

IN THE SUPREME COURT OF THE STATE OF NEVADA

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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 10

ATTORNEY FOR APPELLANT
ROBERT BROWN, JR. # 6006120,
PROPER PERSON
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DISTRICT COURT
CLARK COUNTY, NEVADA

CASE NO. C-14-299234-1

THE STATE OF NEVADA,

DEPT NO. VI

Plaintiff,

vs.

ROBERT BROWN, JR. #6006120

Defendant.

OPPOSITION TO STATE'S MOTION FOR DEPOSITION

Date: September 20, 2022

Time: 9:30 a.m.

COMES NOW, Defendant Robert Brown, Jr. (Robert), by and through his attorneys Clark W. Patrick, Esq., and Randall H. Pike, Esq., and submits the following in Opposition to the State's Motion for Deposition. Defendant requests this Court deny the State's Motion as the bare pleadings are insufficient to warrant a deposition and violate Robert's Confrontation Clause right pursuant to the Sixth Amendment to the United States Constitution and Art I §§ 3, 7, and 8 of Nevada Constitution.

1 This Opposition is made and based on the pleadings on file herein, the attached Points
2 and Authorities and any argument of counsel at the time of hearing of the motion.

3 ARGUMENT

4 The State's motion requests this court curtail one the most fundamental right afforded
5 the accused by the Constitution, the right of the accused to confront witnesses against them
6 before a live jury. The State's motion requesting this abridgment of a constitutional right is
7 made without a sworn affidavit. More than bald accusation must be shown this court before
8 such drastic remedy should ever be contemplated.
9

10 **A. Heightened Reliability is Required in Capital Cases—Requiring Heightened** 11 **Scrutiny by the District Court**

12 Due to the finality of the death penalty, the Supreme Court requires heightened
13 reliability in the decisions made by the jury and judge during the course of a capital trial. See,
14 e.g., Zant v. Stephens, 462 U.S. 862, 884 (1983). In Woodson v. North Carolina, 428 U.S. 280
15 (1976), the Court explained why the Constitution requires an individualized sentencing
16 determination in a capital case even though there is no parallel requirement in non-capital cases:

17 This conclusion rests squarely on the predicate that the penalty of death is qualitatively
18 different from a sentence of imprisonment, however long. Death, in its finality, differs
19 more from life imprisonment than a 100-year prison term differs from one of only a year
20 or two. Because of that qualitative difference, there is a corresponding difference in the
21 need for reliability in the determination that death is the appropriate punishment in a
22 specific case.

23 *Id.* at 305.

24 As the Supreme Court has observed upon appellate review, "the severity of the sentence
25 mandates careful scrutiny in the review of any colorable claim of error." Zant v. Stephens, 462
26 U.S. 862, 884-885 (U.S. 1983). In short, death is different. Thompson v. Oklahoma, 487 U.S.
27 815, 856 (1988) ("Under the Eighth Amendment, the death penalty has been treated differently
28 from all other punishments").

A corollary basic principles of modern death penalty jurisprudence is that "[sentencing]
juries be carefully and adequately guided in their deliberations." Gregg v. Georgia, 428 U.S.

1 153, 193 (1976). This is, in essence, the core holding of Furman v. Georgia, 408 U.S. 238
2 (1972): "where discretion is afforded a sentencing body on a matter so grave as the
3 determination of whether a human life should be taken or spared, that discretion must be
4 suitably directed and limited so as to minimize the risk of wholly arbitrary and capricious
5 action." Gregg, 428 U.S. at 189.

6 Accordingly, the defense urges this court to review the legal issues that will be
7 presented to it to ensure such a "heightened reliability" in the result of this capital litigation.
8 Unlike any other form of criminal litigation, capital litigation should be directed towards greater
9 reliability in the outcome of the case.

10
11 **B. The Motion Brought by the State Fails to Establish that the Witnesses will be
12 unavailable.**

13 The motion asserts "several key witnesses have health issues which, if this trial is in fact
14 set for 1 ½ years from now, may not survive to testify." The State has failed to offer anything
15 other than an unsworn, non-specific narrative of their own to support a showing of need of
16 exceptional circumstances for the deposition that they seek, absent an affidavit or medical
17 records. State's Motion 9.

18 **C. No evidence has been presented to show that the witnesses will not be able to
19 attend trial.**

20 Depositions should not be allowed in this case because the State has failed to establish
21 any of the named witness's inability to attend trial.

22 N.R.S. 174.175(1) states:

23 If it appears that a prospective witness ... may be unable to attend or prevented
24 from attending a trial or hearing, that his testimony is material and that it is
25 necessary to take his deposition in order to prevent a failure of justice, the court...
26 may upon motion of a defendant or of the state and notice to the parties
27 order that his testimony be taken by deposition... If the deposition is taken upon
28 motion of the state, the court shall order that it be taken under such conditions as
will afford to each defendant the opportunity to confront the witnesses against
him.

Here, the State speculates that the witnesses "may not survive to testify." State's Motion 9.

1 Such speculation does not meet the statute. It certainly doesn't give a basis to deny Robert
2 his right to confront witnesses against him before a live jury.

3 A generalized fear that a witness may be unable to attend trial is insufficient to justify
4 deposing a witness in a criminal case. Commonwealth v. Hilton, 19 Mass. L. Rep. 453 (Mass.
5 Super. 2005), citing U.S. v. Rosenstein, 303 F. Supp. 210, 212 (S.D.N.Y. 1969). In Hilton, the
6 defendant attempted to depose a homeless witness prior to trial pursuant to a Massachusetts
7 statute similar to NRS 174.175. Hilton, 19 Mass. L. Rep. 453 (Mass. Super. 2005). The court held
8 a deposition was not appropriate because the defendant did not establish the witness would likely
9 be unavailable for trial. Id. The court reasoned that the witness lived in the same general area
10 since the time of the crime, the witness could be contacted through his family, and a "generalized
11 fear" that the witness would disappear was insufficient to support a finding of unavailability. Id.

12 Similar to Hilton, the State only asserted its "generalized fear" that the witnesses would expire
13 and be unavailable for trial. Therefore, it has not sufficiently established the witnesses may be
14 unavailable for trial. However, unlike Hilton, where the defendant's fear of losing contact with
15 the witness was more substantial due to the witness being homeless, the State has been in constant
16 contact with the witness.

17 **D. The Witnesses have not Been Demonstrated to be "Unavailable as Witnesses"**

18
19 To date all the witnesses listed by the State have been available to testify. The NRS
20 defines "Unavailable Witness" in relevant part as follows:

21
22 1. A declarant is "unavailable as a witness" if the declarant is:

23 [. . .]

24 (b) Persistent in refusing to testify despite an order of the judge to do so;

25 [. . .]

26 2. A declarant is not "unavailable as a witness" if the declarant's exemption, refusal,
27 inability, or absence is due to the procurement or wrongdoing of the proponent of the
28 declarant's statement for the purpose of preventing the witness from attending or
testifying.

1 NRS 51.055

2 There is no foundation to assert that the witnesses should be deposed. The subject statute
3 does not exist as a fallback position for the State when it is inconvenient for them to procure the
4 attendance of a witness. This statute is a last resort under extraordinary circumstances and only
5 to be used upon a showing of good cause and a showing of the specific acts of the accused in an
6 attempt to procure the non-appearance of the witness.

7 The State seems to believe that because it may be difficult to secure these witnesses'
8 attendance at a jury trial; such is a sufficient reason under NRS 174.175 to allow depositions to
9 be had. Such is not the case; the State has to show that the witnesses will be unavailable. The
10 State asserts that the witnesses may "not survive to testify." Again, suppositions and the State's
11 level of confidence do not provide a sufficient legal basis for this Court to invoke the use of the
12 subject statute.

13 This Court should not grant the State's motion based upon its bare allegations.
14 "While depositions are allowable in criminal cases, the circumstances permitting its use must be
15 exceptional." McGuinness v. State, 589 P.2d 1032, 1033 (N.M. 1979). The necessity must be
16 clearly established, and the burden of showing that necessity is on the prosecution. Haynes v.
17 People, 265 P.2d 995 (Col. 1954). Here, the State has failed to offer anything other than an
18 unsworn narrative to support its request for a deposition. The Rules of the District Courts of the
19 State of Nevada mandate that "factual contentions involved in any pre-trial or post-trial motion
20 shall be initially presented and heard upon affidavits." D.C.R. 13(6). The rule further delineates
21 that the "court may set the matter for a hearing at a time in the future and allow oral
22 examination of the affiants to resolve factual issues shown by the affidavits to be in dispute."
23 Id. This Court cannot find that the witnesses may be unavailable to testify by relying on the
24 prosecutor's unsupported contentions. The defense very much disputes their allegations.

25 **E. Taking Depositions of the Witnesses Would Violate Robert's Confrontation Clause**
26 **Rights.**

27 From the founding of this country, the accused's right to confront witnesses against
28 them has been a protected right. It is so because:

1 The primary object of the [Confrontation Clause] was to prevent depositions or ex parte
2 affidavits . . . being used against the prisoner in lieu of a personal examination and
3 cross-examination of the witness in which the accused has an opportunity, not only of
4 testing the recollection and sifting the conscience of the witness, but of compelling him
5 to stand face to face with the jury in order that they may look at him, and judge by his
6 demeanor upon the stand and the manner in which he gives his testimony whether he is
7 worthy of belief."

8 Kentucky v. Stincer, 482 U.S. 730, 736-737 (U.S. 1987) (quoting Mattox v. United
9 States, 156 U.S. 237, 242-43); See also Kirby v. United States, 174 U.S. 47, 53 (1899).

10 The Confrontation Clause is part of our constitution to prevent trial by deposition and affidavit.

11 The rules of evidence and the N.R.S might have provisions which provide exceptions to that
12 right to live confrontation before a jury. The right to live confrontation, however, is the norm
13 and extraordinary circumstances must exist for the constitutional right to live confrontation to
14 be abridged or truncated by the courts.

15 When the Nevada Supreme Court addressed this issue, they affirmed the importance of
16 live, unfettered, face-to-face confrontation before the jury. Quoting the United States Supreme
17 Court, they noted, "[w]e have never doubted . . . that the Confrontation Clause guarantees the
18 defendant a face-to-face meeting with witnesses appearing before the trier of fact." Smith v.
19 State, 111 Nev. 499, 502 (Nev. 1995) (quoting Coy v. Iowa, 487 U.S. 1012, 1020 (1987)).

20 From the mid-1960s through the 1990s, the right to confront witnesses had been eroded
21 by the courts. See Ohio v. Roberts, 448 U.S. 56 (1980). More recently, the original purpose of
22 the Confrontation Clause has been reasserted in a series of United States Supreme Court cases.
23 See Crawford v. Washington, 541 U.S. 36 (2004); Davis v. Washington, 547 U.S. 813 (2006);
24 Giles v. California, 554 U.S. 353 (2008); Melendez-Diaz v. Massachusetts, 557 U.S.
25 305 (2009); Bullcoming v. New Mexico, 564 U.S. ____ (2011).

26 The witness stand is the place where witnesses give evidence. It is the place where the
27 witness exposes himself to the jurors, a group of strangers to the witness, and submits her
28

1 credibility to their judgment. The confrontation clause requires that a witness give a statement
2 under oath and submit to what has been termed the "ordeal of a cross-examination." See Mattox
3 v. United States, 156 U.S. 237, 244 (1895). It also requires that jury be able "to observe the
4 demeanor of the witness in making his statement, thus aiding the jury in assessing his
5 credibility." Maryland v. Craig, 497 U.S. 836, 845-846 (1990). Demeanor evidence is
6 importantly relevant on the issue of credibility. See California v. Green, 399 U.S. 149 (1979),
7 and jurors are to be so instructed. As explained by Judge Learned Hand, a witness's "demeanor
8 is a part of the evidence. The words used are by no means all that we rely on in making up our
9 minds about the truth of a question that arises in our ordinary affairs, and it is abundantly settled
10 that a jury is as little confined to them as we are. They may, and indeed they should, take into
11 consideration the whole nexus of sense impressions which they get from a witness. This we
12 have again and again declared and have rested our affirmance of finding of fact of a judge, or of
13 a jury, on the hypothesis that this part of the evidence may have turned the scale." Dyer v.
14 MacDougall, 201 F.2d 265, 269 (2nd Cir. 1952).

15
16
17 Demeanor evidence is of considerable legal consequence. It can have a dispositive effect
18 in the outcome of a case "in which the existence or nonexistence of a determinative fact depends
19 upon the credibility to be given to testimonial evidence." Harding v. Purtle, 275 Cal. App. 2d
20 396, 400, 79 Cal. Rptr. 772 (1969). Although demeanor evidence does not appear on the record,
21 and for that reason has led to the rule that the fact finder is the exclusive judge of credibility,
22 many is the case which is affirmed on appeal because the reviewing court necessarily deferred to
23 the finding to the trier of fact on issues of credibility. This is particularly true in Nevada whereas
24 a matter of Constitutional mandate the court may not weigh evidence in a criminal case.
25
26

27 "The primary object of the [Confrontation Clause] was to prevent depositions or ex-
28 parte affidavits... being used against the prisoner in lieu of a personal examination
and cross-examination of the witness in which the accused has an opportunity, not
only of testing the recollection and sifting the conscience of the witness, but of
compelling him to stand face to face with the jury in order that they may look at

1 **him, and judge by his demeanor upon the stand and the manner in which he gives**
2 **his testimony whether his is worth of belief."**

3 Kentucky v. Stincer, 782 U.S. 730, 736-37 (1987), quoting Mattox v. United States, 156 U.S.
4 237, 242-43 (1895).

5 Underlying both the constitutional principles and the rules of evidence is a preference for
6 live testimony. Live testimony gives the jury the opportunity to observe the demeanor of the
7 witness while testifying. United States v. Yida, 498 F.3d 945, 950 (9th Cir. 2007). William
8 Blackstone long ago recognized this virtue of the right to confrontation, stressing that through
9 live testimony, "and this [procedure] only, the persons who are to decide upon the evidence have
10 an opportunity of observing the quality, age, education, understanding, behavior, and inclinations
11 of the witness." 3 William Blackstone, *Commentaries on the Laws of England* 373-74 (1768).

12 More recently, the United States Court of Appeals for the Third Circuit voiced the
13 importance of observing, firsthand, a witness's demeanor while testifying:

14 Demeanor is of the utmost importance in the determination of the credibility of a
15 witness. The innumerable telltale indications which fall from a witness during the
16 course of his examination are often much more of an indication to judge or jury
17 of his credibility and the reliability of his evidence than is the literal meaning of
18 his words. Even beyond the precise words themselves lies the unexpressed
19 indication of his alignment with one side or the other in the trial. It is indeed rarely
20 that a cross-examiner succeeds in compelling a witness to retract testimony which
21 is harmful to his client, but it is not infrequently that he leads a hostile witness to
22 reveal by his demeanor -- his tone of voice, the evidence of fear which grips him
23 at the height of cross-examination, or even his defiance -- that his evidence is not
24 to be accepted as true, either because of partiality or overzealousness or
25 inaccuracy, as well as outright untruthfulness. The demeanor of a witness, as
26 Judge Frank said, is 'wordless language.'

27 Gov't of the Virgin Islands v. Aquino, 378 F.2d 540, 548 (3rd Cir. 1967) (quoting Broad. Music
28 Inc. v. Havana Madrid Rest. Corp., 175 F.2d 77,80 (2nd Cir. 1949).

29 Courts have recognized that an experienced witness can be "cagey" under cross-
30 examination, United States v. cote, 2007 WL 1000849 (S.D.N.Y. 2007), can anticipate the reach
31 of a line of cross-examination and give nonresponsive and unwanted answers, People v. Auer,
32 393 Mich. 667, 674 (Mich. 1975), appear more comfortable in the presence of a jury than an
33 inexperienced witness, Ledesma v. State, 141 Tex. Crim. 37, 39, 181 S.W. 2d 705 (Tex. Crim.
34 App. 1944), and be rehearsed with the earlier videotaped deposition in preparation for live
35 testimony at a subsequent trial.

1 At bottom, live testimony gives juror's an opportunity to observe a witness's demeanor.
2 United States v. Yida, 498 F.3d 945, 950 (9th Cir. 2007). Live cross-examination also affords
3 the defense the ability to use their most current investigative information and all information the
4 defense learns up to and during the trial. In Yida, the Ninth Circuit found persuasive a
5 statement in an amicus brief from Professor Richard D. Friedman of the University of Michigan
6 Law School. Friedman explained that "[w]itnesses who testify live at the current trial speak as
7 of the current time," while witness testimony via "transcript speaks as of the time of the prior
8 proceeding and cannot be updated" the accused can only use recently acquired information in
9 cross-examining a witness if that testimony is live. The ability to cross-examine a witness at
10 trial using the most current investigative information available cuts to the heart of the Sixth
11 Amendment's confrontation clause. Yida, 498 F.3d 945, 951 (9th Cir. Cal. 2007).

14 **1. Giles v. California: The accused's Confrontation Right cannot be violated**
15 **absent a showing that the accused intended the unavailability of the witness.**

16 One of the more recent United States Supreme Court cases directly speaks to the issue
17 presented by the State's motion to depose these witnesses. See Giles v. California, 554 U.S.
18 353 (2008). In Giles, the court allowed prosecutors to introduce statements the murder victim
19 made to a police officer responding to a domestic violence call the decedent had previously
20 made against the defendant. Id. at 356. On that previous call, the decedent had informed the
21 responding officer that Giles had threatened to kill her. Id. at 357. The California trial court
22 admitted in this previous statement to police and Mr. Giles was convicted. Id.

24 On appeal the California Supreme Court noted that the California Code allowed in
25 previous statements by witnesses if the defendant caused the unavailability of the witness at
26 trial—otherwise known as the doctrine of "forfeiture by wrongdoing." Id. Reasoning that Giles
27 had forfeited his right to confront the deceased by murdering her and thereby causing her
28 unavailability at trial, the California Supreme Court affirmed Giles' conviction. Id.

1 The Supreme Court reversed. The Court found that the Sixth Amendment provides that
2 in all prosecutions the accused has the right to confront witnesses against them. Further, such a
3 witness against the accused will ordinarily be present at trial for cross-examination. Id. at 358
4 (citing Crawford v. Washington, 541 U.S. 36, 68 (2004)). At bottom, the court wrote, “the
5 Confrontation Clause is most naturally read as a reference to the right of confrontation at
6 common law, admitting only those exceptions established at the time of the founding.” Id.
7 Crawford, at 54 (quotation marks omitted.). Pursuant to that principle, the court conducted a
8 historical analysis and concluded that the rule of forfeiture, historically, would not allow the
9 introduction of a statement because the witness was dead and allegedly killed by the accused.
10

11 Justice Scalia, writing for the majority, concluded that the rule of forfeiture was
12 historically used only when there was a showing that the accused acted with the purpose of
13 preventing the witness from testifying at trial. Giles 361-373. Giles was charged with the
14 murder of the woman whose statement was sought to be admitted, but, under common law
15 principles her statement would not have been admissible in court unless it could be shown that
16 Giles killed her with the specific purpose, she would be unavailable to testify at trial. As Justice
17 Scalia puts it:
18
19

20 The manner in which the rule was applied makes plain that unconfrosted testimony
21 would not be admitted without a showing that the defendant intended to prevent a
22 witness from testifying. In cases where the evidence suggested that the defendant had
23 caused a person to be absent but had not done so to prevent the person from testifying--
24 as in the typical murder case involving accusatorial statements by the victim--the
25 testimony was excluded unless it was confronted or fell within the dying-declarations
26 exception.

27 Giles v. California, 554 U.S. 353, 361-362 (U.S. 2008)

28 Like, Crawford, the Giles decision declines to extend exceptions to the Confrontation Clause,
“unheard of at the time of the founding or for 200 years thereafter.” Giles at 377.

NRS 174.175 is just such an exception. If it is applied as the state requests, based upon

1 the mere allegation that it is "entirely possible" that a witness's appearance at trial is "unlikely,"
2 Robert's Confrontation Clause right to confront witnesses against him before a live jury would
3 be severely truncated.

4 **2. NRS 174.175 and NRS 51.055 are the codification of a "forfeiture by**
5 **wrongdoing" rule, therefore, *Giles v. California*, controls their usage.**

6 Pursuant to the controlling holding in Giles for this court to limit Robert's confrontation
7 of witnesses against him, it must be shown that he personally has caused this alleged prevention
8 of the witnesses from testifying in the future. Without a specific finding that the witnesses
9 "may not survive to testify", any abridgment of Robert's right to confront them is
10 unconstitutional.
11

12
13 **CONCLUSION**

14 Based on the bare pleadings by the State, pursuant to the requirements of NRS 174.175,
15 their Motion should be denied. Based upon the Sixth Amendment to the United States
16 Constitution and Article I §§ 3, 7, and 8 of the Nevada Constitution, their motion should be
17 denied as it does not state facts sufficient to meet the requirements of Giles v. California.

18 Should this Honorable Court require a hearing on this matter, Robert Brown respectfully
19 request that the witness's physicians are available for cross-examination.

20
21 Dated: September 13, 2022.

22 SUBMITTED BY:

23 

24 CLARK W. PATRICK
25 Attorneys for Brown
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CERTIFICATE OF ELECTRONIC FILING

I hereby certify that service of the Motion to Continue Trial was made on September 13, 2022, by Electronic Filing to:

DISTRICT ATTORNEY'S OFFICE
email: motions@clarkcountyda.com

RANDALL H. PIKE, ESQ.
Attorney for Brown
Email: thelawguynv@gmail.com

/s/ Clark W. Patrick

C. W. Patrick LAW, PLLC



1 TRAN

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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

7
8 STATE OF NEVADA,
9 Plaintiff,

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

10 vs.

11 ROBERT BROWN, JR.,
12 Defendant.

13 BEFORE THE HONORABLE JACQUELINE M. BLUTH, DISTRICT COURT JUDGE
14 TUESDAY, JULY 19, 2022

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

17 **APPEARANCES:**

18 For the State: KAREN L. MISHLER, ESQ.
19 Chief Deputy District Attorney

20 For the Defendant: In Propria Persona
21 CLARK W. PATRICK, ESQ.
22 Appointed Standby Counsel

23 **ALSO PRESENT:** MICHELLE BLACKWELL
24 Investigator

25 RECORDED BY: DE'AWNA TAKAS, COURT RECORDER

1 Tuesday, July 19, 2022, Las Vegas, Nevada

2
3 [Proceedings began at 9:46 a.m.]

4 THE COURT: -- versus Robert Brown, Jr. Mr. Brown is present, in
5 custody, he represents himself. Mr. Patrick is stand-by counsel. All right -- sorry I
6 was expecting to see J.P.

7 MS. MISHLER: Oh, yeah, Karen Mishler on behalf of the State.

8 THE COURT: All right. And Ms. Mishler are you second chair or
9 you're just appearing on behalf of J.P.?

10 MS. MISHLER: I'm second chair, Your Honor.

11 THE COURT: Okay. Thank you.

12 All right, okay, so Mr. Brown I've been checking in with the jail making
13 sure that you were having the opportunity to meet with the investigator and you --
14 oh, you're here?

15 MS. BLACKWELL: I am here.

16 THE COURT: Thank you. Remind me of your last name?

17 MS. BLACKWELL: Blackwell.

18 THE COURT: Ms. Blackwell.

19 And so I've been checking with the jail making sure they were allowing
20 you access and Mr. Brown access to what they refer to as the cold computer to go
21 through any of the discovery. Were you able to do all that?

22 MS. BLACKWELL: Yes, Your Honor, we completed all the audio and
23 video.

24 THE COURT: Perfect. Great. All right so today's the day of calendar
25 call, Mr. Brown how we looking?

1 THE DEFENDANT: There's still a few things that needs to be done. I
2 gave a list to Ms. Blackwell --

3 THE COURT: Just speak a little bit louder for me.

4 THE DEFENDANT: There are a few things still left to be done. I gave
5 a list to Ms. Blackwell. She's has some -- investigatory work to do. I have some
6 subpoenas to do, and I don't even know if the expert witnesses retrained for trial. I
7 don't have any information on that.

8 THE COURT: What expert witnesses?

9 THE DEFENDANT: That are on my list that Ms. Maningo and prior --
10 other prior counsels -- had already hired as far as doing examinations and stuff like
11 that like, mitigation work. So I don't know if that they've been fully compensated or
12 if they need to be retained over again to meet the trial date.

13 THE COURT: Yeah, nope, no, no, no, no, those experts are long
14 gone. Those experts are long gone.

15 THE DEFENDANT: Okay.

16 THE COURT: That would've -- something we would've had to have
17 done long, long before this trial setting.

18 So Ms. Blackwell what is the -- without going in to privileged
19 information, is there more investigation that needs to be done?

20 MS. BLACKWELL: No, Your Honor. There were a few things that he
21 wanted us to look in to and I've spoken with Mr. Patrick and we've gotten some
22 answers. I went to the jail last week and did a video visit and gave him the legal
23 answers that Mr. Patrick had given to me.

24 THE COURT: Okay.

25 MS. BLACKWELL: The only thing outstanding was he had questions

1 about subpoenas and expert witnesses. He was given blank subpoenas and blank
2 expert witness vouchers from me, but that's it.

3 THE COURT: Okay. All right so you'll need to provide those
4 subpoenas to the investigator and she will -- the State puts on their case first, and
5 so that will give her time to serve any of the witnesses that you would like served.
6 But other than that it's --

7 THE DEFENDANT: Excuse me. I'm still waiting for the second
8 motion. I don't have any information on that with -- the one that starting with the
9 sanity issue -- issues about article 4 section 12 of the Nevada Constitution, I
10 haven't received a copy back of that either, or the correspondence documents that
11 I handed over to you on April 13th.

12 THE COURT: I thought that we had made a copy in court and
13 provided those.

14 THE DEFENDANT: I was given a copy of the second motion the
15 suggestion of immunity motion and that was it. That was just one motion.
16 Everything else was --

17 THE COURT: Okay let me pull up --

18 [Colloquy between The Court and The Judicial Executive Assistant]

19 THE DEFENDANT: On that motion that you actually gave me the print
20 out of, I did file an appeal on that. You have that now I sent that probably last
21 week --

22 THE COURT: Uh-huh.

23 THE DEFENDANT: -- so I've been wanting to appeal the first motion,
24 but like I said, I don't a copy of that.

25 THE COURT: Okay.

1 [Colloquy between The Court and The Judicial Executive Assistant]

2 THE COURT: So I just need to make sure that I know exactly which
3 one we're printing out. So this one starts, it should be certain that I'm not only
4 disappointed by the fact that like other attorneys before you won't be keeping my
5 anticipated trial date; that one?

6 THE DEFENDANT: No those -- that sounds like the privilege attorney
7 client letters I was speaking about that shouldn't have been included in those
8 motions in the first place. The particular motion I'm talking about starts with, the
9 issue of sanity -- elements of sanity.

10 THE COURT: Okay this next one is, hypotheticals based on facts of
11 case seasonal residence?

12 MR. PATRICK: Courts indulgence, Your Honor.

13 THE COURT: Sure. Oh, here it is, it's -- it is 150. Can you go print that
14 for me Krystal so he can have it? It's only 109 pages.

15 [Colloquy between The Court and The Judicial Executive Assistant]

16 MR. PATRICK: Your Honor, I'm sorry, may we approach?

17 THE COURT: Yeah.

18 [Bench conference - not transcribed]

19 MR. PATRICK: Thank you, Your Honor. Judge, at this time, I believe
20 that Mr. Brown would like to request an attorney to help him with his capital case.

21 THE COURT: Mr. Brown this is now became a game and I'm really,
22 really, frustrated. This case has been going on since 2014. You've had three set of
23 attorneys. Every time you get close to trial you fire somebody and want to
24 represent yourself or you represent yourself and then you want attorneys. I do not
25 play like other judges play. So this is what's going to happen from this point

1 forward, I will get you attorneys. I will have the office of appointed counsel either
2 contact Mr. Patrick and Mr. Pike who do these types of cases. If they aren't willing
3 to do it, then you will get another set of attorneys, which will now, I think, be your
4 4th set of attorneys, you will no longer represent yourself. I am revoking your right
5 to represent yourself because this is the 3rd time you've done this. So I want you
6 to think long and hard right now about this decision. I have never seen a death
7 penalty case done by a pro per, I'm sure that it has been done before, probably
8 not in Nevada, but in other places. So right now I need you to decided, do you
9 want attorneys or do you want to represent yourself because this will be your final
10 decision.

11 THE DEFENDANT: Well since I've represented myself I believe I've
12 got enough of my issues preserved with prior counsels refusing to do so. At this
13 point I believe this is the best thing to do is to let Mr. Patrick take the case.

14 THE COURT: And so you recognize that I will not, I will not continue
15 this case for you to represent yourself again. We are done with this. We are done
16 with this merry-go-round. I'm not having the State subpoena this case one more
17 time in 10 years for us to walk in and continue this trial. So I will get you counsel,
18 they will tell me a date they will be ready and we will be going on that date come
19 hell or high water. And that's the decision you want to do?

20 THE DEFENDANT: Yes.

21 THE COURT: Status check for a week of appointment of counsel and
22 trial setting.

23 MR. PATRICK: Your Honor, if I may?

24 THE COURT: Yes, Mr. Patrick.

25 MR. PATRICK: Your normal calendar is Tuesday and Thursday?

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THE COURT: Yes.

MR. PATRICK: May we have the 28th then to make sure Mr. Pike and I have a chance to get over and talk to Mr. Brown?

THE COURT: Yep.

[Colloquy between The Court and The Marshal]

THE CLERK: July 28th at 9:30.

MR. PATRICK: Thank you, Your Honor.

THE CLERK: Trial date vacated?

THE COURT: Trial date vacated.

MS. MISHLER: Just to be clear, Your Honor, the defendant's right of self-representation has been revoked?

THE COURT: Absolutely.

MS. MISHLER: Thank you, Your Honor.

MS. BLACKWELL: Thank you, Your Honor.

[Proceedings concluded at 9:58 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.


De'Awna Takas
Court Recorder/Transcriber



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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

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8 STATE OF NEVADA,
9 Plaintiff,

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

10 vs.

11 ROBERT BROWN, JR.,
12 Defendant.

13 BEFORE THE HONORABLE JACQUELINE M. BLUTH, DISTRICT COURT JUDGE
14 THURSDAY, JULY 28, 2022

15 **RECORDER'S TRANSCRIPT OF PROCEEDINGS:**
16 **STATUS CHECK: APPOINTMENT OF COUNSEL**

17 APPEARANCES:

18 For the State:

JAY P. RAMAN, ESQ.
Chief Deputy District Attorney

21 For the Defendant:

22 CLARK W. PATRICK, ESQ.
23 RANDALL H. PIKE, ESQ.

24
25 RECORDED BY: DE'AWNA TAKAS, COURT RECORDER

1 Thursday, July 28, 2022, Las Vegas, Nevada

2
3 [Proceedings began at 9:52 a.m.]

4 THE COURT: -- 234-1, Mr. Brown is present, at this very point in time
5 he represents himself. Mr. Raman is present on his behalf [sic]. Mr. Patrick was
6 currently -- or excuse me was formally stand-by counsel, and Mr. Pike is present
7 as well.

8 In the e-mails that we have received from office of appointed counsel,
9 it looks like Mr. Patrick and Mr. Pike will be being appointed on this case at this
10 point time, is that correct?

11 MR. PATRICK: That's correct, Your Honor.

12 THE COURT: All right.

13 MR. PATRICK: We have a --

14 THE COURT: I can't remember if I said it, I apologize, Mr. Raman on
15 behalf of the State. Sorry, Mr. Patrick, go ahead.

16 MR. PATRICK: Yes, Your Honor, we had a nice long chat with Mr.
17 Brown we've come to a conclusion that Mr. Pike and I can accept this. He will
18 work with us. The Court made it very clear last time that he's no longer gonna
19 have the opportunity to represent himself. I let him know that most likely the Court
20 would not let him change attorneys again, so that if he wanted us he would be
21 stuck with us and we were fine with that. So here we are. We're good to go.

22 What I would request, Your Honor, your JEA sent an e-mail the other
23 day asking about possible court dates. I told her that at that time, talking with Mr.
24 Pike and Mr. Brown that we would commit to first quarter of 2024. What I would
25 like to do since we're all brand new to this and Ms. Blackwell who was appointed

1 as -- investigator is going to be our mitigation specialist. And I understand there's
2 several bankers boxes of mitigation. What I would like to suggest is a 30 days
3 status check to see if we can move that or where we need to move that trial date.

4 Court is aware that Mr. Pike and I do have another capital case in this
5 courtroom next year that will be going more than likely. I mean, unless it deals, we
6 will be ready for that so.

7 THE COURT: When is that set?

8 MR. PATRICK: That is set for the fall, Your Honor.

9 THE COURT: Okay.

10 MR. PATRICK: I think --

11 [Colloquy between Mr. Patrick and Mr. Pike]

12 MR. PATRICK: I believe its July, Your Honor.

13 THE COURT: Okay.

14 MR. PATRICK: And so all that being said, I'd like to request a 30 day
15 status check. We'll have a very clear idea of when we can comfortably give this
16 Court a trial date that we will be able attend.

17 THE COURT: Mr. Raman is there anything you wanted to be heard
18 on?

19 MR. RAMAN: I object to the unnecessary delays. I think that all of this
20 has been done. The purpose of frustrating the presentation of witnesses. I have
21 serious concerns about the health and availability of three of my witnesses. I plan
22 on filing a motion for in court video, and Judge present depositions, which I hope
23 to accomplish before October.

24 I have serious concerns. I conveyed those concerns. July was
25 suppose to be a firm set. He's already pulled this multiple times with having his

1 own defense, then getting attorneys, then dismissing them. I'm completely
2 unhappy. I think it's unreasonable to say that we need to go to 2024. And actually
3 have 30 days to think about 2024, when we could easily just pull in previous
4 counsel that he had, specially, Abel Yanez and Ivette Maningo, as they were
5 ready to go and they're totally familiar with the case. As opposed to giving him free
6 new attorneys for no other reason other than he's pulling these shenanigans.

7 So that is my plan. I hope the Court will accommodate, despite
8 whatever objections these new defense attorneys have with these depositions
9 taking place, because, in my opinion, this is bordering on if they're unbailable it's
10 forfeiture by wrong doing.

11 THE COURT: Yeah, so, listen, I mean --

12 MR. PATRICK: Well Judge, I mean, I wait to see the motion on
13 depositions --

14 THE COURT: Oh, yeah, no, no, no I'm not --

15 MR. PATRICK: -- because depositions are not looked favorably in
16 criminal cases, especially not in a capital case. I mean, that has --

17 THE COURT: Well I'm not --

18 MR. PATRICK: -- ineffectiveness written all over it.

19 THE COURT: Listen, I'm not gonna rule on that today. This is what I'll
20 say, I -- have to -- I completely understand the State's frustration. And I, I mean,
21 this case is from 2014, it's a death case, and I did, I don't know if you guys have
22 seen it yet, I did a very detailed minute order in regards to the defendant had
23 counsel, we get close to trial date he wants to represent himself. He represents
24 himself, gets close to trial date he doesn't want to represent himself anymore.
25 Gets two new attorneys, he gets close to trial date wants to represents himself.

1 And then I become the Judge and we get close to the trial date I tell him, this is it
2 its July, and calendar call he says, I want counsel.

3 So I know that Mr. Patrick and Mr. Pike this has nothing to do with you
4 this is not your fault, but the gig is up, we're not doing this anymore these are the
5 two attorneys, we're going to move forward towards a trial date. Whatever we set
6 it will be an absolute firm set.

7 I will definitely entertain the depositions, because I -- we can't -- it
8 would be unjust for this to be going on for almost 10 years before we get a trial
9 and have witnesses, you know, die, things like that. So I will entertain that, but I'll
10 give defense an opportunity to oppose it and then we'll go from there.

11 I will give the defense 30 days, because I want you to really assess
12 the mitigation work that still needs to be done, and assess even, you know, guilty
13 phase work that needs to be done because I want a realistic date and then I want
14 to move and I want this to be done; all right?

15 MR. PATRICK: And, Your Honor, just two things very briefly?

16 THE COURT: Yeah.

17 MR. PATRICK: I mean, at the end of the day, I understand this case
18 is 10 years old, however, it is a capital case and Mr. Pike and I have as the
19 Court's very well aware a long list of things that we need to do according to both
20 the Nevada Supreme Court and the United States Supreme Court. So even
21 though it may be old to Mr. Brown, it's brand new to us. The Court is very well
22 aware of Mr. Pike's and my work on capital cases and we will not go forward with
23 a trial until we are ready for ethical reasons, for ineffective reasons, but when we
24 give you a trial date, the Court also knows that we stick to that.

25 Finally if the State is so concerned about how long this is taking the

1 State is free at any time to withdraw the notice of death and we can put this case
2 on probably 6 months from now, so don't -- don't point the finger at the defense
3 and say this is all our fault when this trial could be streamlined hugely and that's
4 entirely in the hands of the State.

5 THE COURT: I don't think they're pointing the finger at you; they're
6 pointing finger at your defendant, and it is his fault. We are 10 years down the
7 road because he refuses to go to trial and fires attorneys, represent himself, fires
8 himself, gets attorneys, fires his attorneys, represents himself, fires himself. So I
9 mean you can -- we have to be fair. You can understand why they're frustrated.
10 Puts you in a tough spot because you now have to defense someone facing the
11 death penalty, but it's a frustrating process.

12 So 30 days find what you need to do, we're moving forward.

13 MR. PATRICK: Very good, thank you, Your Honor.

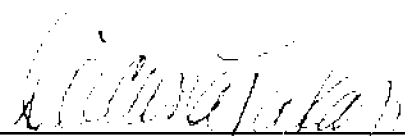
14 THE CLERK: That'll be August 31st at 9:30.

15 THE COURT: Thank you.

16 [Proceedings concluded at 9:59 a.m.]

17 * * * * *

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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 De'Awna Takas
25 Court Recorder/Transcriber



1 RTRAN
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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA
7

8 STATE OF NEVADA,

CASE NO. C-14-299234-1

9 Plaintiff,

DEPT. VI

10 vs.

11 ROBERT BROWN, JR.,

12 Defendant.

13 BEFORE THE HONORABLE JACQUELINE M. BLUTH, DISTRICT COURT JUDGE
14 WENESDAY, AUGUST 31, 2022
15

16 **RECORDER'S TRANSCRIPT OF PROCEEDINGS:**
17 **STATUS CHECK: NEGOTIATIONS/TRIAL SETTING**

18 APPEARANCES:

19 For the State:

No appearance

20
21 For the Defendant:

CLARK W. PATRICK, ESQ.
RANDALL H. PIKE, ESQ.

22
23
24
25 RECORDED BY: DE'AWNA TAKAS, COURT RECORDER

1 Wednesday, August 31, 2022, Las Vegas, Nevada

2
3 [Proceedings began at 9:32 a.m.]

4 THE COURT: We're setting a trial date so let's wait for him. He should
5 be here, I'm sure, shortly. But I wanna -- I don't what his schedule is so just wait
6 for a sec. All right?

7 MR. PATRICK: Okay.

8 THE COURT: Thank you.

9 [Proceedings concluded at 9:32 a.m.]

10 [Proceedings began at 9:46 a.m.]

11 THE COURT: We can come back on Tuesday.

12 MR. PATRICK: Tuesday, that'll be fine.

13 THE COURT: Jay P. Raman.

14 THE CLERK: September 6th at 9:30.

15 MR. PATRICK: Thank you, Your Honor.

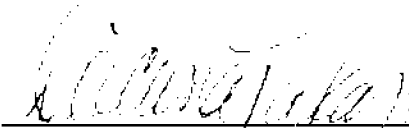
16 MR. SCHWARTZER: I'll Mr. Raman know.

17 THE COURT: Okay, great. Thank you.

18 [Proceedings concluded at 9:46 a.m.]

19 * * * * *

20
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 _____

25 De'Awna Takas
Court Recorder/Transcriber

Heather S. Hume

CLERK OF THE COURT

ORDR

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Las Vegas, Nevada 89101
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cwpatricklaw@gmail.com

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Las Vegas, Nevada 89129
Phone: (725) 230-2407
thelawguynv@gmail.com
Attorneys for Robert Brown

DISTRICT COURT
CLARK COUNTY, NEVADA

CASE NO. C-14-299234-1

THE STATE OF NEVADA,

DEPT NO. VI

Plaintiff,

vs.

ROBERT BROWN, JR. #6006120

Defendant.

ORDER

This matter having come before the Court, Defendant present and represented by Clark W. Patrick, Esq., and Randall H. Pike, Esq., the State represented by the Clark County District Attorney's Office, the Court being fully advised in the premises, and good cause appearing, it is hereby

ORDERED, ADJUDGED AND DECREED the State's Notice of Motion and Motion for Deposition is GRANTED.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED the defense will have forty-five (45) to sixty (60) days to prepare for the depositions.

1
2 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the oral motion of
3 defense counsel to stay the proceedings in order to file a writ based on the granting of the Motion
4 to the Nevada Supreme Court is DENIED.
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7

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9 DATED and DONE: September 20, 2022

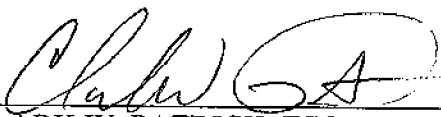
10 Dated this 20th day of September, 2022

11 
12 DISTRICT COURT JUDGE

13 SUBMITTED BY:
14

CDB 8B2 E5B9 EFC1
Jacqueline M. Bluth
District Court Judge

kj

15 
16 CLARK W. PATRICK, ESQ.
17 C. W. Patrick LAW, PLLC
18 Attorneys for Brown
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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 6

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: 9/20/2022

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16 Keely Perdue .	keely@christiansenlaw.com
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18 Peter S. Christiansen .	pete@christiansenlaw.com
19 Whitney Barrett .	wbarrett@christiansenlaw.com
20 Ivette Maningo	iamaningo@iamlawnv.com
21 William Rowles	William.rowles@clarkcountyda.com
22 Abel Yanez	ayanez@noblesyanezlaw.com
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25 Heather Ungermann	ungermannh@clarkcountycourts.us

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Clark Patrick	cwpatricklaw@gmail.com
Dept Law Clerk	dept06lc@clarkcountycourts.us

Heather S. Linn
CLERK OF THE COURT

1 **EXPR**

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4 404 South 4th Street, Suite 500
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11 Las Vegas, Nevada 89129
12 Phone: (725) 230-2407
13 thelawguynv@gmail.com
14 Attorneys for Robert Brown

DISTRICT COURT
CLARK COUNTY, NEVADA

15 THE STATE OF NEVADA,

Plaintiff,

16 vs.

17 ROBERT BROWN, JR. #6006120

Defendant.

CASE NO. C-14-299234-1

DEPT NO. VI

EX PARTE ORDER TO PREPARE TRANSCRIPTS

20 To: DE'AWNA TAKAS, COURT RECORDER:

21 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Court Recorder
22 will prepare a transcript of the following hearing(s): State's Notice of Motion and Motion for
23 Deposition, heard on September 20, 2022, on an expedited basis. to be completed no later than
24 October 10, 2022.

25 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Court Recorder
26 will efile the transcript and serve the parties via Odyssey as follows:

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Clark W. Patrick, Esq. (cwpatricklaw@gmail)

Randall H. Pike, Esq. (thelawguynv@gmail.com)


District Attorney's Office (motions@clarkcountyda.com)

DATED AND DONE : September 20, 2022

Dated this 22nd day of September, 2022


DISTRICT COURT JUDGE

SUBMITTED BY:


CLARK W. PATRICK, ESQ.
C. W. Patrick LAW, PLLC
Attorney for Brown

F5B 3B0 9223 A70F kj
Jacqueline M. Bluth
District Court Judge

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 6

8 Robert Brown, Jr.
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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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: 9/22/2022

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16 Keely Perdue . keely@christiansenlaw.com

17 Kendelee Works . kworks@christiansenlaw.com

18 Peter S. Christiansen . pete@christiansenlaw.com

19 Whitney Barrett . wbarrett@christiansenlaw.com

20 Ivette Maningo iamaningo@iamlawnv.com

21 William Rowles William.rowles@clarkcountyda.com

22 Abel Yanez ayanez@noblesyanezlaw.com

23 DA Motions PDMotions@clarkcountyda.com

24 Richard Scow richard.scow@clarkcountyda.com

25 Heather Ungermann ungermannh@clarkcountycourts.us
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Clark Patrick	cwpatricklaw@gmail.com
Dept Law Clerk	dept06lc@clarkcountycourts.us



1 RTRAN

2
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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. NO. VI

13
14 BEFORE THE HONORABLE JACQUELINE M. BLUTH,

15 DISTRICT COURT JUDGE

16 TUESDAY, SEPTEMBER 20, 2022

17 **RECORDER'S TRANSCRIPT OF PROCEEDING:**

18 **STATE'S NOTICE OF MOTION AND MOTION FOR DEPOSITION**

19
20 APPEARANCES:

21 For the State:

KAREN L. MISHLER, ESQ.
Chief Deputy District Attorney

22
23 For the Defendant:

CLARK W. PATRICK, ESQ.,
RANDALL H. PIKE, ESQ.

24
25 RECORDED BY: DE'AWNA TAKAS, COURT RECORDER

1 Las Vegas, Nevada; Tuesday, September 20, 2022

2 [Proceedings commenced at 9.33 a.m.]

3
4 THE COURT: Let's start with page 14 which is the Brown
5 matter. State of Nevada versus Robert Brown, Jr. C299234. He is
6 present, in custody. Mr. Patrick and Mr. Pike present on his behalf. Ms.
7 Mishler present on behalf of the State. This is State's Notice of Motion
8 and Motion for Deposition.

9 All right. So, Ms. Mishler, I just want to ask a few questions.
10 But just let me pull up my -- my notes real quick about each of the
11 individuals.

12 Okay. So, Juneman is 85 years of age.

13 MS. MISHLER: Yes.

14 THE COURT: So, he's over the -- the limit. And I'll hear from
15 defense in just one second. But -- so talk to me about -- so in the -- in
16 my notes I have that Maestas has -- she's been in and out of the
17 hospital and that she's 67, liver damage, has lupus, and renal failure and
18 stomach issues.

19 MS. MISHLER: Yes.

20 THE COURT: So can you tell me just like a little bit more, as
21 we sit here today, about what's going on with her health?

22 MS. MISHLER: I don't -- I don't actually have any further
23 details about her health. I just know that she -- she was hospitalized as
24 recently as, I think, it was May of this year. So, the State -- the State is
25 concerned, because of that, is concerned she may be unable to attend.

1 And particularly because all - all of these witnesses are material but her
2 testimony is particularly crucial because she's the surviving victim.

3 So the State is just particularly concerned about -- about her
4 availability to testify.

5 THE COURT: And then, I don't know if you pronounce it
6 Brocious or Broceus [phonically] he's the individual who finds the -- or
7 no, sorry, Juneman is the individual who finds the weapon.

8 MS. MISHLER: Sure. Correct.

9 THE COURT: He's the one who encounters the alleged
10 victims. Now, currently on the transplant list; is that right?

11 MS. MISHLER: Yes. And I do actually have more information
12 about Mr. Brocious' health. I have a letter from his -- from his physician.
13 We didn't -- we didn't attach it as an exhibit because it has a lot of
14 identifying information --

15 THE COURT: Yeah.

16 MS. MISHLER: -- from the physician. But I can -- I can show
17 that to defense counsel.

18 MR. PATRICK: Well, I mean, this has been on calendar for
19 weeks. We should have been able to see it and have --

20 MS. MISHLER: It's --

21 MR. PATRICK: -- our own expert look at it long before --

22 MS. MISHLER: -- it's very -- it's very brief.

23 MR. PATRICK: -- today.

24 MS. MISHLER: And it says -- it essentially corroborates
25 what's in the motion which is that he has stage IV liver cirrhosis,

1 thrombocytopenia, he has chronic hepatitis-B infection, he's -- he's
2 disabled and will be unable to work for the rest of his life. That's -- that's
3 the situation with Mr. Brocious. This is just confirmation of what's in the
4 motion.

5 THE COURT: Okay.

6 MS. MISHLER: And I can -- I can give this copy to Your
7 Honor.

8 THE COURT: Yeah. Can I see it?

9 MR. PATRICK: Well. Wait. Before we do that Judge. This
10 letter was written in 2019 and says nothing about his ability to come to
11 trial next year. It's --

12 THE COURT: Can I see it, please?

13 MS. MISHLER: Yes.

14 THE COURT: Thank you. Okay. So this is a letter,
15 December 19, 2019 from Physician Assistant Cassidy. And it says that
16 he was evaluated, the most recent appointment, at that time, was
17 12/18/19. Chronic hepatitis-B infection, stage IV liver cirrhosis, liver
18 fibrosis, thrombocytopenia, esophageal varices, a disabled veteran
19 unable to work for the remainder of the lifetime. He's currently under
20 the care of gastroenterologist at Digestive Associates for continued
21 treatment and observation.

22 Okay. Thank you.

23 All right. So, defense I've read your opposition and, I mean, I
24 just want to make sure we're clear and I think defense, I mean, the
25 State's not saying, hey, I want to use -- I want to have these guys and

1 use this at trial. It's say, hey, this trial is really old and it's been
2 continued due to the defense for years upon years upon years and we
3 just want to make sure that this is preserved, if by the time we get to trial
4 these individuals are deceased.

5 So, because when I was reading your opposition, it just
6 seemed more like this is a, you know, this is a confrontation issue, this
7 isn't fair. And I don't really get how it's a confrontation issue when that's
8 the whole point; right? Is that you're going to have the opportunity to
9 confront the witnesses, it's just not in front of the jury at the time. And,
10 listen, hopefully by the time we get to trial everybody is healthy and
11 everybody's there, but in this chance that they're not due to these health
12 conditions.

13 So, I guess, what is the -- what is the issue there?

14 MR. PATRICK: Okay. Well first of all, Your Honor, the
15 motion, I mean, it's a bare motion. There's no affidavit, there's no
16 declaration. We don't know anything other than the State may be or
17 supposedly they might not -- well, that applies to everybody that's in the
18 trial, every witness, Mr. Pike, myself, you. We could all die tomorrow
19 and not be available for trial. That is not a reason to do his deposition.

20 This is a death penalty case. We have to have heightened
21 scrutiny. And -- and in the State loves to say, well, this is such an old
22 case. Well, that may be true. But, it's not an old case for Mr. Pike and I,
23 we've been on the case for two months; okay? So, how old this case is
24 before we took over is completely irrelevant to our representation of Mr.
25 Brown.

1 We have no concrete evidence. We have a letter from 2019
2 that this guy is sick and can't work. Well, we're not asking him to go out
3 and work. We're asking him to come in and testify at a trial. There is,
4 you know, FaceBook pages and all, you know, people come in to court
5 that they want to see this. I mean, this is just a barebones thing. And
6 we may be able to confront the witness in a deposition, but, like I said,
7 we've been on the case for two months. What we don't know about the
8 case right now is more than we do know.

9 We set this trial early next year for the very reason of, A, I
10 know the Court wants to get this to trial, we thought we could be ready.
11 Not the year and a half that stated in their motion, but six months from
12 now; okay? So that takes out that whole argument.

13 But, what my opposition was saying is the demeanor of a
14 witness in front of the jury. The jury cannot see that from a video.
15 Between now, forcing us to do a deposition in a case we've had two
16 months and actually going to trial, who knows what we find and would
17 say, you know, we want to ask this witness this question, but now we
18 can't because the State's going to come in and say, oh, you know,
19 they're sick and we're going to use this deposition instead of bringing
20 them in.

21 It's -- it's a catch 22 for us because if we allow this to go
22 forward, I guarantee you that those witnesses will not be ready for trial
23 or be at trial and the State will just say, oh, we can use this deposition
24 that was premature and unthought out and we did not have proper time
25 to prepare for.

1 If the -- if the Court is even vaguely considering this, then what
2 we would request is, A, medical records from all these witnesses, and --
3 and enough time for us to go over them and hire our own expert to look
4 at the records. And then we would request a hearing with the witnesses
5 physicians to come in and say, hey, you know, you need to do this or
6 you don't, because otherwise it's going to add another 10 years to the --
7 to the appeals in this case because the Supreme Court is very clear that
8 the demeanor of a witness up on the stand at a trial and especially,
9 especially on a capital trial, the jury needs to see these witnesses. They
10 don't need to see a video of somebody taken six months before the trial
11 when we're not prepared to fully cross examine them.

12 So if the -- if the Court is considering granting this motion, then
13 we would request a hearing after we receive medical records with
14 enough time to meaningfully review them and possibly hire our own
15 expert to come in and see if these people are really going to die in the
16 next six months.

17 THE COURT: So, 174.1751 says, if it appears that a
18 perspective witness may be, may be unable to attend or prevented from
19 attending a trial or hearing and that that persons testimony is material
20 and that it is necessary to take this deposition in order to prevent a
21 failure of justice, the Court may, upon motion, decide that a deposition
22 be taken.

23 So there is -- I'm definitely not -- I've never seen any situation,
24 even in capital cases, where individuals have gotten experts to look at
25 witnesses medical records to see whether or not they're going to be

1 available or unavailable.

2 Listen to me. Here's the thing. The three people are clearly
3 material; Juneman found the weapon, Brocious has the contact with the
4 alleged victim's right afterwards, and then Maestas is literally the only
5 witness. So the fact that they're necessary, that's met.

6 I don't think that the bar is as high, respectfully, as defense is
7 making it. The idea is, are these people necessary and is there a
8 chance that they may be unable to attend. So -- but I do want to make
9 clear to the State, I'm granting the motion but I do want to make clear to
10 the State is that I think defense's concern is, okay, the Court allows this
11 hearing to happen and then you guys later at trial are like, well look,
12 they're sick, they can't come. I'm not saying that is or isn't your position,
13 but that definitely is the defense's fear.

14 In a capital case, honestly in any trial, it's the Court's
15 preference to have the witnesses here. So, not that I'm wishing this
16 upon them, but absent them literally being on their deathbed, I don't -- it
17 doesn't matter to me that we have their testimony. They're going to be -
18 - if they're alive they're going to be here to testify at the trial, with or
19 without the deposition.

20 MS. MISHLER: Yes, Your Honor.

21 THE COURT: That being said, I do believe that the defense
22 should have, you know, between 45 and 60 days to go through the
23 reports, go through the transcripts for these three witnesses. And so,
24 Krystal will be in contact with you guys to go over your schedule in
25 regards to setting the deposition testimony; okay?

1 MS. MISHLER: Yes, Your Honor.

2 THE COURT: Thank you.

3 MR. PATRICK: Your Honor?

4 THE COURT: Yes, sir.

5 MR PATRICK: May I have expedited transcripts on this and I
6 will be presenting an order to the Court as granting this motion. And
7 then I'd like to request a stay so we can take it up to the Supreme Court.

8 THE COURT: Yeah. So, you can get -- we'll need an order
9 for the expedited transcripts. Your request for the stay is denied. If the
10 Supreme Court would like to intervene on this matter then they will.

11 MR. PIKE: Your Honor, I also have one matter.

12 THE COURT: Yes.

13 MR. PIKE: During the time that Mr. Brown was representing
14 himself, he did file an interim appeal to the Court of Appeals raising the
15 issue of his claim of sovereign citizenship that was -- and he said that
16 you weren't the Judge that was here -- sitting here at that point in time.
17 There was another Judge that was sitting in. And there was not an
18 order prepared on that. The Court of Appeals sent back and said there
19 has to be an order prepared.

20 We weren't his attorneys, he was his attorney at that point in
21 time. And they requested an actual order. If I could prepare that and
22 under pro se and have him sign that and bring it to the Court --

23 THE COURT: Yeah.

24 MR. PIKE: -- as far as an order that way I can take care of
25 that. And he will -- that portion of his case will be resolved.

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THE COURT: Of course. That sounds good.

MR. PIKE: Thank you.

THE COURT: Thank you.

MR. PIKE: Okay. Thank you.

[Proceedings concluded at 9:45 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.

Velvet Wood
Court Recorder/Transcriber

Heather S. Hume

CLERK OF THE COURT

ORDR

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
VICTORIA VILLEGAS
Chief Deputy District Attorney
Nevada Bar #2804
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: VI

ORDER

DATE OF HEARING: June 30, 2022
(In Chambers)

THIS MATTER having come on for hearing before the above entitled Court on the 30th day of June, 2022, the Defendant not being present, without counsel, CLARK PATRICK, ESQ., the Plaintiff being represented by STEVEN B. WOLFSON, District Attorney, through VICTORIA VILLEGAS, Chief Deputy District Attorney, and the Court having heard without argument, based on the pleadings and good cause appearing therefor,

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1 COURT ORDERED, Defendant's Motion for Dismissal by a Suggestion of Immunity
2 or Writ of Prohibition, or Mandamus (ECF #169) is DENIED. Defendant has failed to state a
3 legally cognizable claim under Nevada law and on that basis his Motion is Denied.

4 COURT ORDERED, Defendant's First Draft Motion (ECF #170) is DENIED.
5 Defendant has failed to state a legally cognizable claim under Nevada law and on that basis
6 his Motion is DENIED.

7 COURT ORDERED, Defendant's Objection to the Felony Murder Rule (ECF #171)
8 is DENIED. Defendant has failed to state a legally cognizable claim under Nevada law and
9 on that basis his Motion is Denied.

10 COURT ORDERED, Defendant's Hypotheticals Based on Facts of Case - Leaving
11 "Seasonal Residence" (ECF #172) is DENIED. Defendant has failed to state a legally
12 cognizable claim under Nevada law and on that basis his Motion is DENIED.

13 ~~DATED this _____ day of October, 2022,~~ Dated this 14th day of October, 2022

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15 
DISTRICT JUDGE

16 STEVEN B. WOLFSON
17 Clark County District Attorney
Nevada Bar #001565

3D8 B36 2CEC 0C8A
Jacqueline M. Bluthkj
District Court Judge

18
19 BY /s/ VICTORIA VILLEGAS
20 VICTORIA VILLEGAS
21 Chief Deputy District Attorney
22 Nevada Bar #2804
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28 jm/L5

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

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6 State of Nevada

CASE NO: C-14-299234-1

7 vs

DEPT. NO. Department 6

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: 10/14/2022

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
19 Whitney Barrett .	wbarrett@christiansenlaw.com
20 Ivette Maningo	iamaningo@iamlawnv.com
21 William Rowles	William.rowles@clarkcountyda.com
22 Abel Yanez	ayanez@noblesyanezlaw.com
23 DA Motions	PDmotions@clarkcountyda.com
24 Richard Scow	richard.scow@clarkcountyda.com
25 Heather Ungermann	ungermannh@clarkcountycourts.us

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Clark Patrick	cwpatricklaw@gmail.com
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MOT
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
JAY P RAMAN
Chief Deputy District Attorney
Nevada Bar #10193
200 Lewis Avenue
Las Vegas, Nevada 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: VI

STATE'S SECOND NOTICE DISCOVERY PRODUCTION

The State of Nevada has reproduced all of the following discovery for the defendant based upon complaints made at the April 13, 2022 Central Trial Readiness Date:
April 25, 2022 – BATES DA00001 – DA 02338 – All of the documents and reports in this case, as well as photographs; provided printed on paper; previously provided August 3, 2015
June 2, 2022 -

DA 02339 – Video of the beating at the Clark County Detention Center from 2018 (provided to standby counsel previously in early April 2022.

DA 02340 – Video of interview of Kayla Higgins from December 8, 2012 (provided to Yanez & Maningo, June 25, 2022)

DA 02341 – DNA Case file, previously provided June 25, 2015

DA 02342 – Esther Maestas medical records, previously provided August 3, 2015

DA 02343 – Robert Brown Jail Calls 4/11/14 to present, previously provided August 3, 2015

////

DA 02344 – Robert Brown Jail Calls 8/15/14 – 6/10/15 previously provided August 3, 2015
November 1, 2022 – DA 02345-02365 – Newly obtained interview of Anthony Flowers,
previously provided October 27, 2022

DA 02366 Audio Disc of Anthony Flowers Interview

DATED this 15th day of November, 2022.

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

BY'

JAY P RĀMĀN
Chief Deputy District Attorney
Nevada Bar #10193

CERTIFICATE OF RECEIPT

I hereby certify that discovery was received this 4 day of November, 2022, by

BY:



RTRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

ROBERT BROWN, JR.

Defendant.

CASE NO. C-14-299234-1

DEPT. NO. VI

BEFORE THE HONORABLE JACQUELINE M. BLUTH, DISTRICT COURT JUDGE

TUESDAY, SEPTEMBER 6, 2022

RECORDER'S TRANSCRIPT OF PROCEEDING RE:

STATUS CHECK: NEGOTIATIONS/TRIAL SETTING

APPEARANCES:

For the State:

KAREN L. MISHLER, ESQ.,
Chief Deputy District Attorney

For the Defendant:

RANDALL H. PIKE, ESQ.,
CLARK W. PATRICK, ESQ.,

RECORDED BY: DE'AWNA TAKAS, COURT RECORDER

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Las Vegas, Nevada; Tuesday, September 6, 2022
[Proceeding commenced at 10:33 a.m.]

THE COURT: All right. Page 18, State of Nevada versus Robert Brown, Junior, C299234. He is present in custody on his behalf with Mr. Patrick as well as Mr. Pike. On behalf of the State is Ms. Mishler.

Okay, guys, this is a status check in regards to trial setting. I know that we have some motions coming up, right, on --

MS. MISHLER: That's correct. The State filed the motion for deposition just last Friday.

THE COURT: Okay. All right. So I'll let defense respond to that and whenever it gets on calendar, we'll deal with that.

In regards to trial setting, Mr. Patrick, I remember what -- did you say -- April?

MR. PATRICK: April, Your Honor.

THE COURT: What did you say last time April 20 --

MR. PATRICK: April 3rd.

THE COURT: -- 3? How is that for you?

MR. MISHLER: That's fine with the State.

THE COURT: Okay. So we'll do a calendar call and a trial date please and then we'll do our status check trial readiness in January please.

JUDICIAL EXECUTIVE ASSISTANT: That will be March 28th for the calendar call at 9:30, April 3rd for the trial date at 10 and then

1 January 18th for the status check trial readiness.

2 THE COURT: All right. Guys, thank you.

3 MR. PATRICK: And, Your Honor, also I'll be meeting with Mr.
4 Brown probably early next week to have him sign an acknowledgement
5 for a settlement conference.

6 THE COURT: Oh, understood. Okay.

7 MR. PATRICK: And we'll get that done. Maybe we good by
8 April.

9 THE COURT: Okay. Sounds good. Thanks, guys.

10 MR. PATRICK: Thank you.

11 MS. MISHLER: Thank you.

12 [Proceeding concluded at 9:35 a.m.]

13 * * * * *

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

24 

25 Deloris Scott,
Court Recorder/Transcriber

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 21, 2014

C-14-299234-1 State of Nevada
vs
Robert Brown, Jr.

July 21, 2014 1:00 PM Initial Arraignment

HEARD BY: De La Garza, Melisa **COURTROOM:** RJC Lower Level Arraignment

COURT CLERK: Monique Alberto

RECORDER: Kiara Schmidt

REPORTER:

PARTIES

PRESENT:	Adams, Danae	Attorney
	Brown, Robert, Jr.	Defendant
	State of Nevada	Plaintiff
	Tomsheck, Joshua L.	Attorney

JOURNAL ENTRIES

- DEFT. BROWN ARRAIGNED, PLED NOT GUILTY, and INVOKED the 60-DAY RULE. COURT ORDERED, matter set for trial. COURT ORDERED, pursuant to Statute, Counsel has 21 days from today for the filing of any Writs; if the Preliminary Hearing Transcript has not been filed as of today, Counsel has 21 days from the filing of the Transcript.

CUSTODY

8/21/14 8:30 A.M. CALENDAR CALL (DEPT 24)

9/2/14 10:00 A.M. JURY TRIAL (DEPT 24)

PRINT DATE: 11/02/2022

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Minutes Date: July 21, 2014

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 21, 2014

C-14-299234-1	State of Nevada
	vs
	Robert Brown, Jr.

August 21, 2014 8:30 AM Calendar Call

HEARD BY: Bixler, James **COURTROOM:** RJC Courtroom 10C

COURT CLERK: Billie Jo Craig

RECORDER:

REPORTER: Bill Nelson

PARTIES

PRESENT:	Brown, Robert, Jr.	Defendant
	Tomsheck, Joshua L.	Attorney

JOURNAL ENTRIES

- Deputy District Attorney Richard Scow and Attorney Pete Christiansen present.

Mr. Tomsheck advised he filed the Notice of Intent to Seek the Death Penalty yesterday. A Trial date was given within 30 days of defendant being Arraigned. Mr. Christiansen advised the Preliminary Hearing Transcript had not been filed, defendant is in Invoked status, and they are not ready for Trial. Mr. Christiansen advised he was appointed yesterday and requested matter be continued two weeks. Court advised defendant his attorneys would not be ready for Trial on 9/2/14 and directed him to make every effort to cooperate with counsel. Defendant advised he did not want to continue the Trial to 10/13/14. COURT ORDERED, Trial date of 9/2/14 STANDS unless there is an agreement otherwise.

CUSTODY

PRINT DATE: 11/02/2022

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Minutes Date: July 21, 2014

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 02, 2014

C-14-299234-1	State of Nevada
	vs
	Robert Brown, Jr.

September 02, 2014 10:00 AM Jury Trial

HEARD BY: Bixler, James

COURTROOM: RJC Courtroom 10C

COURT CLERK: Theresa Lee

RECORDER:

REPORTER: Bill Nelson

PARTIES

PRESENT:	Brown, Colleen R.	Attorney
	Brown, Robert, Jr.	Defendant
	Christiansen, Peter S	Attorney
	State of Nevada	Plaintiff
	Tomsheck, Joshua L.	Attorney

JOURNAL ENTRIES

- Deft present in custody. Court queried deft if he consulted with counsel regarding today's trial date, and the effectiveness of counsel and the necessity for his counsel to be ready for a death penalty trial on short setting. Deft concurred and was informed he could not present a mental health defense without proper notice to State. Mr. Christiansen stated he met with deft and explained the situation to him. Deft is willing to WAIVE his right to speedy trial. Deft so WAIVED. Deft stated he has a motion to dismiss Mr. Tomsheck and argued in support thereof. Mr. Christiansen stated he will take the motion and go over to the jail to talk with deft. COURT ORDERED, matter CONTINUED for status check on counsel and trial setting.

CUSTODY

9/9/14 @ 8:30 A.M. TRIAL SETTING/STATUS CHECK COUNSEL

PRINT DATE: 11/02/2022

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Minutes Date: July 21, 2014

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

September 09, 2014

C-14-299234-1 State of Nevada
vs
Robert Brown, Jr.

September 09, 2014 8:30 AM All Pending Motions

HEARD BY: Bixler, James **COURTROOM:** RJC Courtroom 10C

COURT CLERK: Dania Batiste

RECORDER:

REPORTER:

Bill Nelson

PARTIES

PRESENT: Brown, Colleen R. Attorney
Brown, Robert, Jr. Defendant
Christiansen, Peter S Attorney
State of Nevada Plaintiff
Tomsheck, Joshua L. Attorney

JOURNAL ENTRIES

- TRIAL SETTING.....STATUS CHECK: COUNSEL

Mr. Christiansen requested a continuance, advising the Court that the defense's investigator was recently in an accident and unable to speak with Defendant; additionally, Mr. Christiansen noted that his client is aware of the situation. Mr. Tomsheck added that there is still no Preliminary Hearing transcript as of yet.

COURT SO NOTED, and ORDERED, matter is CONTINUED to the next calendar session.

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Minutes Date: July 21, 2014

C-14-299234-1

CUSTODY

Continued to: 9/11/2014 8:30 am

PRINT DATE: 11/02/2022

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Minutes Date: July 21, 2014

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

September 11, 2014

C-14-299234-1 State of Nevada
vs
Robert Brown, Jr.

September 11, 2014 8:30 AM All Pending Motions

HEARD BY: Bixler, James **COURTROOM:** RJC Courtroom 10C

COURT CLERK: Dania Batiste

RECORDER:

REPORTER:

Bill Nelson

PARTIES

PRESENT: Brown, Colleen R. Attorney
Brown, Robert, Jr. Defendant
Christiansen, Peter S Attorney
State of Nevada Plaintiff
Tomsheck, Joshua L. Attorney

JOURNAL ENTRIES

- TRIAL SETTING.....STATUS CHECK: COUNSEL

Defendant present in custody.

Court NOTED, the parties will have the Preliminary hearing transcript this afternoon from the Court Reporter; and ORDERED, pursuant to Statute, Counsel has 21 days from today for the filing of any Writs; if the Preliminary Hearing Transcript has not been filed as of today, Counsel has 21 days from the filing of the Transcript.

Mr. Christiansen requested a trial date calendared for mid-2015; advising the Court he has informed

PRINT DATE: 11/02/2022

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Minutes Date: July 21, 2014

his client that there is additional preparation and investigation to conduct. Upon the Court's inquiry, Defendant advised he concurs with his counsel's representations. COURT ORDERED, matter SET for trial.

CUSTODY

6/4/2015	8:30 am	Calendar Call
6/8/2015	10:00 am	Jury Trial

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 28, 2014

C-14-299234-1 State of Nevada
 vs
 Robert Brown, Jr.

**October 28, 2014 8:30 AM Petition for Writ of Habeas
Corpus**

HEARD BY: Bixler, James

COURTROOM: RJC Courtroom 10C

COURT CLERK: Theresa Lee

RECORDER:

REPORTER: Dana J. Tavaglione

PARTIES

PRESENT:	Brown, Robert, Jr.	Defendant
	Raman, Jay	Attorney
	State of Nevada	Plaintiff
	Tomsheck, Joshua L.	Attorney

JOURNAL ENTRIES

- Deft present in custody. The Court was informed prior to this morning that counsel for deft would be seeking a continuance. Mr. Tomsheck concurred and stated a Rule 250 case requires both counsel to appear and Mr. Christiansen was not available today and requested matter continued, COURT SO ORDERED.

CUSTODY

10/30/14 @ 8:30 A.M. CONTINUED SAME

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 30, 2014

C-14-299234-1 State of Nevada
 vs
 Robert Brown, Jr.

**October 30, 2014 7:30 AM Petition for Writ of Habeas
Corpus**

HEARD BY: Thompson, Charles

COURTROOM: RJC Courtroom 10C

COURT CLERK: Tia Everett
Emma Knauss

RECORDER:

REPORTER: Dana J. Tavaglione

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Richard Scow, Deputy District Attorney, present on behalf of the State. Defendant present in custody and represented by Joshua Tomsheck Esq. and Peter Christiansen Esq.

Mr. Tomsheck argued in support of Petition stating; counts 5 and 15 deal with a minor child which there is no evidence in the record to support Defendant knew there was a child present at the time of the incident. Further, based on the recent Clay decision by the Nevada Supreme Court there is not enough evidence to support count 15. Argument by Mr. Scow in opposition stating, per the testimony at the Preliminary Hearing; all victims including the child sat up in the bed yelling/crying and the deceased victim jumped toward the child to protect the child which is supported by the testimony of the surviving victims. Court FINDS there to be adequate evidence to support counts; therefore, COURT ORDERED, Petition DENIED. State to prepare the appropriate order.

CUSTODY

PRINT DATE: 11/02/2022

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Minutes Date: July 21, 2014

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 24, 2015

C-14-299234-1 State of Nevada
 vs
 Robert Brown, Jr.

**March 24, 2015 9:00 AM Motion to Withdraw as
 Counsel**

HEARD BY: Togliatti, Jennifer

COURTROOM: RJC Courtroom 10C

COURT CLERK: Tia Everett

RECORDER: Yvette G. Sison

REPORTER:

PARTIES

PRESENT:	Brown, Colleen R.	Attorney
	Brown, Robert, Jr.	Defendant
	Christiansen, Peter S	Attorney
	State of Nevada	Plaintiff
	Tomsheck, Joshua L.	Attorney

JOURNAL ENTRIES

- Court informed parties she handles all Pro Per motions in the same manner; COURT ORDERED, counsel shall meet with Defendant; should the matter not be resolved based on the meeting the Court shall hold a hearing outside the presence of the District Attorney and Defendant shall prepare a specific itemized list of all issues which he has requested counsel do in the case which counsel has not done. FURTHER ORDERED, matter CONTINUED.

CUSTODY

CONTINUED TO: 4/09/2015 9:00 AM

PRINT DATE: 11/02/2022

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Minutes Date: July 21, 2014

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 09, 2015

C-14-299234-1	State of Nevada
	vs
	Robert Brown, Jr.

April 09, 2015	9:00 AM	Motion to Withdraw as Counsel
-----------------------	----------------	--

HEARD BY: Togliatti, Jennifer

COURTROOM: RJC Courtroom 10C

COURT CLERK: Athena Trujillo

RECORDER: Yvette G. Sison

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Colleen Brown, Deputy District Attorney, present for the State of Nevada.
Defendant Brown, present in custody, with Joshua Tomsheck, Esq. and Pete Christiansen, Esq.

Mr. Tomsheck advised he did not received the motion and noted there are pending bar complaints. Further, Mr. Tomsheck made and Oral Motion to join in the Motion to Withdraw. COURT ORDERED, motion to withdraw GRANTED. Mr. Christiansen advised he will contact Mr. Christiansen. COURT FURTHER ORDERED, matter SET for Confirmation of Counsel and Motion for Appoint CONTINUED.

CUSTODY

04/16/15 9:00 AM MOTION TO APPOINT ALTERNATIVE COUNSEL ... CONFIRMATION OF COUNSEL

PRINT DATE: 11/02/2022

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Minutes Date: July 21, 2014

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 16, 2015

C-14-299234-1	State of Nevada
	vs
	Robert Brown, Jr.

April 16, 2015 9:00 AM All Pending Motions

HEARD BY: Togliatti, Jennifer **COURTROOM:** RJC Courtroom 10C

COURT CLERK: Athena Trujillo

RECORDER: Yvette G. Sison

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Jonathan Cooper, Deputy District Attorney, present for the State of Nevada.
Defendant Brown, present in custody, with Andrea Luem, Esq. and Amanda Gregory, Esq.

**DEFENDANT'S PRO SE MOTION TO DISMISS COUNSEL AND APPOINTMENT OF
ALTERNATIVE COUNSEL ... CONFIRMATION OF COUNSEL**

Ms. Luem CONFIRMED as counsel. Upon Court's inquiry, Ms. Luem advised she does not have discovery, but has met with the Defendant. Further, Ms. Luem advised she spoke to the Defendant about the trial date and advised him that they would likely not go to trial in June. COURT ORDERED, trial date VACATED and SET for Status Check. Ms. Luem advised she will get the discovery form Mr. Tomscheck.

CUSTODY

05/14/15 9:00 AM STATUS CHECK: RESET TRIAL DATE

PRINT DATE: 11/02/2022

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Minutes Date: July 21, 2014

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

May 14, 2015

C-14-299234-1 State of Nevada
vs
Robert Brown, Jr.

May 14, 2015	9:00 AM	Status Check: Reset Trial Date
--------------	---------	-----------------------------------

HEARD BY: Togliatti, Jennifer

COURTROOM: RJC Courtroom 10C

COURT CLERK: Athena Trujillo

RECORDER: Yvette G. Sison

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Colleen Baharav, Deputy District Attorney, present for the State of Nevada.
Defendant Brown, present in custody, with Amanda Gregory, Esq.

Colloquy regarding trial date. Ms. Gregory advised no motions have been filed and she will coordinate with the State to do a file review. COURT ORDERED, matter SET for Status Check.

CUSTODY

06/11/15 9:00 AM STATUS CHECK: RESET TRIAL DATE / FILE REVIEW

PRINT DATE: 11/02/2022

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Minutes Date: July 21, 2014

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 11, 2015

C-14-299234-1 State of Nevada
 vs
 Robert Brown, Jr.

June 11, 2015 9:00 AM All Pending Motions

HEARD BY: Togliatti, Jennifer

COURTROOM: RJC Courtroom 10C

COURT CLERK: April Watkins

RECORDER: Debbie Winn

REPORTER:

PARTIES

PRESENT:	Brown, Colleen R.	Attorney
	Brown, Robert, Jr.	Defendant
	Gregory, Amanda S., ESQ	Attorney
	Luem, Andrea L.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- STATUS CHECK: RESET TRIAL DATE...STATUS CHECK: FILE REVIEW

CONFERENCE AT THE BENCH. Court noted Deft's counsel has mitigation work that needs to be done and has to be prepared for potential penalty hearing. Deft. stated he has spoken to counsel regarding continuance. COURT ORDERED, matter SET for status check and trial.

CUSTODY

11/10/15 9:00 AM STATUS CHECK: TRIAL READINESS

8/18/16 9:00 AM CALENDAR CALL

PRINT DATE: 11/02/2022

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Minutes Date: July 21, 2014

8/19/16 10:30 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 24, 2015

C-14-299234-1 State of Nevada
 vs
 Robert Brown, Jr.

November 24, 2015 9:00 AM All Pending Motions

HEARD BY: Togliatti, Jennifer **COURTROOM:** RJC Courtroom 10C

COURT CLERK: Louisa Garcia

RECORDER: Yvette G. Sison

REPORTER:

PARTIES

PRESENT:	Baharav, Colleen R.	Attorney
	Brown, Robert, Jr.	Defendant
	Gregory, Amanda S., ESQ	Attorney
	Scow, Richard H.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Court advised it received a call Ms. Luem was stuck in Wyoming on another case. There being no opposition, COURT ORDERED, matters CONTINUED.

CUSTODY

12/15/15 9:00 AM STATUS CHECK: TRIAL READINESS...DEFT'S MOTION FOR JURY QUESTIONNAIRE...DEFT'S MOTION TO DECLARE NEVADA'S DEATH PENALTY STATUTES UNCONSTITUTIONAL ...DEFT'S MOTION FOR DISCOVERY...DEFT'S MOTION TO COMPEL PRODUCTION OF DEFT'S DIRECT AND VICARIOUS STATEMENTS

PRINT DATE: 11/02/2022

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Minutes Date: July 21, 2014

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 15, 2015

C-14-299234-1 State of Nevada
 vs
 Robert Brown, Jr.

December 15, 2015 9:00 AM All Pending Motions

HEARD BY: Togliatti, Jennifer **COURTROOM:** RJC Courtroom 10C

COURT CLERK: Athena Trujillo

RECORDER: Yvette G. Sison

REPORTER:

PARTIES

PRESENT:	Brown, Robert, Jr.	Defendant
	Gregory, Amanda S., ESQ	Attorney
	Luem, Andrea L.	Attorney
	Scow, Richard H.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- STATUS CHECK: TRIAL READINESS

State advised it will do a detective file review. Ms. Luem advised they have done a DA file review and will need to do another. State advised it has turned over the gun and DNA reports. Further, State advised all transcripts have been turned over. COURT ORDERED, matter CONTINUED.

DEFENDANT'S MOTION FOR JURY QUESTIONNAIRE

COURT ORDERED, motion GRANTED and SET for Status Check.

**DEFENDANT'S MOTION TO DECLARE NEVADA'S DEATH PENALTY STATUTES
UNCONSTITUTIONAL**

CONFERENCE AT THE BENCH. COURT ORDERED, matter CONTINUED at the request of counsel.

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DEFENDANTS MOTION FOR DISCOVERY

As to request #1 - COURT ORDERED, motion GRANTED, noting the State has already turned them over.

With respect to request #2, COURT ORDERED, motion GRANTED.

With respect to request #3, COURT ORDERED, motion GRANTED as unopposed.

With respect to request #4, Ms. Luem advised this is pertaining to the observations of the officers.

Court advised she is free to speak to the witnesses and noted there are options to hear the testimony outside the presence of the jury if they refuse. State advised the records were already turned over.

COURT ORDERED, motion GRANTED as the State has already produced the records.

With respect to request #5- State advised records were provided to Mr. Tomscheck at the preliminary hearing via Judgements of Conviction and will get another copy to counsel. COURT ORDERED, motion GRANTED, State is to run NCIC and provide it to counsel in court.

With respect to request #6 and # 7 -COURT ORDERED, motion GRANTED as unopposed.

With respect to request #8, COURT ORDERED, motion DENIED as it is vague.

With respect to request #9, COURT ORDERED, motion GRANTED as it was already provided.

With respect to request #10 - COURT ORDERED, motion GRANTED as unopposed.

DEFENDANT'S MOTION TO COMPEL PRODUCTION OF DEFENDANT'S DIRECT AND VICARIOUS STATEMENT

Ms. Luem advised the Defendant was arrested in California and she is not aware of any statements, but requests them if they exist. COURT ORDERED, motion GRANTED.

CUSTODY

02/23/16 9:00 AM STATUS CHECK: TRIAL READINESS / DEFENDANT'S MOTION TO DECLARE NEVADA'S DEATH PENALTY STATUTES UNCONSTITUTIONAL

03/15/16 9:00 AM STATUS CHECK: JURY QUESTIONNAIRE

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 21, 2016

C-14-299234-1 State of Nevada
 vs
 Robert Brown, Jr.

January 21, 2016 9:00 AM Status Check

HEARD BY: Togliatti, Jennifer **COURTROOM:** RJC Courtroom 10C

COURT CLERK: Athena Trujillo
 Skye Endresen

RECORDER: Yvette G. Sison

REPORTER:

PARTIES

PRESENT:	Brown, Robert, Jr.	Defendant
	Giles, Michael G, ESQ	Attorney
	Gregory, Amanda S., ESQ	Attorney
	Luem, Andrea L.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Upon Court's inquiry, Ms. Luem advised they are on track and anticipate being ready for trial.
COURT ORDERED, trial dates STAND.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 15, 2016**

C-14-299234-1 State of Nevada
 vs
 Robert Brown, Jr.

March 15, 2016 9:00 AM All Pending Motions

HEARD BY: Togliatti, Jennifer **COURTROOM:** RJC Courtroom 10C

COURT CLERK: Athena Trujillo

RECORDER: Yvette G. Sison

REPORTER:

PARTIES

PRESENT:	Brown, Robert, Jr.	Defendant
	Luem, Andrea L.	Attorney
	Scow, Richard H.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- STATUS CHECK: JURY QUESTIONNAIRE .. STATUS CHECK: TRIAL READINESS ...
DEFENDANT'S MOTION TO DECLARE NEVADA'S DEATH PENALTY STATUTES
UNCONSTITUTIONAL

Ms. Luem requested the Status Check on the Jury Questionnaire be CONTINUED. COURT SO ORDERED. Further, Ms. Luem requested the Motion be taken off calendar as she has several other death penalty motions to file. COURT FURTHER ORDERED, Defendant's Motion to Declare Nevada's Death Penalty Statutes Unconstitutional OFF CALENDAR until re-noticed by Ms. Luem.

CUSTODY

7/21/16 9:00 AM STATUS CHECK: JURY QUESTIONNAIRE TO JURY COMMISSIONER

PRINT DATE: 11/02/2022

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Minutes Date: July 21, 2014

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****July 21, 2016**

C-14-299234-1 State of Nevada
 vs
 Robert Brown, Jr.

July 21, 2016 9:00 AM Status Check

HEARD BY: Togliatti, Jennifer**COURTROOM:** RJC Courtroom 10C**COURT CLERK:** Phyllis Irby**RECORDER:** Yvette G. Sison**REPORTER:****PARTIES**

PRESENT:	Brown, Robert, Jr.	Defendant
	Gregory, Amanda S.	Attorney
	Jones, Jr., John T.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Ms. Gregory announced not ready for trial due to having witnesses they are trying to locate. The State has no objection to reset trial. The Court stated it will require a meeting between counsel and Deft outside the presence of the Court prior to hearing the Motion. Ms. Gregory advised the Court Deft has refused to meet with counsel. The Court **REQUIRED DEFT TO MEET WITH HIS COUNSEL**. There is a lengthy list of Motions set for 8/18 that can be heard on 8/2. **COURT ORDERED, MATTER CONTINUED.**

CUSTODY

8-02-16 9:00 AM STATUS CHECK: JURY QUESTIONNAIRE TO JURY COMMISSIONER (DEPT. IX)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****August 02, 2016**

C-14-299234-1 State of Nevada
 vs
 Robert Brown, Jr.

August 02, 2016 8:30 AM All Pending Motions

HEARD BY: Togliatti, Jennifer **COURTROOM:** RJC Courtroom 10C

COURT CLERK: Louisa Garcia

RECORDER: Yvette G. Sison

REPORTER:

PARTIES

PRESENT:	Baharav, Colleen R.	Attorney
	Brown, Robert, Jr.	Defendant
	Gregory, Amanda S.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Court noted Defendant has filed several motions. Court advised Defendant it has to go through a Faretta Canvas with him and talk to him outside the presence of the District Attorney. Court informed Defendant that standby counsel was not going to file and argue motions for him; he would help him with overcoming phrasing of questions and other tasks, at the request of the Court. Upon Court's inquiry, Defendant stated he was prepared to go on the 29th. Statement by court regarding self-representation and appellate relief. COURT ORDERED, Motions CONTINUED and SET for special hearing regarding pre-Faretta conversation and actual canvas.

CUSTODY

CONTINUED TO 8/5/16 10:00 AM

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THESE SEALED
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NUMBERED PAGE(S)
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WILL FOLLOW VIA
U.S. MAIL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 19, 2016

C-14-299234-1	State of Nevada
	vs
	Robert Brown, Jr.

August 19, 2016 9:00 AM Status Check

HEARD BY: Togliatti, Jennifer **COURTROOM:** RJC Courtroom 10C

COURT CLERK: Skye Endresen

RECORDER: Yvette G. Sison

REPORTER:

PARTIES

PRESENT:	Adams, Danae	Attorney
	Brown, Robert, Jr.	Defendant
	Luem, Andrea L.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Also present: Christina Greene of the Specialty Courts.

Upon Court's inquiry, Ms. Luem advised Dr. Lenkeit has not received the reports. COURT DIRECTED Ms. Luem to forward all reports to Dr. Lenkeit for review, and ORDERED, matter CONTINUED; all pending motions set for 8/23/16 RESET for 9/2/16; Trial dates VACATED.

CUSTODY

CONTINUED TO: 9/2/16 9:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 02, 2016

C-14-299234-1	State of Nevada
	vs
	Robert Brown, Jr.

September 02, 2016 9:00 AM

All Pending Motions

HEARD BY: Togliatti, Jennifer

COURTROOM: RJC Courtroom 10C

COURT CLERK: Sylvia Perry

RECORDER: Yvette G. Sison

REPORTER:

PARTIES

PRESENT:	Gregory, Amanda S.	Attorney
	Luem, Andrea L.	Attorney
	Scow, Richard H.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Appearances Continued: Christina Greene of the Specialty Courts.

DEFENDANT'S MOTION FOR THE COURT TO DISCLOSE VIEWS REGARDING THE IMPOSITION OF CAPITAL PUNISHMENT OR, IN THE ALTERNATIVE, FOR THE STATE TO STIPULATE TO LIFE WITHOUT PAROLE IN THE EVENT OF A HUNG PENALTY JURY... DEFENDANT'S MOTION FOR AN ORDER PERMITTING DISCOVERY OF RECORDS PERTAINING TO FAMILY LIFE OF VICTIM... DEFENDANT'S MOTION TO PROHIBIT EVIDENCE AND ARGUMENTS CONCERNING MITIGATING CIRCUMSTANCES NOT RAISED BY THE DEFENDANT... DEFENDANT'S MOTION FOR COURT TO ALLOW EVIDENCE TO THE JURY OF THE DISPROPORTIONALITY AND ARBITRARINESS AND UNFAIRNESS OF A DEATH SENTENCE... DEFENDANT'S MOTION TO PRECLUDE THE COURT FROM PARTICIPATING IN THE REHABILITATION OF POTENTIAL JURORS... DEFENDANT'S MOTION TO BAR THE ADMISSION OF CUMULATIVE VICTIM IMPACT EVIDENCE IN VIOLATION OF THE DUE

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Minutes Date: July 21, 2014

PROCESS CLAUSE... DEFENDANT'S MOTION FOR INDIVIDUAL SEQUESTERED VOIR DIRE...

Upon the Court's inquiry, Ms. Greene advised the updated medical reports have been received. Colloquy regarding evaluations. Court FINDS Defendant COMPETENT pursuant to the Dusky Standard as Defendant is capable of understanding the nature of the charges against him/her and is able to assist counsel in his/her defense and ORDERED, matter TRANSFERRED back to the originating court for further proceedings. COURT FURTHER ORDERED, all pending motions with a faretta canvas motion will be set 9/8/16. Upon the Court's inquiry, Defendant advised he will be withdrawing all pending motions. Court so noted and advised they will be withdrawn following the faretta canvas at the continued date.

9/8/16 9:00 AM FURTHER PROCEEDINGS: RETURN FROM COMPETENCY COURT

9/8/16 9:00 ALL PENDING MOTIONS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 08, 2016

C-14-299234-1 State of Nevada
 vs
 Robert Brown, Jr.

September 08, 2016 9:00 AM All Pending Motions

HEARD BY: Togliatti, Jennifer **COURTROOM:** RJC Courtroom 10C

COURT CLERK:
Keri Cromer

RECORDER: Yvette G. Sison

REPORTER:

PARTIES

PRESENT:	Brown, Robert, Jr.	Defendant
	Luem, Andrea L.	Attorney
	Scow, Richard H.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- DEFENDANT'S MOTION FOR INDIVIDUAL SEQUESTERED VOIR DIRE...DEFENDANT'S MOTION TO BAR THE ADMISSION OF CUMULATIVE VICTIM IMPACT EVIDENCE IN VIOLATION OF THE DUE PROCESS CLAUSE...DEFENDANT'S MOTION TO PRECLUDE THE COURT FROM PARTICIPATING IN REHABILITATION OF POTENTIAL JURORS...DEFENDANT'S MOTION FOR COURT TO ALLOW PRESENTATION OF EVIDENCE TO THE JURY OF THE DISPROPORTIONALITY AND ARBITRARINESS AND UNFAIRNESS OF A DEATH SENTENCE...DEFENDANT'S MOTION TO PROHIBIT EVIDENCE AND ARGUMENT CONCERNING MITIGATING CIRCUMSTANCES NOT RAISED BY THE DEFENDANT...DEFENDANT'S MOTION FOR AN ORDER PERMITTING DISCOVERY OF RECORDS PERTAINING TO FAMILY LIFE OF VICTIM...DEFENDANT'S MOTION FOR THE COURT TO DISCLOSE ITS VIEWS REGARDING THE IMPOSITION OF CAPITAL PUNISHMENT OR, IN THE ALTERNATIVE, FOR THE STATE TO STIPULATE TO LIFE WITHOUT PAROLE IN

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THE EVENT OF A HUNG PENALTY JURY...FURTHER PROCEEDINGS: RETURN FROM
COMPETENCY COURT...STATUS CHECK: WITHDRAW OF MOTIONS

Court reviewed prior minute order, indicating Deft. would be withdrawing all pending motions and a fareta canvas would happen today; advised Judge Togliatti should make a decision on these matters and ORDERED, matters CONTINUED.

CUSTODY

CONTINUED TO 9/15/2016 - 9:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 15, 2016

C-14-299234-1 State of Nevada
 vs
 Robert Brown, Jr.

September 15, 2016 9:00 AM All Pending Motions

HEARD BY: Togliatti, Jennifer

COURTROOM: RJC Courtroom 10C

COURT CLERK: Skye Endresen

RECORDER: Yvette G. Sison

REPORTER:

PARTIES

PRESENT:	Brown, Robert, Jr.	Defendant
	Gregory, Amanda S.	Attorney
	Scow, Richard H.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- DEFENDANT'S MOTION FOR INDIVIDUAL SEQUESTERED VOIR DIRE

DEFENDANT'S MOTION TO BAR THE ADMISSION OF CUMULATIVE VICTIM IMPACT
EVIDENCE IN VIOLATION OF THE DUE PROCESS CLAUSE

DEFENDANT'S MOTION TO PRECLUDE THE COURT FROM PARTICIPATING IN
REHABILITATION OF POTENTIAL JURORS

DEFENDANT'S MOTION FOR COURT TO ALLOW PRESENTATION OF EVIDENCE TO THE
JURY OF THE DISPROPORTIONALITY AND ARBITRARINESS AND UNFAIRNESS OF A DEATH
SENTENCE

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DEFENDANT'S MOTION TO PROHIBIT EVIDENCE AND ARGUMENT CONCERNING
MITIGATING CIRCUMSTANCES NOT RAISED BY THE DEFENDANT

DEFENDANT'S MOTION FOR AN ORDER PERMITTING DISCOVERY OF RECORDS
PERTAINING TO FAMILY LIFE OF VICTIM

DEFENDANT'S MOTION FOR THE COURT TO DISCLOSE ITS VIEWS REGARDING THE
IMPOSITION OF CAPITAL PUNISHMENT OR, IN THE ALTERNATIVE, FOR THE STATE TO
STIPULATE TO LIFE WITHOUT PAROLE IN THE EVENT OF A HUNG PENALTY JURY

FURTHER PROCEEDINGS: RETURN FROM COMPETENCY COURT

Upon Court's inquiry, Ms. Gregory advised that they are the third set of two lawyers appointed to Deft. COURT conducted a FARETTA CANVASS of the Deft. COURT ORDERED, Motion to Dismiss Counsel GRANTED IN PART, counsel is ordered DISMISSED and Deft. will represent himself as this Court FINDS Deft. understands the nature of the charges, and the ramifications of representing himself. Upon Court's inquiry, Deft. stated he would like the withdraw all pending motions on calendar. Court inquired as to how long Deft. needs to be ready for trial. Colloquy regarding production of Discovery to Deft. COURT DIRECTED State to produce a hard copy of their Discovery to Deft. and provide it to Deft. in court. COURT ADVISED Deft. he will have to decide on a timeline for trial, and whether he will want an investigator or mitigation specialist, and FURTHER ORDERED, Status Check SET.

CUSTODY

9/22/16 9:00 AM STATUS CHECK: DISCOVERY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 22, 2016

C-14-299234-1 State of Nevada
 vs
 Robert Brown, Jr.

September 22, 2016 9:00 AM Status Check

HEARD BY: Togliatti, Jennifer**COURTROOM:** RJC Courtroom 10C**COURT CLERK:** Katrina Hernandez**RECORDER:** Yvette G. Sison**REPORTER:****PARTIES**

PRESENT:	Brown, Robert, Jr.	Defendant
	Luem, Andrea L.	Attorney
	Scow, Richard H.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Court noted Defendant has chosen to represent himself. Ms. Luem advised she put together the case file containing everything separate and apart from the District attorney, which is the entire mitigation file, with the exception of one document approximately 1200 pages of medical records. Court reviewed the file, noted the paper dividers, and the absence of any staples or paper clips or any other material that the jail would prohibit. Defendant's complete file as previously described, presented to Defendant in open Court. District attorneys file, also without any material that the jail would prohibit, escorted by the Marshal to the jail with Defendant. Mr. Scow noted it is a complete copy of the file without the audio. COURT ORDERED, an investigator to be appointed and matter SET for status.

CUSTODY

10/6/16 9:00 AM STATUS CHECK: APPOINTMENT OF INVESTIGATOR (D. CHRISTENSEN)

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 06, 2016

C-14-299234-1	State of Nevada
	vs
	Robert Brown, Jr.

October 06, 2016 9:00 AM Status Check

HEARD BY: Togliatti, Jennifer **COURTROOM:** RJC Courtroom 10C

COURT CLERK: Katrina Hernandez

RECORDER: Yvette G. Sison

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- - Defendant present in custody; Richard Scow, Deputy District Attorney; Alberto Fuentes, Investigator; and Amanda Gregory, Esq. also present.

Court noted Defendant has chosen to represent himself. Statements by the Investigator. Colloquy regarding standby counsel. Court noted it would have standby Counsel and Defendant will have to talk to him and noted the procedure the Court will take having hearings outside the presence of the district attorney and noting to the investigator how the case will proceed. COURT ORDERED, status check CONTINUED.

CUSTODY

10/25/16 9:00 AM STATUS CHECK: APPOINTMENT OF INVESTIGATOR

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 25, 2016

C-14-299234-1	State of Nevada
	vs
	Robert Brown, Jr.

October 25, 2016 9:00 AM Status Check

HEARD BY: Togliatti, Jennifer **COURTROOM:** RJC Courtroom 10C

COURT CLERK: Athena Trujillo

RECORDER: Yvette G. Sison

REPORTER:

PARTIES

PRESENT:	Brown, Robert, Jr.	Defendant
	Scow, Richard H.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Also present: Amanda Gregory, Esq. as standby counsel and Investigator Alberto Fuentes.

Court EXCUSED the District Attorney from the Courtroom. Hearing conducted outside the presence of the District Attorney UNDER SEAL. COURT ORDERED, no CD s or transcripts are to be released without a Court s order.

District Attorney present. Court noted it has declined to appoint a 9th standby lawyer, noting standby counsel will be Ms. Gregory or her partner. Colloquy regarding trial date. COURT ORDERED, matter SET for trial. State advised it will provide witness addresses to Mr. Fuentes.

CUSTODY

3/9/17 9:00 AM CALENDAR CALL

PRINT DATE: 11/02/2022

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Minutes Date: July 21, 2014

3/20/17 10:30 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 23, 2017

C-14-299234-1	State of Nevada
	vs
	Robert Brown, Jr.

February 23, 2017 9:00 AM Motion

HEARD BY: Togliatti, Jennifer **COURTROOM:** RJC Courtroom 10C

COURT CLERK: Athena Trujillo
Denise Duron

RECORDER: Yvette G. Sison

REPORTER:

PARTIES

PRESENT:	Brown, Robert, Jr.	Defendant
	Giles, Michael G, ESQ	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Also present: Jennifer Waldo, Esq. appearing as stand by counsel.

Ms. Waldo advised the Defendant would like time to file a reply to the State's opposition. COURT ORDERED, Defendant's reply DUE 3/8/17 by 4:00 pm. Ms. Waldo advised a large portion of the Defendant's file is missing and that he would like to address the trial date. Court advised any request to continue the trial must be placed in writing, and the State is to file a response if they are opposed to the continuance. COURT ORDERED, matter CONTINUED.

CUSTODY

CONTINUED TO: 3/9/17 9:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 09, 2017**

C-14-299234-1 State of Nevada
 vs
 Robert Brown, Jr.

March 09, 2017 9:00 AM All Pending Motions

HEARD BY: Togliatti, Jennifer **COURTROOM:** RJC Courtroom 10C

COURT CLERK: Athena Trujillo

RECORDER: Yvette G. Sison

REPORTER:

PARTIES

PRESENT:	Baharav, Colleen R.	Attorney
	Brown, Robert, Jr.	Defendant
	Scow, Richard H.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- DEFENDANT'S PRO PER MOTION FOR A BILL OF PARTICULARS ... CALENDAR CALL ...
DEFENDANT'S PRO PER MOTION FOR CONTINUANCE OF TRIAL

Also present: Standby counsel Jennifer Waldo, Esq. and Investigator Alberto Fuentes.

DEFENDANT'S PRO PER MOTION FOR CONTINUANCE OF TRIAL

Upon Court's inquiry, Defendant Brown advised he would like standby counsel. Colloquy regarding the Defendant's 'religious law'. COURT ORDERED, motion GRANTED; trial date VACATED and matter SET for status check.

DEFENDANT'S PRO PER MOTION FOR A BILL OF PARTICULARS

Colloquy regarding motion and reply. Upon Court's inquiry, Defendant advised he would like to proceed today. Court made a record of all documents reviewed. Argument by Defendant and State.

PRINT DATE: 11/02/2022

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Minutes Date: July 21, 2014

COURT ORDERED, motion UNDER ADVISEMENT, noting a minute order will issue and mailed to the Defendant.

Colloquy regarding the Defendant's name. Court noted he will be referred to as Robert Brown until a Court order changing his name is received.

CUSTODY

4/6/17 9:00 AM STATUS CHECK: RESET TRIAL DATE

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

March 15, 2017

C-14-299234-1 State of Nevada
vs
Robert Brown, Jr.

March 15, 2017	3:00 AM	Decision
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HEARD BY: Togliatti, Jennifer **COURTROOM:** No Location

COURT CLERK: Athena Trujillo

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- This Court, having considered the Defendant's Motion, the State's Opposition, all related pleadings and oral arguments of the Defendant and counsel for the State, FINDS the Defendant's Motion for a Bill of Particulars to be without merit based upon the case law cited by the parties and the Information in this case. Court ORDERS Defendant's Motion for a Bill of Particulars is DENIED. Further, counsel for the State is to submit to chambers a proposed formal order reflecting the language of this minute order decision.

CLERK'S NOTE: A copy of this minute order has been e-mailed to Colleen Baharav and Richard Scow, Deputy District Attorneys.

A copy of this minute order has been mailed to:

Robert Brown, #6006 120 - Defendant
Clark County Detention Center
330 South Casino Center Blvd.
Las Vegas, NV 89101

PRINT DATE: 11/02/2022

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Minutes Date: July 21, 2014

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

April 06, 2017

C-14-299234-1 State of Nevada
vs
Robert Brown, Jr.

April 06, 2017 9:00 AM Status Check: Reset Trial
Date

HEARD BY: Togliatti, Jennifer

COURTROOM: RJC Courtroom 10C

COURT CLERK: Athena Trujillo

RECORDER: Yvette G. Sison

REPORTER:

PARTIES

PRESENT: Baharav, Colleen R. Attorney
Brown, Robert, Jr. Defendant
State of Nevada Plaintiff

JOURNAL ENTRIES

- Also present: Standby counsel Jennifer Waldo, Esq. and Amanda Gregory, Esq. and Investigator Alberto Fuentes.

State advised it filed a Certificate of Mailing for the discovery and labeled everything. Ms. Waldo advised the Defendant received the file. Matter TRAILED. Matter RECALLED. Colloquy regarding expert. Defendant objected to standby counsel. Court noted it can have them as standby counsel or proceed without standby counsel. Colloquy regarding trial date. COURT ORDERED, matter SET for status check and trial.

CUSTODY

9/14/17 9:00 AM STATUS CHECK: TRIAL READINESS

PRINT DATE: 11/02/2022

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Minutes Date: July 21, 2014

C-14-299234-1

12/21/17 9:00 AM CALENDAR CALL

1/8/18 10:30 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 09, 2017

C-14-299234-1 State of Nevada
 vs
 Robert Brown, Jr.

June 09, 2017 10:00 AM At Request of Court

HEARD BY: Togliatti, Jennifer COURTROOM: RJC Courtroom 10C

COURT CLERK:
 Cassidy Wagner

RECORDER: Yvette G. Sison

REPORTER:

PARTIES

PRESENT:	Brown, Robert, Jr.	Defendant
	Scow, Richard H.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Amanda Gregory, Esq. on standby Investigator Fuentes also present.

Upon Court's inquiry, Defendant advised he is requesting the appointment of new counsel. COURT ADVISED Defendant that his hearing transcripts are being prepared. COURT FURTHER ADVISED the Office of Indigent Counsel would determine who Defendants new counsel would be. Colloquy between the Court and Defendant regarding indigent counsel. COURT ORDERED, Defendants letter LEFT SIDE FILED UNDER SEAL. Colloquy between Mr. Fuentes and Defendant regarding appointment of counsel. COURT FURTHER ORDERED, Defendant request for new counsel GRANTED and matter SET for Status Check.

CUSTODY

06/15/17 9:00 A.M. STATUS CHECK: APPOINTMENT OF COUNSEL

PRINT DATE: 11/02/2022

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Minutes Date: July 21, 2014

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 15, 2017

C-14-299234-1	State of Nevada
	vs
	Robert Brown, Jr.

June 15, 2017 8:30 AM Status Check

HEARD BY: Togliatti, Jennifer

COURTROOM: RJC Courtroom 10C

COURT CLERK: Athena Trujillo

RECORDER: Yvette G. Sison

REPORTER:

PARTIES

PRESENT:	Albritton, Alicia A.	Attorney
	Brown, Robert, Jr.	Defendant
	Maningo, Ivette A.	Attorney
	Palm, Patricia A.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- COURT ORDERED, Ms. Maningo APPOINTED as counsel. Ms. Maningo advised they will not be ready for trial in January. Court noted it will address the trial date at the status check in September.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 14, 2017

C-14-299234-1 State of Nevada
 vs
 Robert Brown, Jr.

September 14, 2017 9:00 AM

**Status Check: Trial
Readiness**

HEARD BY: Togliatti, Jennifer

COURTROOM: RJC Courtroom 10C

COURT CLERK: Athena Trujillo

RECORDER: Yvette G. Sison

REPORTER:

PARTIES

PRESENT:	Baharav, Colleen R.	Attorney
	Brown, Robert, Jr.	Defendant
	Maningo, Ivette A.	Attorney
	Palm, Patricia A.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Ms. Maningo advised they have completed the file review with the District Attorney and believes they have a complete file. Further, Ms. Maningo advised they have retained experts and mitigation specialists. State noted no opposition. COURT ORDERED, oral Motion to Continue GRANTED; trial date VACATED and RESET. COURT FURTHER ORDERED, matter SET for status check.

CUSTODY

3/15/18 9:00 AM STATUS CHECK: TRIAL READINESS

1/31/19 9:00 AM CALENDAR CALL

PRINT DATE: 11/02/2022

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Minutes Date: July 21, 2014

2/11/19 10:30 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 15, 2018

C-14-299234-1	State of Nevada
	vs
	Robert Brown, Jr.

March 15, 2018	9:00 AM	Status Check: Trial Readiness
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HEARD BY: Togliatti, Jennifer

COURTROOM: RJC Courtroom 10C

COURT CLERK: Athena Trujillo

RECORDER: Yvette G. Sison

REPORTER:

PARTIES

PRESENT:	Brown, Robert, Jr.	Defendant
	Maningo, Ivette A.	Attorney
	Palm, Patricia A.	Attorney
	Scheible, Melanie L.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Ms. Maningo advised the case is moving forward and anticipates being ready. COURT ORDERED matter CONTINUED.

CUSTODY (COC)

CONTINUED TO: 8/14/18 9:00 AM

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

August 14, 2018

C-14-299234-1 State of Nevada
vs
Robert Brown, Jr.

**August 14, 2018 9:00 AM Status Check: Trial
Readiness**

HEARD BY: Togliatti, Jennifer

COURTROOM: RJC Courtroom 10C

COURT CLERK: Athena Trujillo

RECORDER: Yvette G. Sison

REPORTER:

PARTIES

PRESENT:	Brown, Robert, Jr.	Defendant
	Maningo, Ivette A.	Attorney
	State of Nevada	Plaintiff
	Thomson, Megan	Attorney

JOURNAL ENTRIES

- Ms. Maningo advised she will be picking up more discovery today and will be speaking to DA Scow regarding witness addresses. COURT ORDERED, matter CONTINUED.

CUSTODY (COC)

CONTINUED TO: 11/8/18 9:00 AM

PRINT DATE: 11/02/2022

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Minutes Date: July 21, 2014

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

November 15, 2018

C-14-299234-1 State of Nevada
vs
Robert Brown, Jr.

**November 15, 2018 9:00 AM Status Check: Trial
Readiness**

HEARD BY: Togliatti, Jennifer

COURTROOM: RJC Courtroom 10C

COURT CLERK: Athena Trujillo

RECORDER: Yvette G. Sison

REPORTER:

PARTIES

PRESENT:	Brown, Robert, Jr.	Defendant
	Maningo, Ivette A.	Attorney
	Rowles, William C.	Attorney
	State of Nevada	Plaintiff
	Yanez, Abel M.	Attorney

JOURNAL ENTRIES

- Ms. Maningo advised she has trial conflicts. CONFERENCE AT THE BENCH. COURT ORDERED, matter CONTINUED to allow Ms. Maningo time to discuss scheduling with DA Scow.

CUSTODY (COC)

CONTINUED TO: 12/12/18 9:30 AM

PRINT DATE: 11/02/2022

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DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

January 09, 2019

C-14-299234-1 State of Nevada
vs
Robert Brown, Jr.

January 09, 2019 8:30 AM Status Check: Trial
Readiness

HEARD BY: Villani, Michael

COURTROOM: RJC Courtroom 11A

COURT CLERK: Olivia Black
Haly Pannullo

RECORDER: Cynthia Georgilas

REPORTER:

PARTIES

PRESENT: Brown, Robert, Jr. Defendant
Maningo, Ivette A. Attorney
Rowles, William C. Attorney
State of Nevada Plaintiff
Yanez, Abel M. Attorney

JOURNAL ENTRIES

- Ms. Maningo advised their investigator passed away last week; therefore, a new investigator needs to be appointed to the case. Further, Ms. Maningo stated she will be in a capital trial during this time. There being no objection by the State, COURT ORDERED, trial dates VACATED and RESET. Colloquy regarding trial dates, outstanding discovery and outstanding stock motions. Court directed counsel to have the stock motions filed within 60 days. Ms. Maningo noted they will be filed reasonably soon. Ms. Maningo and Mr. Rowles confirmed there is no outstanding discovery. Mr. Rowles noted the State would have announced ready and would have been ready to proceed. COURT SO NOTED.

CUSTODY (COC)

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C-14-299234-1

09/24/19 8:30 AM CALENDAR CALL

10/07/19 9:00 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 14, 2019

C-14-299234-1 State of Nevada
 vs
 Robert Brown, Jr.

February 14, 2019 8:30 AM Motion to Dismiss

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Olivia Black

RECORDER: Cynthia Georgilas

REPORTER:

PARTIES

PRESENT:	Brown, Robert, Jr.	Defendant
	Rowles, William C.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Ms. Maningo not present. Court stated perhaps Ms. Maningo was unaware of today's hearing and ORDERED, matter CONTINUED.

CUSTODY (COC)

CONTINUED TO: 02/27/19 9:00 AM

CLERK'S NOTE: A copy of this Minute Order has been distributed to Ivette Maningo, Esq. at (iamaningo@iamlawnv.com)//ob/02/14/19.

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Minutes Date: July 21, 2014

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 27, 2019

C-14-299234-1 State of Nevada
 vs
 Robert Brown, Jr.

February 27, 2019 9:00 AM Motion to Dismiss

HEARD BY: Villani, Michael COURTROOM: RJC Courtroom 11A

COURT CLERK: Olivia Black

RECORDER: Cynthia Georgilas

REPORTER:

PARTIES

PRESENT:	Brown, Robert, Jr.	Defendant
	Maningo, Ivette A.	Attorney
	Rowles, William C.	Attorney
	State of Nevada	Plaintiff
	Yanez, Abel M.	Attorney

JOURNAL ENTRIES

- Upon Court's inquiry, Ms. Maningo advised she did receive Defendant's motion. Court stated it didn't understand everything in the motion. Upon Court's further inquiry, Defendant stated he sent both attorneys letters of discontent about the issue and never received any response from Counsel. Ms. Maningo advised they've attempted to visit Defendant; however, Ms. Maningo further advised Defendant refused their visit. Ms. Maningo advised counsel addressed the letters at previous visits. Additionally, Ms. Maningo advised she understood Defendant's frustration as there's been a delay in the case as well as her Co- counsel was sent to another track and the investigator recently passed away, which was out of her control. Colloquy regarding Defendant meeting with Counsel. Court instructed Counsel to meet with Defendant to attempt to resolve some issues thereafter the Court would make a final decision. COURT ORDERED, matter CONTINUED.

CUSTODY (COC)

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Minutes Date: July 21, 2014

CONTINUED TO: 03/13/19 9:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 13, 2019**

C-14-299234-1 State of Nevada
vs
Robert Brown, Jr.

March 13, 2019 9:00 AM Motion to Dismiss

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Olivia Black

RECORDER: Cynthia Georgilas

REPORTER:

PARTIES

PRESENT:	Brown, Robert, Jr.	Defendant
	Maningo, Ivette A.	Attorney
	Yanez, Abel M.	Attorney

JOURNAL ENTRIES

- Mr. Scow not present. Court noted at the previous hearing on February 27th parties were present for a Motion to Dismiss Counsel and believed the issue was resolved. Upon Court's inquiry, Mr. Yanez advised the matter was continued to give Counsel an opportunity to meet with Defendant. Mr. Yanez further advised he met with Defendant twice. Defendant stated the first meeting didn't go over well. Defendant further stated he had not been provided copies of complaints against the attorneys. Additionally, Defendant stated the only thing positive that came out of the meeting was Mr. Yanez stated he was going to look into written documents that he previously provided regarding the issues of his concern. Further statements by Defendant. Upon Court's inquiry, Ms. Maningo advised she was aware of the issues Defendant referenced which some of them were trial issues which would be addressed at trial. As to the investigation, Ms. Maningo advised their investigator recently passed away; however, Ms. Maningo further advised they had follow up investigation to do. Court stated Defendant wanted counsel to do things that were not appropriate at this stage. Court further stated Counsel was preparing for trial and some of the issues are for them to bring up in front of a jury, as a jury would decide. Court stated counsel would make the judgment call if any motion

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had merit. Court stated it doesn't find the bases to remove counsel and ORDERED, Motion DENIED. Court inquired as to counsel being on track to keep the trial date. Ms. Maningo advised she had been in status check and hearings in a federal case that would be starting June 27th which would be ten to twelve weeks. Court inquiry in the event that the federal case did not go forward would Ms. Maningo be ready for trial. Ms. Maningo confirmed she would be ready.

CUSTODY (COC)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 22, 2019**

C-14-299234-1 State of Nevada
 vs
 Robert Brown, Jr.

May 22, 2019**9:00 AM****Status Check: Trial
Readiness****HEARD BY:** Adair, Valerie**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Olivia Black**RECORDER:** Cynthia Georgilas**REPORTER:****PARTIES**

PRESENT:	Brown, Robert, Jr.	Defendant
	Maningo, Ivette A.	Attorney
	Scow, Richard H.	Attorney
	State of Nevada	Plaintiff
	Yanez, Abel M.	Attorney

JOURNAL ENTRIES

- Upon Court's inquiry, Ms. Maningo advised this matter was set for trial in October, her federal case was set for the end of July and scheduled for 10 to 12 weeks which was still set to go forward. Court inquired as to experts, Ms. Maningo advised she had hired experts and they had all the reports they needed. Ms. Maningo further advised they had a new investigator who had the entire file in which the investigator met with Defendant yesterday. Upon Court's further inquiry, Ms. Maningo advised her mitigation specialist continued to work on the case and they were on track. Ms. Maningo further advised they had a file review at the District Attorney's office, there was one thing outstanding, the information from Defendant's arrest in California which was not in the DA's file. Mr. Scow advised there was nothing to add as discovery had been turned over. Counsel noted their upcoming motion practice. Court inquired as to meaningful discussions regarding a negotiations. Ms. Maningo advised there had been a firm offer made. Ms. Maningo further advised she sent Defendant a letter

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and at this point there was no resolution. Upon Court's inquiry, Defendant confirmed the offer was discussed with counsel and rejected. Mr. Scow advised the offer remained open. At the request of counsel, COURT ORDERED, Status Check SET as to trial readiness.

CUSTODY (COC)

CONTINUED TO: 06/26/19 9:00 AM

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

June 26, 2019

C-14-299234-1 State of Nevada
vs
Robert Brown, Jr.

June 26, 2019 9:00 AM Status Check: Trial Readiness

HEARD BY: Leavitt, Michelle

COURTROOM: RJC Courtroom 14D

COURT CLERK: Tia Everett

RECORDER: Kristine Santi

REPORTER:

PARTIES

PRESENT: Brown, Robert, Jr. Defendant
Maningo, Ivette A. Attorney
Schwartz, Michael J. Attorney
State of Nevada Plaintiff
Yanez, Abel M. Attorney

JOURNAL ENTRIES

- Upon Court's inquiry, Ms. Maningo advised she has a federal trial for the vagos beginning in July which is anticipated to last through October to sometime in November and she believes that trial will be going forward. Mr. Schwartzer advised he is standing in for Mr. Scow who would request the trial date stand at this time and address the date at the next status check. Court inquired as to offers made as well as discovery issues. Ms. Maningo advised there was an offer made which is still open and she does not believe there is any outstanding discovery. COURT ORDERED, matter CONTINUED. Ms. Maningo advised she has a status check for the federal case a few days prior to the new date in this case and should have a more definitive answer as to the trial date for this case. Court so noted.

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C-14-299234-1

CUSTODY (COC)

CONTINUED TO: 7/24/2019 9:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 10, 2019

C-14-299234-1 State of Nevada
 vs
 Robert Brown, Jr.

July 10, 2019 9:00 AM Status Check

HEARD BY: Villani, Michael COURTROOM: RJC Courtroom 11A

COURT CLERK: Olivia Black

RECORDER: Cynthia Georgilas

REPORTER:

PARTIES

PRESENT:	Brown, Robert, Jr.	Defendant
	Rowles, William C.	Attorney
	State of Nevada	Plaintiff
	Yanez, Abel M.	Attorney

JOURNAL ENTRIES

- Lance Maningo, Esq. present for Ivette Maningo, Esq. on behalf of Defendant

Court noted it would be out of the jurisdiction October 7th -17th. Mr. Yanez advised Ms. Maningo would be in a federal trial which was scheduled for twelve weeks and would run into this trial. Mr. Yanez requested a status check to reset the trial date. State had no objection. COURT ORDERED, Trial dates VACATED; Status Check SET to reset the trial date. Upon Court's inquiry, Counsel stated there was no outstanding discovery. Court instructed Counsel to check their file and if there was something missing they were to report it at the next hearing date.

CUSTODY (COC)

07/24/19 9:00 AM STATUS CHECK: RESET TRIAL DATE

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 24, 2019

C-14-299234-1 State of Nevada
vs
Robert Brown, Jr.

July 24, 2019	9:00 AM	Status Check: Reset Trial Date
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HEARD BY: Villani, Michael

COURTROOM: RJC Courtroom 11A

COURT CLERK: Olivia Black

RECORDER: Cynthia Georgilas

REPORTER:

PARTIES

PRESENT: Brown, Robert, Jr. Defendant
Maningo, Ivette A. Attorney
Rowles, William C. Attorney
Scow, Richard H. Attorney
State of Nevada Plaintiff
Yanez, Abel M. Attorney

JOURNAL ENTRIES

- Court noted this was status check on trial readiness. Mr. Scow advised parties needed to set a new trial date as Ms. Maningo would be in Federal Court. Ms. Maningo provided a letter from the federal Judge to the Court for review and noted the trial would be 12 to 16 weeks. Colloquy regarding the trial setting. Counsel estimated 2 to 3 weeks for trial. COURT ORDERED, Trial date SET. Ms. Maningo requested the start date to be April 7, 2020. State had no objection. Upon Court's inquiry, Ms. Maningo advised Defendant was arrested in California and she was missing all the documents related to that arrest. Mr. Scow advised he didn't have the documents in his file and would reach out as Las Vegas Metropolitan Police Department (LVMPD) as they went to California to do the arrest. Additionally, Ms. Maningo advised she received the victims medical records and they've completed two file reviews. Following representations by counsel, COURT FURTHER ORDERED, Status Check

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SET for Trial Readiness. Court instructed Counsel to report if parties had contacted their experts to determine if they were available for the upcoming trial date and Mr. Scow to report the status on the police reports.

CUSTODY (COC)

10/23/19 9:00 AM STATUS CHECK: TRIAL READINESS

03/24/20 8:30 AM CALENDAR CALL

04/07/20 9:00 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 23, 2019

C-14-299234-1	State of Nevada
	vs
	Robert Brown, Jr.

October 23, 2019	9:00 AM	Status Check: Trial Readiness
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HEARD BY: Villani, Michael

COURTROOM: RJC Courtroom 11A

COURT CLERK: Olivia Black

RECORDER: Cynthia Georgilas

REPORTER:

PARTIES

PRESENT:	Brown, Robert, Jr.	Defendant
	Pieper, Danielle K.	Attorney
	State of Nevada	Plaintiff
	Yanez, Abel M.	Attorney

JOURNAL ENTRIES

- Mr. Yanez advised Defendant was arrested in California and the arrest reports hadn't been received. Mr. Yanez further advised he made the request from the State and there hadn't been an update since the previous hearing. COURT ORDERED, Status Check SET for the California Police Reports.

CUSTODY (COC)

11/13/19 9:00 AM STATUS CHECK: CALIFORNIA POLICE REPORTS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 13, 2019

C-14-299234-1 State of Nevada
vs
Robert Brown, Jr.

November 13, 2019 9:00 AM Status Check

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Natalie Ortega

RECORDER: Cynthia Georgilas

REPORTER:

PARTIES

PRESENT:	Brown, Robert, Jr.	Defendant
	Scow, Richard H.	Attorney
	State of Nevada	Plaintiff
	Yanez, Abel M.	Attorney

JOURNAL ENTRIES

- Ms. Yanez advised the matter was set for the State to provide an update about the potential arrest record. Mr. Scow indicated they had some records and the defense also had them. Further, he did not have information about the corrupted PDF file. Mr. Yanez requested a continuance or suggested the defense could follow up with Mr. Scow. COURT DIRECTED the parties to work on the Jury Instructions. COURT ORDERED, matter CONTINUED and noted the parties to report to the Court regarding jury instructions.

CUSTODY (COC)

CONTINUED TO: 01/08/20 9:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****January 08, 2020**

C-14-299234-1 State of Nevada
 vs
 Robert Brown, Jr.

January 08, 2020**9:00 AM****Status Check**

**Status Check:
California Police
Reports**

HEARD BY: Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** April Watkins**RECORDER:** Cynthia Georgilas**REPORTER:****PARTIES**

PRESENT:	Brown, Robert, Jr.	Defendant
	Raman, Jay	Attorney
	State of Nevada	Plaintiff
	Yanez, Abel M.	Attorney

JOURNAL ENTRIES

- Mr. Yanez advised he spoke to the State this morning and there was a document provided from the State of California. Further, Mr. Scow believes everything in existence in file from here and California has been provided. Colloquy. Mr. Yanez stated there was a one page arrest report from California provided and Mr. Scow advised this was the only thing. COURT ORDERED, matter SET for status check and noted jury questionnaire being finalized.

CUSTODY (COC)**1/22/2020, 9:00 AM STATUS CHECK: TRIAL READINESS****PRINT DATE:** 11/02/2022**Page** 66 of 116**Minutes Date:** July 21, 2014

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

January 22, 2020

C-14-299234-1 State of Nevada
vs
Robert Brown, Jr.

January 22, 2020 9:00 AM Status Check: Trial
Readiness

HEARD BY: Villani, Michael

COURTROOM: RJC Courtroom 11A

COURT CLERK: April Watkins

RECORDER: Cynthia Georgilas

REPORTER:

PARTIES

PRESENT:	Brown, Robert, Jr.	Defendant
	PORTZ, KENNETH	Attorney
	State of Nevada	Plaintiff
	Yanez, Abel M.	Attorney

JOURNAL ENTRIES

- Mr. Yanez stated he has not seen Mr. Raman who is new to the case. Further, Deft. has 5 experts. Colloquy. Court FINDS good cause, ORDERED, State's motion to continue GRANTED; trial date VACATED and RESET.

CUSTODY (COC)

3/4/2020 8:30 AM STATUS CHECK: TRIAL READINESS

10/20/2020 8:30 AM CALENDAR CALL

11/2/2020 9:00 AM JURY TRIAL

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2220

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 26, 2020

C-14-299234-1 State of Nevada
vs
Robert Brown, Jr.

June 26, 2020 10:15 AM All Pending Motions

HEARD BY: Villani, Michael

COURTROOM: RJC Courtroom 11A

COURT CLERK: Shannon Reid

RECORDER: Cynthia Georgilas

REPORTER:

PARTIES

PRESENT:	Brown, Robert, Jr.	Defendant
	Maningo, Ivette A.	Attorney
	Raman, Jay	Attorney
	State of Nevada	Plaintiff
	Yanez, Abel M.	Attorney

JOURNAL ENTRIES

- STATUS CHECK: TRIAL READINESS...DEFENDANT ROBERT BROWN'S MOTION FOR RELEASE ON HIS OWN RECOGNIZANCE OR IN THE ALTERNATIVE MOTION TO SET BAIL

Upon Court's inquiry, Mr. Yanez advised his investigator was moving forward despite being on hold due to the COVID-19 pandemic and Defense would try to be ready for trial but couldn't guarantee it. COURT ORDERED, Status Check on Trial Readiness CONTINUED. Arguments by Mr. Raman and Mr. Yanez regarding the merits and opposition of the Bail Motion. Court stated its findings and ORDERED, Motion DENIED, Defendant's no bail status STANDS.

CUSTODY

08/28/2020 10:15 AM STATUS CHECK: TRIAL READINESS

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

C-14-299234-1 State of Nevada
vs
Robert Brown, Jr.

August 14, 2020 10:15 AM All Pending Motions

HEARD BY: Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Shannon Reid**RECORDER:** Trisha Garcia**REPORTER:****PARTIES**

PRESENT:	Brown, Robert, Jr.	Defendant
	Maningo, Ivette A.	Attorney
	Raman, Jay	Attorney
	State of Nevada	Plaintiff
	Yanez, Abel M.	Attorney

JOURNAL ENTRIES

- DEFENDANT'S PRO PER MOTION TO DISMISS COUNSELS....STATUS CHECK TRIAL READINESS

Upon Court's inquiry, Defendant did not want represent himself. Upon Court's further multiple inquiries as to the specifics of Defendant's counsel working against him, Defendant advised the issues were laid out in the Motion. Court advised there was no finding in the Motion of any conflict working against Defendant besides perhaps the lack of cooperation from Defendant with his counsel. COURT ORDERED, Motion DENIED.

Upon Court's inquiry regarding trial readiness, Ms. Maningo advised issues with trial as scheduled were with experts and not being able to develop things they were working on because of COVID-19. Ms. Maningo stated counsel would not be ready for trial in November. Mr. Raman advised State

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would be ready but understood issues that Counsel were facing and would take no position on resetting of trial. COURT ORDERED, Trial date VACATED and RESET. Colloquy regarding trial scheduling.

CUSTODY

10/16/2020 10:15 AM STATUS CHECK: TRIAL READINESS

04/20/2021 8:30 AM CALENDAR CALL

05/03/2021 9:00 AM JURY TRIAL

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

October 16, 2020

C-14-299234-1 State of Nevada
vs
Robert Brown, Jr.

October 16, 2020 10:15 AM Status Check: Trial
Readiness

HEARD BY: Villani, Michael

COURTROOM: RJC Courtroom 11A

COURT CLERK: Shannon Reid

RECORDER: Cynthia Georgilas

REPORTER:

PARTIES

PRESENT: Brown, Robert, Jr. Defendant
Maningo, Ivette A. Attorney
Raman, Jay Attorney
State of Nevada Plaintiff

JOURNAL ENTRIES

- Upon Court's inquiry, Ms. Maningo advised she was on track for trial, noting she had been working with an expert and there was no outstanding discovery. Mr. Raman advised State was ready for trial. COURT ORDERED. Status Check CONTINUED.

CUSTODY (COC)

CONTINUED TO: 12/18/2020 10:15 AM

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DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

December 18, 2020

C-14-299234-1 State of Nevada
vs
Robert Brown, Jr.

December 18, 2020 10:15 AM Status Check: Trial
Readiness

HEARD BY: Villani, Michael

COURTROOM: RJC Courtroom 11A

COURT CLERK: Carina Bracamontez-Munguia

RECORDER: Cynthia Georgilas

REPORTER:

PARTIES

PRESENT: Brown, Robert, Jr. Defendant
Maningo, Ivette A. Attorney
Raman, Jay Attorney
State of Nevada Plaintiff
Yanez, Abel M. Attorney

JOURNAL ENTRIES

- Upon Court's inquiry Mr. Yanez noted with the understanding COVID can change things they intend to be ready for trial. Mr. Raman concurred. Upon Court's further inquiry, Mr. Yanez indicated they have had settlement discussions in the past, but have not been able to come to a resolution. Court Advised parties to contact Judge Bell's department if they believe a settlement conference would be worth everyone's time. COURT ORDERED, matter CONTINUED.

CUSTODY (COC)

02/19/2021 08:30 AM STATUS CHECK: TRIAL READINESS

Clerk's Note: Subsequent to the hearing, Court amended its 2021 hearing sessions. This minute order

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reflects the new 2021 hearing time for Department 17, and was served upon counsel electronically.//cbm 12/23/2020

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

February 19, 2021

C-14-299234-1 State of Nevada
vs
Robert Brown, Jr.

February 19, 2021 8:30 AM Status Check: Trial
Readiness

HEARD BY: Villani, Michael

COURTROOM: RJC Courtroom 11A

COURT CLERK: Samantha Albrecht

RECORDER: Cynthia Georgilas

REPORTER:

PARTIES

PRESENT:	Brown, Robert, Jr.	Defendant
	Maningo, Ivette A.	Attorney
	Raman, Jay	Attorney
	State of Nevada	Plaintiff
	Yanez, Abel M.	Attorney

JOURNAL ENTRIES

- Upon Court's inquiry, Ms. Maningo advised they would not be ready for trial, however they are working towards being ready, and confirmed there were no outstanding discovery issues. State advised they would be ready. Upon Court's inquiry, Ms. Maningo advised there have been discussions regarding offers, however they have not come to an agreement. Upon Court's inquiry, Defendant stated he received an offer about a year ago, which he rejected. Ms. Maningo stated the State left the offer open and were hoping to discuss the offer more, however the case has not been set for a Settlement Conference. Court advised the Settlement Conference program has been expanded to include non-invoked custody cases and directed parties to contact Judge Bell's Chambers if interested. Mr. Yanez advised he would speak to the Defendant again regarding a Settlement Conference. Statement by Defendant. COURT ORDERED, Calendar Call STANDS.

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C-14-299234-1

CUSTODY (COC)

4/20/2021 8:30 AM CALENDAR CALL

5/3/2021 9:00 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 20, 2021

C-14-299234-1 State of Nevada
 vs
 Robert Brown, Jr.

April 20, 2021 8:30 AM Calendar Call

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK:
Samantha Albrecht

RECORDER: Cynthia Georgilas

REPORTER:

PARTIES

PRESENT:	Brown, Robert, Jr.	Defendant
	Maningo, Ivette A.	Attorney
	Rowles, William C.	Attorney
	State of Nevada	Plaintiff
	Yanez, Abel M.	Attorney

JOURNAL ENTRIES

- Upon Court's inquiry, Mr. Yanez advised this matter had not been resolved and Defendant had waived his speedy trial rights. COURT ORDERED, jury trial VACATED and RESET and Status Check SET.

CUSTODY (COC)

6/25/2021 8:30 AM STATUS CHECK: TRIAL READINESS

4/5/2022 8:30 AM CALENDAR CALL

4/18/2022 9:00 AM JURY TRIAL

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 25, 2021

C-14-299234-1 State of Nevada
 vs
 Robert Brown, Jr.

June 25, 2021 8:30 AM All Pending Motions

HEARD BY: Silva, Cristina D. **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Samantha Albrecht

RECORDER: Cynthia Georgilas

REPORTER:

PARTIES

PRESENT:	Brown, Robert, Jr.	Defendant
	Maningo, Ivette A.	Attorney
	Rowles, William C.	Attorney
	State of Nevada	Plaintiff
	Yanez, Abel M.	Attorney

JOURNAL ENTRIES

- STATUS CHECK: TRIAL READINESS...MOTION TO PROCEED IN PRO PERSONA & APPOINT NEW STAND-BY COUNSEL

Upon Court's inquiry, counsel advised they would be ready for trial. Court noted it had reviewed the Motion and FINDS no basis to appoint new counsel. Statement by Defendant. COURT ORDERED, Status Check CONTINUED and Motion DENIED WITHOUT PREJUDICE.

CUSTODY (COC)

8/20/2021 8:30 AM STATUS CHECK: TRIAL READINESS

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****August 03, 2021**

C-14-299234-1 State of Nevada
 vs
 Robert Brown, Jr.

August 03, 2021 8:30 AM Motion

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Samantha Albrecht

RECORDER: Kristine Santi

REPORTER:

PARTIES

PRESENT:	Brown, Robert, Jr.	Defendant
	Maningo, Ivette A.	Attorney
	Raman, Jay	Attorney
	State of Nevada	Plaintiff
	Turner, Robert B.	Attorney
	Yanez, Abel M.	Attorney

JOURNAL ENTRIES

- Court noted Judge Silva had denied the previous Motion. Statement by Defendant regarding his issues with his counsel. Mr. Yanez advised Defendant wants to represent himself. Upon Court's inquiry, Defendant confirmed he wanted to represent himself. COURT ORDERED, Faretta Canvass SET. Court noted Defendant's prior attorneys.

MATTER RECALLED with Mr. Raman present.

Colloquy regarding scheduling conflicts.

CUSTODY (COC)

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8/20/2021 8:30 AM FARETTA CANVASS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 20, 2021

C-14-299234-1 State of Nevada
vs
Robert Brown, Jr.

August 20, 2021 8:30 AM All Pending Motions

HEARD BY: Leavitt, Michelle **COURTROOM:** RJC Courtroom 14D

COURT CLERK: Christopher Darling

RECORDER: Sara Richardson

REPORTER:

PARTIES

PRESENT:	Brown, Robert, Jr.	Defendant
	Maningo, Ivette A.	Attorney
	Raman, Jay	Attorney
	State of Nevada	Plaintiff
	Yanez, Abel M.	Attorney

JOURNAL ENTRIES

- Court conducted a Faretta Canvass of the Defendant. Court strongly recommended that Defendant be defended by a trained lawyer and not represent himself. COURT FOUND, Defendant competent to waive his Constitutional right to be represented by an attorney; is waiving his right to counsel freely, voluntarily and knowingly; has a full appreciation and understanding of the waiver and its consequence; and ORDERED, Defendant will be allowed to represent himself. Court DIRECTED, State to provide Defendant with all discovery. Colloquy regarding coordinating discovery turnover, stand-by counsel, and investigator. COURT FURTHER ORDERED, will appoint stand-by counsel; status check SET 9/3/21 regarding appointment of stand-by counsel and status of discovery. COURT FURTHER DIRECTED, appointment of investigator to be addressed by motion.

CUSTODY (COC)

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9/3/21 8:30 AM STATUS CHECK: APPOINTMENT OF STAND-BY COUNSEL/DISCOVERY
TURNOVER

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****September 03, 2021**

C-14-299234-1 State of Nevada
 vs
 Robert Brown, Jr.

September 03, 2021 8:30 AM Status Check

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Samantha Albrecht

RECORDER: Kristine Santi

REPORTER:

PARTIES

PRESENT:	Brown, Robert, Jr.	Defendant
	Maningo, Ivette A.	Attorney
	Raman, Jay	Attorney
	State of Nevada	Plaintiff
	Yanez, Abel M.	Attorney

JOURNAL ENTRIES

- Court noted Judge Leavitt conducted a Faretta Canvass in August and found Defendant competent to represent himself, had directed the State to provide Defendant all the discovery and was going to appoint stand-by counsel. Upon Court's inquiry, Ms. Maningo had not heard who stand-by counsel would be and Defendant confirmed he had not been contacted by any new counsel. Statement by Defendant. Ms. Maningo stated she had sent over three boxes of discovery to the Defendant and had provided a list with the boxes. Upon Court's inquiry, Defendant confirmed he had not received a letter with an itemized statement of contents of the boxes from Ms. Maningo. Court FINDS the Court has jurisdiction over the Defendant and this case. Court advised it would contact the Office of Appointed Counsel regarding stand-by counsel for the Defendant. COURT ORDERED, Status Check CONTINUED. Court advised it could inquire of Defendant at the next hearing whether he wanted a mitigation expert. Court confirmed Ms. Maningo and Mr. Yanez do not need to appear at the next hearing.

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CUSTODY(COC)

CONTINUED TO: 10/1/2021 8:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****October 01, 2021**

C-14-299234-1 State of Nevada
 vs
 Robert Brown, Jr.

October 01, 2021 9:30 AM Status Check

HEARD BY: Jones, Tierra **COURTROOM:** RJC Courtroom 14B

COURT CLERK: Christopher Darling

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT:	Brown, Robert, Jr.	Defendant
	Raman, Jay	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Upon Court's inquiry, Deft. stated that stand-by counsel has not contacted him. Court stated it will follow-up and ensure Office of Appointed Counsel is contacted. COURT ORDERED, matter CONTINUED to 10/15/21.

CUSTODY (COC)

CONTINUED TO: 10/15/21 9:30 AM STATUS CHECK: APPOINTMENT OF STAND-BY COUNSEL/DISCOVERY TURNOVER

CLERK'S NOTE: A copy of this Minute Order has been sent by email to Drew Christensen, Esq. [christdr@ClarkCountyNV.gov]. /cd 10-11-21/

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 15, 2021

C-14-299234-1	State of Nevada
	vs
	Robert Brown, Jr.

October 15, 2021 9:30 AM Status Check

HEARD BY: Bluth, Jacqueline M. **COURTROOM:** RJC Courtroom 10C

COURT CLERK: Christopher Darling

RECORDER: Angelica Michaux

REPORTER:

PARTIES

PRESENT:	Brown, Robert, Jr.	Defendant
	Patrick, Clark W.	Attorney
	Raman, Jay	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Court reviewed matter history. Upon Court's inquiry, Deft. advised he received itemized letter from Ms. Maningo, however, appears not detailed and general. Court stated will appoint stand-by counsel and same will be in contact with Deft. shortly. Upon Court's inquiry, Mr. Raman advised no outstanding items and file review was done. COURT ORDERED, Clark Patrick, Esq. CONFIRMED as Stand-By Counsel.

CUSTODY (COC)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 01, 2022

C-14-299234-1 State of Nevada
vs
Robert Brown, Jr.

February 01, 2022 11:00 AM Motion to Dismiss

HEARD BY: Bluth, Jacqueline M.

COURTROOM: RJC Courtroom 10C

COURT CLERK: Kristen Brown

RECORDER: Deloris Scott

REPORTER:

PARTIES

PRESENT:	Brown, Robert, Jr.	Defendant
	Demonte, Noreen C.	Attorney
	Patrick, Clark W.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Clark Patrick, Esq., present as stand-by counsel for the Deft.

Court stated that it doesn't understand the Deft's need for an attorney that specialized in foreign, international or admiralty law as we are in Nevada and Nevada Law is the body of law that is controlling; further, noted the issues in the past with prior attorneys and advised the Deft. that if he wishes, he can hire his own attorney but at this time the Deft. is representing himself with Mr. Patrick as stand-by counsel. Deft. inquired as to whether or not Mr. Patrick can assist with regards to belonging to a foreign corporation. Court advised the Deft. that Mr. Patrick can assist with Nevada law needs him to do but what the Deft. is asking Mr. Patrick to do is not applicable in this court. Argument by the Deft. Upon Court's inquiry, Deft. stated his foreign corporation name is Ariel. Further argument by the Deft. Court stated its findings and ORDERED, Motion DENIED; FURTHER, Trial dates STAND.

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 23, 2022

C-14-299234-1 State of Nevada
 vs
 Robert Brown, Jr.

February 23, 2022 3:00 AM Minute Order

HEARD BY: Bluth, Jacqueline M. **COURTROOM:** Chambers

COURT CLERK: Jennifer Lott

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- This order serves as notice that the above entitled matter is on this Court's list of cases aged 36 months or older. Therefore, pursuant to EDCR 1.90(a), absent extreme circumstances it is expected that the parties be prepared to announce ready or have the matter resolved at the next trial date.

Rule 1.90 Caseflow Management

(a) Delay reduction standards.

(1) Time to disposition. For criminal cases, the aspiration standard of the court is for 50% of all cases to be resolved within 6 months, 90% of all cases to be resolved within 1 year (with the last 10% being only life sentence or death penalty cases) and for 100% of the cases to be resolved within 2 years. It is the goal of the court to achieve a final resolution in 80% of its civil cases within 24 months of filing and a final resolution in 95% of its cases within 36 months of the date of filing. The court recognizes that there will be exceptional cases which will not be resolved within 36 months. The court also recognizes that 100% of all cases must be resolved within 60 months from the date of filing, unless there is a written stipulation by the parties to extend deadlines under NRCP41(e)(2)(B).

If the parties believe that they cannot be ready to proceed with the April 18, 2022 trial date, please

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contact chambers. This matter is on calendar for a Status Check: Trial readiness on April 1, 2022 at 9:30 a.m.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Jennifer Lott, to all registered parties for Odyssey File & Serve. jl

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 29, 2022

C-14-299234-1	State of Nevada
	vs
	Robert Brown, Jr.

March 29, 2022	11:00 AM	Motion to Amend Information
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HEARD BY: Bixler, James

COURTROOM: RJC Courtroom 12C

COURT CLERK: Teri Berkshire
Deriontae Green

RECORDER: Deloris Scott

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- The Court noted Deft. refused transportation; further noted Deft. needed to be present since he is representing himself.

CUSTODY

CLERK'S NOTE: This Minute Order was prepared listening to JAVS./ /rh04.28.22

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****April 01, 2022**

C-14-299234-1 State of Nevada
 vs
 Robert Brown, Jr.

April 01, 2022 9:30 AM Further Proceedings

HEARD BY: Bluth, Jacqueline M. **COURTROOM:** RJC Courtroom 10C

COURT CLERK: Kristen Brown

RECORDER: De'Awna Takas

REPORTER:

PARTIES

PRESENT:	Patrick, Clark W.	Attorney
	Raman, Jay	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Clark Patrick, Esq., present as stand-by counsel for the Deft.

Court noted the Deft. refused to be transported to court. Mr. Raman stated that due to the Deft. representing himself, the decision to not appear in court is problematic and requested the Deft. be ordered to appear by any means necessary; further advised the Court that the Deft's mother stated the Deft. is refusing to be transported due to having a pain in his neck. Upon Court's inquiry, Mr. Patrick stated that he spoke with the Deft. a few times and that it's difficult to speak with the Deft. COURT ORDERED, Deft. is to be transported to court BY ANY MEANS NECESSARY for Calendar Call on April 5, 2022 and will prepare an order.

CUSTODY

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****April 05, 2022**

C-14-299234-1 State of Nevada
vs
Robert Brown, Jr.

April 05, 2022 11:00 AM Calendar Call

HEARD BY: Bluth, Jacqueline M. **COURTROOM:** RJC Courtroom 10C

COURT CLERK: Kristen Brown

RECORDER: De'Awna Takas

REPORTER:

PARTIES

PRESENT:	Brown, Robert, Jr.	Defendant
	Patrick, Clark W.	Attorney
	Raman, Jay	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Clark Patrick, Esq., appearing as stand-by counsel for the Defendant.

Deft. inquired if the State can force him to go to trial knowing that all discovery hasn't been produced. Court advised the Deft. that the State does not force anyone to go to trial. Mr. Raman stated discovery has been provided numerous times to numerous attorneys throughout the history of this case; Deft. is not making any specific requests so the blanket statement that the Deft. doesn't have discovery doesn't hold much value. Upon Court's inquiry, Deft. stated he is missing everything as there are four boxes that were sent by the last attorney the jail but the jail refuses to give all four boxes. Upon further inquiry, the Deft. states the jail refuses to provide all four boxes because they deem it as a fire hazard. Court stated it will make sure the Deft. has access to all four boxes by the end of today. Deft. further stated that he has a concern regarding the missing court date and advised the Court that he has a pinched nerve so it would have brutal to be shackled in a fixed position, however, the Court ordered to be brought to court by any means necessary and doesn't understand

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why that would happen. Court advised the Deft. that this is one of this Court's oldest cases on its docket and has to move forward. Deft. inquired as to what defenses his stand-by counsel is preparing for in the event that he gives up his right to proceed pro se in the middle of trial. Court advised the Deft. that's not how this process works as the Deft. has chosen to represent himself, Mr. Patrick is not preparing for a defense and that is something that is now up to the Deft. to do and that Mr. Patrick will aid the Deft. if any complex legal issues come up.

Mr. Raman stated he is ready to proceed to trial and Mr. Patrick stated he is ready to proceed to trial as stand-by counsel. Upon Court's inquiry, Mr. Raman stated there will be 14-18 witnesses in the case in chief, 4-6 witness for the penalty hearing and the trial should take 2-3 weeks. Mr. Patrick stated he will coordinate the Deft's wardrobe for trial. COURT ORDERED, Trial date STANDS and matter REFERRED to the Central Calendar Call. Mr. Raman noted there are no offers available for the Deft. at this time, COURT SO NOTED.

CUSTODY (COC)

4/13/22 2:00 PM CENTRAL CALENDAR CALL (DEPT. 10)

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

April 12, 2022

C-14-299234-1 State of Nevada
vs
Robert Brown, Jr.

April 12, 2022 11:00 AM Calendar Call

HEARD BY: Craig, Christy

COURTROOM: RJC Courtroom 10C

COURT CLERK: David Gibson

RECORDER: De'Awna Takas

REPORTER:

PARTIES

PRESENT:	Brown, Robert, Jr.	Defendant
	Patrick, Clark W.	Attorney
	Raman, Jay	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- The Deft. stated they have received most of the discovery, but some was not given to him, and that stand by counsel doesn't have the discovery, so he felt he would not be ready for trial. The Court advised the Deft. was not forced to go to trial. Upon Court's inquiry, the Deft. stated they did not want to continue the trial. Mr. Raman stated he was ready to proceed to trial, and that he anticipated . The Court directed stand by counsel to look at the discovery. COURT ORDERED matter SET for Central Calendar Call.

CUSTODY

4/13/22 2:00 PM CENTRAL CALENDAR CALL

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****April 13, 2022**

C-14-299234-1 State of Nevada
vs
Robert Brown, Jr.

April 13, 2022 2:00 PM Central Calendar Call

HEARD BY: Bluth, Jacqueline M. **COURTROOM:** RJC Lower Level Arraignment

COURT CLERK: Michele Tucker

RECORDER: De'Awna Takas

REPORTER:

PARTIES

PRESENT:	Brown, Robert, Jr.	Defendant
	Patrick, Clark W.	Attorney
	Raman, Jay	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Defendant Brown PRESENT in custody.

Court inquired if the defendant had gotten access to his banker boxes. Defendant advised the Sergeant at the jail had gone through the boxes and removed certain items. Defendant further advised he is missing transcripts, handwritten notes and does not have all of the discovery. Statements by Mr. Raman and advised he only has one banker box of discovery. Mr. Raman advised he will respond to anything the defendant files and would be ready for trial on April 26. Defendant argued as to not being ready for trial as he does not have all the discovery. Court STATED it would get a complete copy of the discovery and provide it to the defendant. Defendant advised he had pleadings he has not been able to file with him. Court DIRECTED the defendant to provide the documents to the Corrections Officer (CO), CO to give it to the Marshal and the Clerk will file them in open Court. Clerk Filed the documents in Open Court. COURT ORDERED, Trial Date VACATED and Matter SET for Status Check Resetting of Trial.

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4/27/22 9:30 AM STATUS CHECK: RESET TRIAL DATE

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 25, 2022

C-14-299234-1	State of Nevada
	vs
	Robert Brown, Jr.

April 25, 2022 3:00 AM Motion

HEARD BY: Bluth, Jacqueline M. **COURTROOM:** Chambers

COURT CLERK: Kristen Brown

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT ORDERED, Defendant's Motion for Court to Take Judicial Notice of Accused to Raise Claims of Corporation Sole ("Ariyl") by Motion or Plea is DENIED. A judicially noticed fact must be generally known within this Court's jurisdiction or "[c]apable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned, so that the fact is not subject to reasonable dispute." NRS 47.130(2). Here, the State disputes Defendant's contention that he is a corporation and also maintains that such a contention is not a defense to criminal liability. Consequently, this is not a fact let alone one that is not subject to reasonable dispute. Accordingly, Defendant's Motion is DENIED.

CUSTODY

CLERK'S NOTE: A copy of this minute order was electronically mailed to: Jay P. Raman, Deputy District Attorney, Clark Patrick, Esq., Stand-by Counsel for the Deft. and a copy mailed to the Deft.

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 27, 2022

C-14-299234-1 State of Nevada
vs
Robert Brown, Jr.

April 27, 2022

9:30 AM

Status Check: Reset Trial
Date

HEARD BY: Bluth, Jacqueline M.

COURTROOM: RJC Courtroom 10C

COURT CLERK: Kristen Brown

RECORDER: De'Awna Takas

REPORTER:

PARTIES

PRESENT:	Brown, Robert, Jr.	Defendant
	Mishler, Karen	Attorney
	Patrick, Clark W.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Clark Patrick, Esq., appearing on behalf of the Deft. as stand-by counsel.

Court stated that at the previous hearing, the Deft. stated he needed the transcripts of all the court hearings and noted all the transcripts have been printed and provided to the Corrections Officer. Deft. stated he doesn't have an investigator and other than objecting to the trial continuances from the beginning, there is also discovery issues. Colloquy. Upon Court's inquiry, the Deft. stated the discovery that was provided to him is still in his cell. Colloquy between Court and counsel as to what stand-by counsel is required to do. Ms. Mishler stated discovery has been reproduced discovery that could be reduced to paper which has now been provided to Mr. Patrick and will also provide electronic recordings to counsel or the Court and requested the matter be set for discovery so that the Deft. can state, on the record, that he has received and reviewed the discovery. Statement by Mr. Patrick. Colloquy between Court, Deft. and Mr. Patrick regarding discovery. Court stated it will

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have an investigator appointed and to visit with the Deft. within a week and will have a discussion with the Sergeant as to what was provided and what was taken. COURT ORDERED, matter set for a status check and trial. Mr. Patrick advised the Court that if this trial last longer than three weeks, he will not be in the jurisdiction on the third week, COURT SO NOTED.

CUSTODY

5/11/22 9:30 AM STATUS CHECK

7/19/22 9:30 AM CALENDAR CALL

7/25/22 10:00 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 11, 2022**

C-14-299234-1 State of Nevada
 vs
 Robert Brown, Jr.

May 11, 2022 9:30 AM All Pending Motions

HEARD BY: Bluth, Jacqueline M. **COURTROOM:** RJC Courtroom 10C

COURT CLERK: Kristen Brown

RECORDER: De'Awna Takas

REPORTER:

PARTIES

PRESENT:	Brown, Robert, Jr.	Defendant
	Patrick, Clark W.	Attorney
	Pesci, Giancarlo	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- APPOINTMENT OF INVESTIGATOR...STATUS CHECK: TRIAL READINESS

Clark Patrick, Esq., appearing with the Deft. as stand-by counsel.

Mr. Patrick stated that Michelle Blackwell has been appointed as the investigator and will be meeting with the Deft. in the next few days. Colloquy between Court and the Deft. regarding what the Deft. is and is not allowed in his cell. Upon Court's inquiry, Deft. stated that since he hasn't received all the copies back that were provided to Mr. Patrick or any notice of the motions being filed. Court reminded the Deft. of the trial date and stated the Deft. will need to be preparing for that date. Mr. Patrick stated he's unsure of what the Deft. has provided and will need to look through the envelopes to see what's contained within them. Colloquy between Court and the Deft. regarding what motions need to be addressed. COURT ORDERED, Status Check CONTINUED.

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CUSTODY

6/22/22 9:30 AM STATUS CHECK: TRIAL READINESS

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DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

June 22, 2022

C-14-299234-1 State of Nevada
vs
Robert Brown, Jr.

June 22, 2022 9:30 AM Status Check: Trial
Readiness

HEARD BY: Bluth, Jacqueline M.

COURTROOM: RJC Courtroom 10C

COURT CLERK: Deriontae Green

RECORDER: De'Awna Takas

REPORTER:

PARTIES

PRESENT:	Brown, Robert, Jr.	Defendant
	Giordani, John	Attorney
	Patrick, Clark W.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Upon Court's Inquiry, Deft advised he anticipate not being ready for trial. Deft. stated he spoke with Ms. Blackwell who is trying to retrieve two motions from Mr. Patrick, however, Mr. Patrick can not find them. Mr. Patrick advised he never received the motions. Colloquy regarding the two motions filed. COURT advised the two motions was filed in open court. COURT ORDERED, Matter CONTINUED to the date given.

6/30/22 9:30 AM STATUS CHECK: MOTIONS

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 30, 2022

C-14-299234-1	State of Nevada
	vs
	Robert Brown, Jr.

June 30, 2022	3:00 AM	Minute Order
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HEARD BY: Bluth, Jacqueline M.

COURTROOM: Chambers

COURT CLERK: Kristen Brown

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT ORDERED, Defendant's Motion for Dismissal by a Suggestion of Immunity or Writ of Prohibition, or Mandamus (ECF #169) is DENIED. Defendant has failed to state a legally cognizable claim under Nevada law and on that basis his Motion is Denied.

COURT ORDERED, Defendant's First Draft Motion (ECF #170) is DENIED. Defendant has failed to state a legally cognizable claim under Nevada law and on that basis his Motion is DENIED.

COURT ORDERED, Defendant's Objection to the Felony Murder Rule (ECF #171) is DENIED. Defendant has failed to state a legally cognizable claim under Nevada law and on that basis his Motion is Denied.

COURT ORDERED, Defendant's Hypotheticals Based on Facts of Case - Leaving "Seasonal Residence" (ECF #172) is DENIED. Defendant has failed to state a legally cognizable claim under Nevada law and on that basis his Motion is DENIED.

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CUSTODY

CLERK'S NOTE: A copy of this minute order was electronically mailed to John Giordani, Deputy District Attorney and a copy mailed to the Defendant.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 30, 2022

C-14-299234-1 State of Nevada
vs
Robert Brown, Jr.

June 30, 2022 9:30 AM Status Check

HEARD BY: Bluth, Jacqueline M. COURTROOM: RJC Courtroom 10C

COURT CLERK: Kristen Brown

RECORDER: De'Awna Takas

REPORTER:

PARTIES

PRESENT:	Brown, Robert, Jr.	Defendant
	Raman, Jay	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Clark Patrick, Esq., appearing as stand-by counsel for the Deft. Investigator, Michelle Blackwell, present.

Colloquy between Court and Ms. Blackwell regarding the status of the investigation. Court noted there were several motion filed by the Deft. and has issued a minute order with the Court's ruling as to those motion, however, noted its decisions on the record. Statement by the Deft. regarding the motions. Upon Court's inquiry, Mr. Raman stated that he hasn't reviewed any of the motions the Deft. referred to. At the request of the Deft., COURT ORDERED, Defendant's Objection to the Felony Murder Rule and Defendant's Hypothetical's Based on Facts of Case-Leaving "Seasonal Residence" are STRICKEN. Mr. Raman advised the Court that after speaking with Mr. Patrick and Ms. Blackwell, he will reproduce all the discovery and the digital media.

CUSTODY

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 06, 2022

C-14-299234-1	State of Nevada
	vs
	Robert Brown, Jr.

July 06, 2022 12:00 AM Further Proceedings

HEARD BY: Bluth, Jacqueline M. **COURTROOM:** RJC Courtroom 10C

COURT CLERK: Kristen Brown

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Deft. present in the courtroom with the Investigator to review discovery.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****July 19, 2022**

C-14-299234-1 State of Nevada
 vs
 Robert Brown, Jr.

July 19, 2022 9:30 AM Calendar Call

HEARD BY: Bluth, Jacqueline M.**COURTROOM:** RJC Courtroom 10C

COURT CLERK: Kristen Brown
 LaCarol Kelley

RECORDER: De'Awna Takas**REPORTER:****PARTIES**

PRESENT:	Brown, Robert, Jr.	Defendant
	Mishler, Karen	Attorney
	Patrick, Clark W.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Colloquy statements regarding the status of Deft's case, pertaining to trial. Following a Conference at the Bench, Mr. Patrick addressed Deft's ability to represent himself in this case. The Court noted Deft. has had 3 sets of attorneys. While having no issue with Deft. representing himself, the Court addressed his constant fluctuating representation status as each continued trial date nears. COURT ORDERED, Deft's right to self-representation REVOKED and Status Check SET. COURT FURTHER ORDERED, Office of Appointed Counsel will contact Mr. Patrick and Mr. Pike, should they agree to take this case, they will be representing him. They will come up with a date, once that date is agreed upon, the case will indefinitely go to trial.

CUSTODY

07/28/2022 9:30 AM STATUS CHECK: NEGOS/TRIAL SETTING

PRINT DATE: 11/02/2022

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Minutes Date: July 21, 2014

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****July 21, 2022**

C-14-299234-1 State of Nevada
 vs
 Robert Brown, Jr.

July 21, 2022 3:00 AM Minute Order

HEARD BY: Bluth, Jacqueline M. **COURTROOM:** Chambers

COURT CLERK: Kristen Brown
 Kathryn Hansen-McDowell

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- On Tuesday, July 19, 2022, the instant case came before the Court for Calendar Call. At that time, Defendant indicated that he no longer wished to represent himself at trial. Though this matter had been on Calendar multiple times for Status Check: Trial Readiness, the Defendant had never once intimated his desire for counsel. Due to these representations, the July 25, 2022, jury trial was vacated and a Status Check was set for July 28, 2022 to confirm new counsel. Due to the length and history of the case, the following record is necessary:

On July 21, 2014, Defendant was arraigned, pled not guilty, and invoked his right to a speedy trial. At that time, Defendant was represented by attorney Joshua Tomscheck.

On August 21, 2014, shortly after the State noticed their intent to seek the death penalty, attorney Drew Christiansen was appointed to assist Mr. Tomscheck at trial.

On September 9, 2014, Defendant waived his speedy trial rights and stated that he had a motion to dismiss Mr. Tomscheck. Mr. Tomscheck remained as counsel until April 9, 2015 when Judge Togliatti

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granted Defendant s motion to withdraw.

On May 14, 2015, attorney Amanda Gregory appeared as counsel of record for Defendant.

On April 16, 2016, attorney Andrea Luem also confirmed as counsel.

On July 21, 2016, Ms. Gregory advised the Court that Defendant was refusing to meet with counsel. Judge Togliatti required Defendant to meet with his counsel.

On August 2, 2016, Defendant represented for the first time that he wished to represent himself. The Court informed Defendant that a Faretta Canvas would be needed and informed him that standby counsel was not going to file and argue motions for him. Defendant stated he would be prepared for the August 29, 2016 trial date.

On August 5, 2016, the Court ordered Defendant be sent to Competency Court and his counsel would remain in the interim. The Court determined Defendant competent on September 6, 2016.

On September 15, 2016, Judge Togliatti dismissed Ms. Gregory and Ms. Luem and allowed Defendant to represent himself. Ms. Gregory was appointed as standby counsel.

On June 9, 2017, Defendant advised the Court that he is requesting the appointment of new counsel. The Court granted Defendant s request and attorneys Ivette Maningo and Patricia Palm were appointed on June 15, 2017.

On February 27, 2019, Ms. Maningo represented that she received a motion from Defendant for her to withdraw. Attorney Abel Yanez appeared for Defendant as well due to Ms. Palm leaving her position. Judge Villani instructed counsel to resolve any issues with Defendant.

On Mach 13, 2019, Judge Villani denied Defendant s Motion to Withdraw counsel, finding that Defendant was wanting his counsel to do things that were not appropriate at this stage of the proceedings.

On August 14, 2020, Defendant filed another Motion to Dismiss Counsel, however, stated that he did not want to represent himself. Judge Villani denied Defendant s Motion finding no basis to remove counsel.

On June 25, 2021, Judge Silva, finding no basis to appoint new counsel, denied Defendant s Motion to Proceed In Pro Persona & Appoint New Stand-By Counsel.

On August 20, 2021, the Court conducted a second Faretta Canvas due to counsel s representations that Defendant wished to represent himself. The Court allowed Defendant to represent himself and appointed attorney Clark Patrick as stand-by counsel.

On February 1, 2022, the Court denied Defendant's Motion to Dismiss Stand By Counsel and Appoint Qualified Standby Counsel of Foreign Law.

On April 1, 2022, Mr. Patrick advised that he was having difficulty communicating with Defendant. Defendant was refusing to be transported to Court, and thus, the Court ordered Defendant to be transported by any means necessary.

Between April 1, 2022 and July 19, 2022, the Court informed Defendant that he needed to be prepared for his trial date on July 20, 2022.

On July 19, 2022, Defendant informed the Court that he was not comfortable representing himself at trial and wished to have new counsel appointed. Defendant was told that this would be the last time he would have the opportunity to represent himself. The Court expressed its frustration with the fact that this entire legal process has been thwarted repeatedly by Defendant going back and forth between attorneys, stand by counsel, and self representation. The Defendant was told that he needed to think long and hard regarding whether or not he wanted to represent himself or have counsel appointed, because whatever Defendant's choice would be, it would remain in effect. Defendant stated he understood and chose to move forward with counsel.

In total, Defendant has been appointed seven attorneys. He has decided to represent himself on two separate occasions, ultimately backing out of those decisions. As of the date of this minute order, Defendant has resided in the Clark County Detention Center awaiting trial for exactly six (6) years. Thus, the Court has determined that any further continuances without good cause shall be denied and that Defendant's newly appointed counsel shall be his trial counsel, without exception.

CUSTODY

CLERK'S NOTE: Minute order was copied and pasted for corrections from email rec'd dept.
7/22/22khm

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****July 28, 2022**

C-14-299234-1 State of Nevada
 vs
 Robert Brown, Jr.

July 28, 2022 9:30 AM Status Check

HEARD BY: Bluth, Jacqueline M.**COURTROOM:** RJC Courtroom 10C**COURT CLERK:**

LaCarol Kelley

RECORDER: De'Awna Takas**REPORTER:****PARTIES**

PRESENT:	Brown, Robert, Jr.	Defendant
	Patrick, Clark W.	Attorney
	Pike, Randall H.	Attorney
	Raman, Jay	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- The Court noted Mr. Patrick and Mr. Pike have accepted and have been appointed to represent Deft. in this case. Mr. Patrick noted that he would prefer to set the trial dates in the first quarter of 2024, but requested a Status Check, as he and Mr. Pike are new to this case and also have another trial before the Court set for July. Mr. Raman objected to the delays, due to the health concerns of at least 3 of the witnesses in this case and Deft's prior conduct as it relates to representation. The Court noted the State's objective in this matter, and therefore ORDERED, Status Check SET.

08/31/2022 9:30 AM STATUS CHECK: NEGOTIATIONS/TRIAL SETTING

PRINT DATE: 11/02/2022

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 31, 2022

C-14-299234-1	State of Nevada
	vs
	Robert Brown, Jr.

August 31, 2022	9:30 AM	Status Check:
		Negotiations/Trial Setting

HEARD BY: Bluth, Jacqueline M. **COURTROOM:** RJC Courtroom 10C

COURT CLERK: Kristen Brown

RECORDER: De'Awna Takas

REPORTER:

PARTIES

PRESENT:	Patrick, Clark W.	Attorney
	Pike, Randall H.	Attorney

JOURNAL ENTRIES

- At the request of Mr. Patrick, COURT ORDERED, matter CONTINUED.

CUSTODY (COC)

9/06/22 9:30 AM STATUS CHECK: NEGOTIATIONS/TRIAL SETTING

PRINT DATE: 11/02/2022

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Minutes Date: July 21, 2014

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 06, 2022

C-14-299234-1 State of Nevada
 vs
 Robert Brown, Jr.

September 06, 2022 9:30 AM

**Status Check:
Negotiations/Trial Setting**

HEARD BY: Bluth, Jacqueline M.

COURTROOM: RJC Courtroom 10C

COURT CLERK: Kristen Brown

RECORDER: De'Awna Takas

REPORTER:

PARTIES

PRESENT:	Brown, Robert, Jr.	Defendant
	Mishler, Karen	Attorney
	Patrick, Clark W.	Attorney
	Pike, Randall H.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Colloquy between Court and counsel regarding trial dates. COURT ORDERED, matter set for trial. Mr. Patrick advised the Court that he will be meeting with the Deft. next week to sign the acknowledgement for a settlement conference.

CUSTODY (COC)

1/18/23 9:30 AM STATUS CHECK: TRIAL READINESS

3/28/23 9:30 AM CALENDAR CALL

4/03/23 10:00 AM JURY TRIAL

PRINT DATE: 11/02/2022

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Minutes Date: July 21, 2014

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

September 20, 2022

C-14-299234-1 State of Nevada
vs
Robert Brown, Jr.

September 20, 2022 9:30 AM Motion

HEARD BY: Bluth, Jacqueline M.

COURTROOM: RJC Courtroom 10C

COURT CLERK: Kristen Brown

RECORDER: De'Awna Takas

REPORTER:

PARTIES

PRESENT: Brown, Robert, Jr. Defendant
Mishler, Karen Attorney
Patrick, Clark W. Attorney
Pike, Randall H. Attorney
State of Nevada Plaintiff

JOURNAL ENTRIES

- Colloquy between Court and counsel regarding the witnesses the State is seeking to take the depositions of. Arguments by counsel. Court stated its findings and ORDERED, Motion GRANTED. Court stated its Judicial Executive Assistant will contact counsel to arrange a time to set the depositions.

CUSTODY

PRINT DATE: 11/02/2022

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Minutes Date: July 21, 2014

Certification of Copy and Transmittal of Record

State of Nevada }
County of Clark } SS:

Pursuant to the Supreme Court order dated October 18, 2022, I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, do hereby certify that the foregoing is a true, full and correct copy of the complete trial court record for the case referenced below. The record comprises ten volumes with pages numbered 1 through 2268.

STATE OF NEVADA,

Plaintiff(s),

vs.

ROBERT BROWN, JR.,
AKA ARIYL,

Defendant(s),

Case No: C-14-299234-1

Dept. No: VI

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 3 day of November 2022.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk