. But you understand that's not going to be an  
8 excuse or something you can raise on appeal?

9 THE DEFENDANT: Well I --

10 THE COURT: Because we're discussing these issues now and I'm  
11 telling you there are tremendous disadvantages to representing yourself. Especially  
12 with just this short amount of time before trial. But you understand that, correct?

13 THE DEFENDANT: Yeah. I understand that.

14 THE COURT: Okay. But again I'm going to ask you how do you  
15 research the law?

16 THE DEFENDANT: Like I said all they have is the LexisNexis machine  
17 in here to research case law and that's it basically.

18 THE COURT: Okay. How do you even know what to type in the  
19 search bar?

20 THE DEFENDANT: [Indiscernible] on my issues down to the elements.  
21 Basically I'm concerned with evidence. I'm not concerned with too much other than  
22 the evidence at this point. So looking up the case law that deals with malice. So for  
23 example, I just search malice and see what your case law says about malice. That's  
24 the extent -- that's all they give us. They don't give us any elaborate tools in here  
25 so, I'm limited.

1 THE COURT: Okay. Just a minute.

2 THE DEFENDANT: But you know that as well as the DA and  
3 everybody else.

4 THE COURT: Okay. But you understand the attorneys that have been  
5 assigned to defend you, they know how to research the law? You understand that,  
6 correct?

7 THE DEFENDANT: Yes.

8 THE COURT: And they've been trained in how to research the law. Do  
9 you understand that?

10 THE DEFENDANT: Yes.

11 THE COURT: And something that may take you all day to research  
12 and find the answer to would probably take these attorneys, you know, sometimes a  
13 few minutes. I mean that's -- I mean it comes down to that. That these attorneys  
14 are so well trained on how to research the law. And they've been practicing the law  
15 for so long that they know exactly where they have to go to. They know how to  
16 search it and they can get an answer very quickly. Do you understand that?

17 THE DEFENDANT: Yes.

18 THE COURT: Okay. But since you don't know how to do that you  
19 could be spending hours doing something that an attorney would only take five  
20 minutes to do.

21 THE DEFENDANT: It isn't just the matter of me of not knowing how to  
22 do it. It's a matter of what your jail has provided you with. I mean that's the  
23 beginning of it. It's not just me not knowing how to do it.

24 THE COURT: Okay.

25 THE DEFENDANT: In other words, if your jail had a proper library for

1 me to go to, and proper legal people to speak to to get answers from them  
2 immediately as I should, then I could find out things very much -- a lot quicker.

3 THE COURT: You under --

4 THE DEFENDANT: But so, of course, I'm going to be at a huge  
5 disadvantage because your jail doesn't even provide that.

6 THE COURT: Okay. So you understand you won't be able to use that  
7 as an excuse? You won't be able to say, you know, if this goes up on appeal, you  
8 know, if I just would've had access to this or that because -- I mean we've appointed  
9 two Rule 250 certified attorneys to defend you. So you understand that won't be an  
10 excuse?

11 THE DEFENDANT: I mean it wouldn't be an excuse in terms of how --  
12 if a DA was able to establish elements, no, but if for other reasons I disagree with  
13 you there but --

14 THE COURT: Okay. Again you don't have to agree or disagree with  
15 me. My job is to tell you what the disadvantages are. So while you're preparing for  
16 trial you can spend all day doing something that would take your lawyer five minutes  
17 to do. And that's a huge disadvantage. Do you understand that?

18 THE DEFENDANT: I'll probably spend months in here and not get to  
19 the bottom of anything in this jail's library. And that's the truth of the matter.

20 THE COURT: Okay.

21 THE DEFENDANT: I understand that.

22 THE COURT: All right. So, you know, that's a huge disadvantage  
23 when you're this close to trial. Do you understand that?

24 THE DEFENDANT: Yes.

25 THE COURT: Okay. And, again, I want to make sure it's very clear to

1 you that the closer it gets and you determine, oh boy, this is too hard. You can't just  
2 change your mind again and delay trial. Do you understand that?

3 THE DEFENDANT: Yes.

4 THE COURT: Okay. So you understand the Court's not going to grant  
5 a continuance if that's what happens to you? Do you understand that?

6 THE DEFENDANT: Yes.

7 THE COURT: Okay. All right. And, again, you understand that during  
8 direct examination by the State that you would be required to object to questions if  
9 you think they're improper?

10 THE DEFENDANT: Yes.

11 THE COURT: Okay. And how do you make an objection?

12 THE DEFENDANT: The questions -- got a bunch of federal rules of  
13 evidence. Object to hearsay. Objection to irrelevance. Objection to the --

14 THE COURT: Okay. I --

15 THE DEFENDANT: There's probably 30 different objections I believe.

16 THE COURT: Okay. And I just want to make sure you understand  
17 'cause you said the federal rules of evidence. We are in State Court and the --

18 THE DEFENDANT: And I --

19 THE COURT: -- Nevada, you got to let me finish. The Nevada Rules of  
20 Evidence apply, and that there are differences between the Federal Rules of  
21 Evidence and the Nevada Rules of Evidence. Do you understand that?

22 THE DEFENDANT: I'm aware that there's slight differences. Yes, I'm  
23 aware of that.

24 THE COURT: Okay. And so you'd be required to have a knowledge of  
25 the Nevada rules.

1 THE DEFENDANT: Right. I only have some familiarity with Federal  
2 Rules of Evidence, but I know they're very similar.

3 THE COURT: Okay. And you indicated that an objection would be  
4 hearsay. What's hearsay? And how do you make that objection?

5 THE DEFENDANT: [Indiscernible] It's basically when someone else  
6 told someone. They weren't actually present.

7 THE COURT: Okay. And you know they're many acceptations to the  
8 hearsay rule?

9 THE DEFENDANT: Right.

10 THE COURT: Do you know any of them?

11 THE DEFENDANT: Off the top of my head, no.

12 THE COURT: Okay.

13 THE DEFENDANT: But I have studied hearsay evidence. Yes.

14 THE COURT: All right. Again, I just want to make sure you understand  
15 that you could think something is hearsay. You make an objection hearsay. And  
16 the state cites the exception, and you don't even know what the exception is. You  
17 don't have any ability to rebut that. But an attorney would. Do you understand that?

18 THE DEFENDANT: Yes.

19 THE COURT: Okay. And, again, I want to make sure I impress upon  
20 you the Rules of Evidence are so important in a trial, and attorneys that have  
21 practiced a long time, that's how you get good at the rules of evidence. And that  
22 they have the rules of evidence memorized. They're not sitting there flipping  
23 through books and trying to determine what objection to make, they know off of the  
24 top of their head. Do you understand that?

25 THE DEFENDANT: I would disagree. But I understand what you're

1 saying.

2 THE COURT: Okay. Again, you can disagree all you want. But I'm  
3 telling you how it happens in a trial. They understand the rules of evidence and  
4 they're prepared to make the objection because you have to make the objection  
5 when it happens or it's not preserved. Do you understand that?

6 THE DEFENDANT: Yes.

7 THE COURT: Okay. So although you -- it appears to me you don't  
8 know the rules of evidence, you will be held to a standard of knowing them. Do you  
9 understand that?

10 THE DEFENDANT: Yes.

11 THE COURT: Okay. So you'll be required to follow all the rules of  
12 evidence, the Nevada Rules of Criminal Procedure, and all the laws in the State of  
13 Nevada regarding criminal law. Do you understand that?

14 THE DEFENDANT: Yes.

15 THE COURT: So although you may not even know them, you're going  
16 to be required to follow them.

17 THE DEFENDANT: Yes. I understand.

18 THE COURT: Okay. And you understand that once you decide on  
19 self-representation you can't change your mind in the middle of the proceedings and  
20 say, oh boy, this is too hard, I don't want to do this anymore?

21 THE DEFENDANT: I understand.

22 THE COURT: Okay. You understand that, correct?

23 THE DEFENDANT: I understand.

24 THE COURT: Okay. And, again, you're not doing this in an attempt to  
25 delay the trial. Is that correct?



1 THE DEFENDANT: Correct.

2 THE COURT: Okay. And you understand that if you decide, you know,  
3 in a few months, that you don't want to do this, I mean, you're not going to get a trial  
4 continuance. That's -- I just want to make sure you understand that. You can't do  
5 this for the purpose of continuing a trial. Do you understand that?

6 THE DEFENDANT: That's correct.

7 THE COURT: Okay. And, again, you're not doing that. Is that correct?

8 THE DEFENDANT: Doing this for the purpose of continuing a trial? Is  
9 that your question?

10 THE COURT: Yeah. Delaying the trial.

11 THE DEFENDANT: That's correct.

12 THE COURT: Okay. All right. Because you appear to have changed  
13 attorneys a lot in this case and so that's why I'm asking you that. Why have you  
14 decided to represent yourself?

15 THE DEFENDANT: Because there's motions I want to file and that the  
16 defense refuses to file and also the defenses. There's apparently de novo issues  
17 that your Supreme Court has not addressed, and I have documents laying out for  
18 the attorneys to look at which they refuse to file. So I need to file those on my own,  
19 obviously, if they're not going to file them.

20 THE COURT: Okay. And, again, I don't know anything about the  
21 motions that you've discussed with your attorneys, but I want to make sure you  
22 understand that usually if they're not willing to file a motion is because they don't  
23 think that they ethically can in complying with the rules. I mean I don't know if that's  
24 what happened here but that could be a strong possibility.

25 THE DEFENDANT: So that -- yeah that --

1 THE COURT: Did you list --

2 THE DEFENDANT: They've never --

3 THE COURT: I'm sorry --

4 THE DEFENDANT: They've never given me that answer as to why  
5 they refuse to follow them though.

6 THE COURT: Okay. Have you had a discussion with your lawyers  
7 about why the motions haven't been filed? Without telling me what that discussion  
8 was?

9 THE DEFENDANT: In depth of why? Not in depth. But we have  
10 discussed, you know, the fact that they don't want to file the motions.

11 THE COURT: Okay. And they've given you reasons I assume?

12 THE DEFENDANT: They've given me one reason that I can remember  
13 at this point.

14 THE COURT: Okay. All right. And have you considered that?

15 THE DEFENDANT: The reason?

16 THE COURT: Yeah.

17 THE DEFENDANT: The reason was just that you don't --

18 THE COURT: No. You don't --

19 THE DEFENDANT: -- believe there was grounds for it.

20 THE COURT: You don't have to tell me what the reason was. Okay?

21 THE DEFENDANT: Well --

22 THE COURT: And I want to make sure you understand that there may  
23 be very good reasons why your attorneys are not inclined to file motions you want  
24 them to file, and that just because you get to file motions on your own now, doesn't  
25 mean that the Court's going to grant them. Do you understand that?

1 THE DEFENDANT: Yes. I understand that that does preserve the  
2 issue though, does it not?

3 THE COURT: Well, clearly -- right. If you put forth --

4 THE DEFENDANT: Right.

5 THE COURT: -- the motion and it's denied --

6 THE DEFENDANT: Right.

7 THE COURT: Yeah, it's in the record. That's correct.

8 THE DEFENDANT: So my problem is that these attorneys refuse to  
9 even preserve the issues by even just filing the motion.

10 THE COURT: Okay.

11 THE DEFENDANT: Just as the Court requires them to file stock  
12 motions which they know they're going to be denied as a matter of force. They  
13 refused to file mine on the same principal to preserve the matters.

14 THE COURT: Okay. I don't know what a stock motion is. In your  
15 opinion, I don't know what that is. Okay. Do you have any questions of the Court?

16 THE DEFENDANT: No. Yeah, I need a full -- a total discovery  
17 printout.

18 THE COURT: Okay. And, again, I want to make sure you understand  
19 that in this particular case that there is a trial phase wherein the jury determines, you  
20 know, guilt. And that if the jury determines first degree murder that it proceeds to a  
21 penalty phase. And you understand that, correct?

22 THE DEFENDANT: Yes.

23 THE COURT: Okay. And you understand like the penalty phase is  
24 pretty much a second trial? Do you understand that?

25 THE DEFENDANT: Yes.

1 THE COURT: Okay. Do you know what the issue is in a penalty  
2 phase?

3 THE DEFENDANT: Some of it, yes.

4 THE COURT: Okay. What's the issue in a penalty phase?

5 THE DEFENDANT: Basically one of the issues is for the DA to argue  
6 aggravating factors in my responsibility, or obligation, if you want to call it that, to  
7 argue mitigating factors.

8 THE COURT: Okay. And so do you know the type of evidence you  
9 can put on?

10 THE DEFENDANT: At that phase?

11 THE COURT: Yes. During the penalty --

12 THE DEFENDANT: At that phase [indiscernible] to be frank with you I  
13 wouldn't even be concerned with any penalty phase. Wouldn't even make an  
14 argument.

15 THE COURT: Okay. I understand that. But I have to make sure I  
16 cover all the possibilities. And, you know, there's a possibility that it could go to a  
17 penalty phase, and you would be representing yourself. So you would have to  
18 conduct the penalty phase. Do you understand that?

19 THE DEFENDANT: Yes.

20 THE COURT: Okay. But you can't tell me what kind of evidence the  
21 defense would put on in a penalty phase?

22 THE DEFENDANT: What they would put on?

23 THE COURT: No. I'm talking about you? Because you'd be  
24 representing yourself.

25 THE DEFENDANT: What kind? My mental background may be

1 mitigating factors. My mental health background.

2 THE COURT: Okay. And you understand that's a really, really  
3 important part of the trial if we got to that part. Do you understand that?

4 THE DEFENDANT: Yes.

5 THE COURT: Because the jury would be determining what the ultimate  
6 punishment was. Do you understand that?

7 THE DEFENDANT: Yes.

8 THE COURT: And, again, you understand you're facing the death  
9 penalty on the first degree murder charge? You understand that, correct?

10 THE DEFENDANT: Yes.

11 THE COURT: Do you know what the other penalties are for first degree  
12 murder?

13 THE DEFENDANT: I think there's 25 to 50 years is one of them. One  
14 of them is 25 to life I think is another. And then another is I think life without the  
15 possibility of parole. I think there's three penalties. And then not including death  
16 penalty.

17 THE COURT: Okay. And you understand you're also charged with the  
18 deadly weapon.

19 THE DEFENDANT: Yes.

20 THE COURT: So that there's a consecutive one to 20. You  
21 understand that, correct?

22 THE DEFENDANT: Yes.

23 THE COURT: And, again, I want to make sure you understand you'd  
24 be in charge of conducting that phase of the trial?

25 THE DEFENDANT: Yes.

1 THE COURT: Okay. And you understand, again, you'd have to be  
2 prepared. That we don't break so you can go prepare and gather evidence, and  
3 witnesses, for a penalty phase. You understand that, correct?

4 THE DEFENDANT: Yes.

5 THE COURT: I mean usually we just go right into the penalty phase if  
6 that's what -- if the jury returns that certain verdict. Do you understand that?

7 THE DEFENDANT: Yes.

8 THE COURT: And that it could be even the same day.

9 THE DEFENDANT: Okay.

10 THE COURT: For instance, if a jury came back with a verdict let's say  
11 at 10 or 11 in the morning, we would -- you would maybe break for lunch, come  
12 back at one or 1:30, and start the penalty phase. So I just want to make sure you  
13 understand, I mean, it moves along. Do you understand that?

14 THE DEFENDANT: Yes.

15 THE COURT: So regardless of whether you're prepared or not.  
16 Regardless of whether you have any witnesses or documents that you want to  
17 present, you got to be prepared to go forward. Do you understand that?

18 THE DEFENDANT: Yes.

19 THE COURT: Do you have any questions about that?

20 THE DEFENDANT: No.

21 THE COURT: Okay. And, again, you've made a determination that it's  
22 in your best interest to represent yourself and waive the right to counsel. Is that  
23 correct?

24 THE DEFENDANT: Yes.

25 THE COURT: And you understand that the Court would appoint two

1 attorneys. You have two attorneys that are Rule 250 certified to represent you. You  
2 understand that correct?

3 THE DEFENDANT: Yes.

4 THE COURT: And that you want to give up that right to be represented  
5 by two Rule 250 certified attorneys? Is that correct?

6 THE DEFENDANT: Yes.

7 THE COURT: And one of the reasons why you've made a  
8 determination is to do that is because you want to file motions to the Court on your  
9 own; correct?

10 THE DEFENDANT: Correct.

11 THE COURT: Are there any other reasons?

12 THE DEFENDANT: Yeah. There's quite a few reasons that are on  
13 and I can't remember them all. I think I did put those issues in my previous motions  
14 to dismiss counsel though.

15 THE COURT: Okay. You can't remember --

16 THE DEFENDANT: But I --

17 THE COURT: -- why you want to represent yourself?

18 THE DEFENDANT: Oh. I thought the reasons that -- I thought you  
19 were talking about the reason why I don't want counsel? I'm Sorry. I misunderstood  
20 your question then.

21 THE COURT: What are the reasons why you want to represent  
22 yourself?

23 THE DEFENDANT: Yeah, actually some of those are included in that  
24 motion. Just so I can make sure that I'm putting on a defense that I chose and not  
25 that the attorneys are choosing. Because the attorneys in this case seem to believe

1 that they have the right to choose which defense I put on rather than the strategy of  
2 the defense that I have the right to choose.

3 THE COURT: Okay. Well, I mean, you've stated correctly, yes, your  
4 attorneys do have the right to trial strategy and so, I guess, you've determined your  
5 better suited to determine the strategy for trial?

6 THE DEFENDANT: Absolutely not. My point is I have attorneys right  
7 now that refuse to even put on a defense for me, Judge. That's one of my reasons.  
8 And if your -- and if a State pointed attorneys are refusing to put on a accused  
9 defense then, and if they don't care to dismiss those counsels at the same time,  
10 then yes, I -- at this point I believe this is in best interest to put on my own defense  
11 on my own.

12 THE COURT: Okay. Well the record wouldn't reflect that they are  
13 refusing to put on a defense.

14 THE DEFENDANT: They are refusing. That's been --

15 THE COURT: I don't know what that means.

16 THE DEFENDANT: For the record is that we've had these  
17 discussions. I put -- I have documents from them, letters that I've exchanged with  
18 them, and they literally are refusing to do this. I have documented proof of this.

19 THE COURT: Okay. Refusing --

20 THE DEFENDANT: I don't know why the record -- but I don't know  
21 why you're saying the record shouldn't reflect it because I literally have documents  
22 of this.

23 THE COURT: Okay. Refusing to do what you tell them to do; correct?

24 THE DEFENDANT: Terms of like defense; yes. They're refusing to  
25 put on my defense.



1 THE COURT: Okay. And I thought that's what I heard. So, again, you  
2 have determined that you're better suited to determine the strategy and defense  
3 versus your attorneys who are trained in the law?

4 THE DEFENDANT: That's not what I'm saying I'm better suited. I'm  
5 saying that it's my interest is what I desires to be the one that actually put on the  
6 defense that I want.

7 THE COURT: Okay.

8 THE DEFENDANT: And at this point I can only do that as a pro se  
9 defendant because the attorneys refuse to do it.

10 THE COURT: Okay. And, again, you will be permitted to do that at  
11 your own peril. And you understand that, correct?

12 THE DEFENDANT: Yes.

13 THE COURT: Okay. And, again, I just want to make sure that I  
14 reiterate to you that I think it's always, always a bad idea to represent yourself. And  
15 I think it's a horrible idea to represent yourself in a murder case where you're facing  
16 the ultimate penalty of death. And I hope that I've conveyed that to you, and all of  
17 the pitfalls and things that can happen during trial. And it appears pretty clear to me  
18 you're not trained in the law. You've never done a trial before. You're not familiar  
19 with the rules of evidence. But, again, you're going to be held to that same standard  
20 as the District Attorney who's trained in the criminal law. Trained in criminal  
21 procedure. And has tried many cases like this. And you understand that, correct?

22 THE DEFENDANT: Yes.

23 THE COURT: Okay. And you're doing this freely and voluntarily?

24 THE DEFENDANT: Yes.

25 THE COURT: Do you have any questions of the Court regarding your

1 decision to represent yourself?

2 THE DEFENDANT: No.

3 THE COURT: Okay. I don't know -- is the District Attorney prepared --

4 MR. RAMAN: Earlier you asked about the penalties. I have all of that if  
5 you'd like to go through it with Mr. Brown.

6 THE COURT: Okay. All right. So, Mr. Brown, I just want you to pay  
7 close attention. So I'm going to have the District Attorney go through each count  
8 and tell you what the range of punishment is for that offense. So, go ahead,  
9 counsel.

10 MR. RAMAN: Yes, Your Honor, according to the information, Mr.  
11 Brown has been charged with invasion of the home while in possession of a deadly  
12 weapon. That is a B category, felony, punishable by a minimum of two years,  
13 maximum of 15 years.

14 Burglary while in possession of a deadly weapon, as a felony,  
15 punishable by one to 10 years, plus an equal and consecutive one to 10 days years.

16 Murder with use of a deadly weapon with a capital enhancement  
17 to be punished by death. To be punished by life without possibility of parole, life  
18 with the possibility of parole, after a fixed time period of 20 years, or a fixed term of  
19 20 to 50 years, and then there's a weapons enhancement of another additional one  
20 to 20 years.

21 He has been charged with attempted murder with use of a deadly  
22 Weapon, which is two to 20 years, with an equal and consecutive one to 20 years.

23 Possession of firearm by ex by ex-felon, which is a D felony, one  
24 to six years.

25 Discharging a firearm from or within a structure, which is, just one

1 second, one, it's a B felony, one to 10 years.

2 Child abuse, negligent or endangerment with a deadly weapon  
3 which is one to six years, with an equal and possibly consecutive one to six years.

4 And there are multiple counts of certain actions in this indictment.

5 THE COURT: Okay.

6 MR. RAMAN: But each type of crime -- so, for example, the discharge  
7 of a firearm from or within a structure is repeated several times for the multiple  
8 filings. The attempted murders repeated for multiple victims.

9 THE COURT: Okay. All right. Thank you very much. And, Mr. Brown,  
10 did you hear all that?

11 THE DEFENDANT: Yes.

12 THE COURT: Okay. And so you do understand the range of  
13 punishment to each offense?

14 THE DEFENDANT: Yes.

15 THE COURT: Okay. And you understand, again, if the jury  
16 determines, if they determine the appropriate verdict is first degree murder, that the  
17 jury would determine the sentence on that count, and that count alone. Do you  
18 understand that?

19 THE DEFENDANT: Yes.

20 THE COURT: Okay. So then you understand if, and this is just if, you  
21 are convicted of the other counts you would go before the Court for sentencing and  
22 it would be up to the Judge to determine what the appropriate sentence would be on  
23 the other counts?

24 THE DEFENDANT: Yes.

25 THE COURT: Do you understand that? And if it's something less than

1 first degree, then the Court would sentence on that issue as well. Do you  
2 understand that?

3 THE DEFENDANT: Yes.

4 THE COURT: Okay. And so you under -- and there are about 15  
5 counts here. So you understand it would be within the discretion of the Court as to  
6 how to sentence you, and whether those counts would be consecutive or  
7 concurrent?

8 THE DEFENDANT: Yes.

9 THE COURT: Okay. The exception of the deadly weapon on that -- on  
10 the deadly weapon enhancements, the Court would have to do a consecutive term  
11 as to that count. Do you understand that?

12 THE DEFENDANT: Yes.

13 THE COURT: But then all the other counts, it's within the discretion of  
14 the Court as to whether they should run consecutive or whether they should run  
15 concurrent. Do you understand that?

16 THE DEFENDANT: Yes.

17 THE COURT: Okay. And remind me how old you are again?

18 THE DEFENDANT: Fifty-one.

19 THE COURT: Okay. Fifty-one. Again, I just want to make sure you  
20 understand that you could be facing the rest of your natural life in custody. Do you  
21 understand that?

22 THE DEFENDANT: Yes.

23 THE COURT: Okay. But, again, you've made a determination that you  
24 want to represent yourself. Is that correct?

25 THE DEFENDANT: Yes.

1 THE COURT: And you want to waive your right to be represented by  
2 counsel? Is that correct?

3 THE DEFENDANT: Yes.

4 THE COURT: Okay. Do you have any questions from me before I  
5 make that determination?

6 THE DEFENDANT: No. I might have some questions after you make  
7 your determination.

8 THE COURT: Is the State satisfied with the canvass?

9 MR. RAMAN: Yes, we are, it was very thorough, Your Honor.

10 THE COURT: Okay. So at this time the Court's going to make a  
11 determination that you've freely, voluntarily, and knowingly waived your right to  
12 counsel. So I'm going to allow you to represent yourself. I'm going to appoint  
13 standby counsel to represent you. But, again, I just want to make sure you  
14 understand that standby counsel is exactly that. They are standby counsel.  
15 Standby counsel is there if you have questions, if -- basically if you have questions.  
16 They're not -- you're the person that would be determining the strategy and how you  
17 conduct the trial. And standby counsel would be there basically to just answer any  
18 questions that you would have. Do you understand that?

19 THE DEFENDANT: Yes.

20 THE COURT: In fact, they wouldn't even sit at counsel table unless  
21 you wanted them to sit at counsel table. Do you understand that?

22 THE DEFENDANT: Yes.

23 THE COURT: Okay. And standby counsel doesn't take over if you  
24 make a determination that you're in over your head. Do you understand that?

25 THE DEFENDANT: Yes.

**PLEADING  
CONTINUES  
IN NEXT  
VOLUME**