

Electronically Filed  
Aug 15 2022 10:01 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

NOASC  
STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
KAREN MISHLER  
Chief Deputy District Attorney  
Nevada Bar #013730  
200 Lewis Street  
Las Vegas, Nevada 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,  
Plaintiff,  
v.  
MARGAUX ORNELAS,  
Defendant.

Case No. C-19-340051-2  
Dept. No. XXIV

**NOTICE OF APPEAL**

TO: MARGAUX ORNELAS, Defendant; and  
TO: MICHAEL TROIANO, Attorney for Defendant; and  
TO: ERIKA BALLOU, District Judge, Eighth Judicial District Court,  
Dept. No. XXIV

NOTICE IS HEREBY GIVEN THAT THE STATE OF NEVADA, Plaintiff in the  
above entitled matter, appeals to the Supreme Court of Nevada, pursuant to NRS 177.015(2)  
from the order the district court filed APRIL 8, 2021, granting Defendant's Motion to  
Suppress.

Dated this 12<sup>th</sup> day of August, 2022.

STEVEN B. WOLFSON,  
Clark County District Attorney

BY /s/ Karen Mishler  
KAREN MISHLER  
Chief Deputy District Attorney  
Nevada Bar #013730

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**CERTIFICATE OF ELECTRONIC TRANSMISSION**

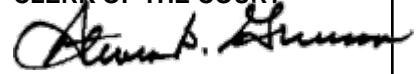
I hereby certify that service of the above and foregoing NOTICE OF APPEAL was made August 12, 2022, by electronic transmission to:

MICHAEL TROIANO  
Email: [mike@troianovegaslaw.com](mailto:mike@troianovegaslaw.com)

JUDGE ERIKA BALLOU  
Email: [Dept24LC@clarkcountycourts.us](mailto:Dept24LC@clarkcountycourts.us)

BY /s/ J. Hall  
Employee, District Attorney's Office

KM//jh



ASTA  
STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
KAREN MISHLER  
Chief Deputy District Attorney  
Nevada Bar #013730  
200 Lewis Street  
Las Vegas, Nevada 89155-2212  
(702) 671-2750  
Attorney for Plaintiff

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,  
Plaintiff,

v.

MARGAUX ORNELAS,  
Defendant.

Case No. C-19-340051-2  
Dept. No. XXIV

**CASE APPEAL STATEMENT**

**1. Name of appellant filing this case appeal statement:**

The State of Nevada

**2. Identify the judge issuing the decision, judgment, or order appealed from:**

Judge Erika Ballou

**3. Identify all parties to the proceedings in the district court:**

Margaux Ornelas

The State of Nevada

**4. Identify all parties involved in this appeal:**

Margaux Ornelas

The State of Nevada

**5. Name, law firm, address, and telephone number of all counsel on appeal and party or parties whom they represent:**

KAREN MISHLER  
Chief Deputy District Attorney  
Nevada Bar #013730  
Office of the Clark County District Attorney  
Regional Justice Center  
200 Lewis Avenue  
Post Office Box 552212  
Las Vegas, Nevada 89155-2212  
(702) 671-2750  
  
Counsel for Appellant  
State of Nevada

MICHAEL TROIANO  
601 South 7<sup>th</sup> Street  
Las Vegas, Nevada 89101  
(702) 843-5500  
  
Counsel for Respondent  
Margaux Ornelas

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

**7. Indicate whether appellant is represented by appointed or retained counsel on appeal:** Retained

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

**9. Date proceedings commenced in the district court:**

Indictment, filed May, 3, 2019.

**DATED** this 12<sup>th</sup> day of August, 2022.

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

BY /s/ Karen Mishler

KAREN MISHLER  
Chief Deputy District Attorney  
Nevada Bar #013730  
Office of the Clark County District Attorney  
Regional Justice Center  
200 Lewis Avenue  
Post Office Box 552212  
Las Vegas, Nevada 89155-2212  
(702) 671-2750

## CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that service of the above and foregoing CASE APPEAL STATEMENT was made August 12, 2022, by electronic transmission to:

MICHAEL TROIANO  
Email: [mike@troianovegaslaw.com](mailto:mike@troianovegaslaw.com)

JUDGE ERIKA BALLOU  
Email: [Dept24LC@clarkcountycourts.us](mailto:Dept24LC@clarkcountycourts.us)

BY /s/ J. Hall  
Employee, District Attorney's Office

KM//jh

## EIGHTH JUDICIAL DISTRICT COURT

**CASE SUMMARY****CASE NO. C-19-340051-2**

State of Nevada  
vs  
Margaux Ornelas

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Location: **Department 24**  
Judicial Officer: **Ballou, Erika**  
Filed on: **05/03/2019**  
Case Number History:  
Cross-Reference Case Number: **C340051**  
Defendant's Scope ID #: **7032495**  
Grand Jury Case Number: **18CGJ056B**  
ITAG Case ID: **2294241**  
Supreme Court No.: **82751**

**CASE INFORMATION**

Offense	Statute	Deg	Date	Case Type:	Felony/Gross Misdemeanor
1. CONSPIRACY TO COMMIT BURGLARY	205.060.2	G	12/08/2018		
Arrest: 05/03/2019				Case Status:	<b>05/07/2019 Reactivated</b>
2. BURGLARY	205.060.2	F	12/08/2018		
3. BURGLARY	205.060.2	F	12/08/2018		
4. BURGLARY	205.060.2	F	12/08/2018		
5. GRAND LARCENY	205.222.3	F	12/08/2018		
6. CONSPIRACY TO COMMIT BURGLARY	205.060.2	G	12/11/2018		
7. BURGLARY	205.060.2	F	12/11/2018		

**Related Cases**

C-19-340051-1 (Multi-Defendant Case)  
C-19-340051-3 (Multi-Defendant Case)  
C-19-340051-4 (Multi-Defendant Case)

**Warrants**

Indictment Warrant - Ornelas, Margaux (Judicial Officer: Leavitt, Michelle )

05/22/2019 2:16 PM Returned - Served  
05/03/2019 11:00 AM Active

Fine: \$0

Bond: **\$100,000.00**

**Any**

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


Case Number C-19-340051-2  
Court Department 24  
Date Assigned 01/04/2021  
Judicial Officer Ballou, Erika

**PARTY INFORMATION**

		Lead Attorneys
<b>Defendant</b>	<b>Ornelas, Margaux</b>	<b>Troiano, Michael</b> <i>Retained</i> 702-843-5500(W)
<b>Plaintiff</b>	<b>State of Nevada</b>	<b>Wolfson, Steven B</b> 702-671-2700(W)















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

05/03/2019












 Indictment  
[1]

Index #1


**CASE SUMMARY****CASE NO. C-19-340051-2**

05/03/2019	 Warrant <i>[2] Indictment Warrant</i>	<i>Index #2</i>
05/07/2019	 Indictment Warrant Return <i>[3]</i>	<i>Index #3</i>
05/14/2019	 Transcript of Proceedings <i>[4] Reporter's Transcript of Proceedings, Grand Jury Hearing, May 2, 2019</i>	<i>Index #4</i>
12/27/2019	 Notice of Witnesses and/or Expert Witnesses Filed By: Plaintiff State of Nevada <i>[5] State's Notice of Expert Witnesses</i>	<i>Index #5</i>
11/10/2020	 Notice of Witnesses Party: Defendant Ornelas, Margaux <i>[6] Defendant's Notice of Witnesses</i>	<i>Index #6</i>
11/11/2020	 Supplemental Witness List Filed by: Defendant Ornelas, Margaux <i>[7] Defendant's Supplemental Notice of Witnesses</i>	<i>Index #7</i>
01/04/2021	Case Reassigned to Department 24 <i>Judicial Reassignment to Judge Erika D. Ballou</i>	
01/18/2021	 Motion Filed By: Defendant Ornelas, Margaux <i>[8] Motion for Own Recognizance Release with Intensive Supervision</i>	<i>Index #8</i>
01/21/2021	 Clerk's Notice of Hearing <i>[9] Notice of Hearing</i>	<i>Index #9</i>
03/03/2021	 Joinder To Motion Filed By: Defendant Ornelas, Margaux <i>[10] Defendant Margaux Ornelas Joinder To Co-Defendant Dustin Lewis Motion To Suppress Evidence Based On Fourth Amendment Violation And Fruit Of The Poisonous Tree Doctrince</i>	<i>Index #10</i>
04/05/2021	 Motion for Own Recognizance Release/Settting Reasonable Bail Filed By: Defendant Ornelas, Margaux <i>[11] Motion for an Own Recognizance Release with Intensive Supervision</i>	<i>Index #11</i>
04/06/2021	 Clerk's Notice of Hearing <i>[12] Notice of Hearing</i>	<i>Index #12</i>
04/08/2021	 Order <i>[13] Order Granting Defendant Dustin Lewis Motion to Suppress Evidence based on Fourth Amendment Violations and Fruit of The Poisonous Tree Doctrine</i>	<i>Index #13</i>
04/09/2021	 Opposition to Motion Filed By: Plaintiff State of Nevada <i>[14] State's Opposition to Defendant's Motion For Own Recognizance Release/Settting Reasonable Bail</i>	<i>Index #14</i>
04/09/2021	 Reply to Opposition Filed by: Defendant Ornelas, Margaux	<i>Index #15</i>

**CASE SUMMARY**  
**CASE NO. C-19-340051-2**

	<i>[15] Reply to State's Opposition to Defendant's Motion for an Own Recognizance Release with Intensive Supervision</i>	
04/09/2021	 Notice of Appeal (Criminal) Party: Plaintiff State of Nevada <i>[16] Notice of Appeal</i>	Index #16
04/09/2021	 Case Appeal Statement <i>[17] Case Appeal Statement</i>	Index #17
04/23/2021	 Recorders Transcript of Hearing <i>[18] Recorder's Transcript of Hearing: Argument; Motion to Dismiss Counsel and Appoint Alternate Counsel 4.05.21</i>	Index #18
05/10/2021	 Order <i>[19] Order</i>	Index #19
05/11/2021	 Recorders Transcript of Hearing <i>[20] Recorder's Transcript of Proceedings: Defendant's Motion for an Own Recognizance Release with Intensive Supervision, April 14, 2021</i>	Index #20
03/22/2022	 Notice of Hearing <i>[21] Notice of Hearing</i>	Index #21
04/13/2022	 NV Supreme Court Clerks Certificate/Judgment -Remanded <i>[22] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Vacated and Remand</i>	Index #22
05/06/2022	 Notice of Hearing <i>[23] Notice of Hearing</i>	Index #23
08/11/2022	 Findings of Fact, Conclusions of Law and Judgment <i>[24] C-19-340051 Lewis and Ornelas Suppression Order</i>	Index #24
08/12/2022	 Notice of Appeal (Criminal) Party: Plaintiff State of Nevada <i>[25] Notice of Appeal</i>	Index #25
08/12/2022	 Case Appeal Statement Filed By: Plaintiff State of Nevada <i>[26] Case Appeal Statement</i>	Index #26

**HEARINGS**

05/03/2019	 <b>Grand Jury Indictment (11:00 AM)</b> (Judicial Officer: Leavitt, Michelle)
	<b>MINUTES</b>
	<b>Warrant</b>
	05/03/2019 Inactive Indictment Warrant
	Matter Heard;
	Journal Entry Details:
	<i>Lawrence Holmes, Grand Jury Foreperson, stated to the Court that at least twelve members had concurred in the return of the true bill during deliberation, but had been excused for presentation to the Court. State presented Grand Jury Case Number 18CGJ056B to the Court. COURT ORDERED, the Indictment may be filed and is assigned Case Number C-19-340051-2, Department XXIII. State requested a warrant, argued bail, and advised Deft is in custody. COURT ORDERED, \$100,000.00 BAIL; INDICTMENT WARRANT ISSUED, and matter SET</i>



# CASE SUMMARY

CASE NO. C-19-340051-2


for Arraignment. Upon Court's inquiry, the State advised there are no material witness warrants to quash. COURT FURTHER ORDERED, Exhibits 1-67 to be lodged with the Clerk of the Court; Las Vegas Justice Court case no. 19F00933B DISMISSED per the State's request. In addition, a Pre-Trial Risk Assessment will be prepared if one was not previously done. I.W. (NIC (COC-NDC)) 05/22/18 9:30 A.M. INITIAL ARRAIGNMENT (DEPT XXIII) ;


## SCHEDULED HEARINGS

**Initial Arraignment** (05/22/2019 at 9:30 AM) (Judicial Officer: Miley, Stefany)

05/22/2019 **Initial Arraignment** (9:30 AM) (Judicial Officer: Miley, Stefany)  
Trial Date Set;

05/22/2019 **Indictment Warrant Return** (9:30 AM) (Judicial Officer: Miley, Stefany)  
Matter Heard;

05/22/2019  **All Pending Motions** (9:30 AM) (Judicial Officer: Miley, Stefany)  
*Initial Arraignment; Indictment Warrant Return*  
Trial Date Set; Initial Arraignment; Indictment Warrant Return  
Journal Entry Details:  
*Deft. present in custody on the returned warrant. DEFT. ORNELAS ARRAIGNED, PLED NOT GUILTY, and WAIVED the 60-DAY RULE. Parties advised trial length of one week. COURT ORDERED, matter SET for trial. FURTHER, counsel has 21 days from today's date. CUSTODY 01-22-20 9:30 AM CALENDAR CALL 01-27-20 1:00 PM TRIAL BY JURY;*

01/22/2020  **Calendar Call** (9:30 AM) (Judicial Officer: Miley, Stefany)

## MINUTES


Trial Date Set;

Journal Entry Details:

*Also present: Co-Deft. Herod with counsel John Parris, Esq. and Co-Deft. Lewis with counsel Caesar Almase, Esq. Mr. Parris advised offers have been extended to the Co-Defts. and they are contingent; however, one Deft. not accepted the offer from the State and therefore Mr. Parris requested trial date be vacated and reset. At the request of Mr. Parris and Mr. Almase, COURT ORDERED, trial date VACATED and RESET. FURTHER, matter SET for status check. CUSTODY 2/19/20 9:30 AM STATUS CHECK: TRIAL READINESS 4/1/20 9:30 AM CALENDAR CALL 4/6/20 1:00 PM JURY TRIAL;*

## SCHEDULED HEARINGS

**CANCELED Jury Trial** (01/27/2020 at 1:00 PM) (Judicial Officer: Miley, Stefany)  
*Vacated - per Judge*

 **Status Check: Trial Readiness** (02/19/2020 at 9:30 AM) (Judicial Officer: Miley, Stefany)

**CANCELED Calendar Call** (04/01/2020 at 9:30 AM) (Judicial Officer: Miley, Stefany)  
*Vacated*

**CANCELED Jury Trial** (04/06/2020 at 1:00 PM) (Judicial Officer: Miley, Stefany)  
*Vacated*

01/27/2020 **CANCELED Jury Trial** (1:00 PM) (Judicial Officer: Miley, Stefany)  
*Vacated - per Judge*

02/19/2020  **Status Check: Trial Readiness** (9:30 AM) (Judicial Officer: Miley, Stefany)

Matter Heard;






Journal Entry Details:

*State announced ready for trial. Counsel noted there had been an offer, which is contingent and stated Deft. wanted to accept the offer. COURT SO NOTED and ORDERED, trial date STANDS. CUSTODY;*

04/01/2020 **CANCELED Calendar Call** (9:30 AM) (Judicial Officer: Miley, Stefany)  
*Vacated*




04/06/2020 **CANCELED Jury Trial** (1:00 PM) (Judicial Officer: Miley, Stefany)

**CASE SUMMARY**  
**CASE NO. C-19-340051-2**

	<i>Vacated</i>
06/17/2020	 <b>Calendar Call</b> (3:30 PM) (Judicial Officer: Miley, Stefany) Trial Date Set; Journal Entry Details: <i>Marshal Dean advised Deft. was not present due to health issue. COURT SO NOTED. Pursuant to Administrative Order due to COVID 19, COURT ORDERED, trial date VACATED and RESET. CUSTODY 01-13-21 9:30 AM CALENDAR CALL 01-19-21 1:00 PM TRIAL BY JURY;</i>
06/22/2020	<b>CANCELED Jury Trial</b> (1:00 PM) (Judicial Officer: Miley, Stefany) <i>Vacated</i>
01/13/2021	 <b>Calendar Call</b> (8:30 AM) (Judicial Officer: Ballou, Erika) Matter Heard; Journal Entry Details: <i>Yu Meng, Esq. present via Bluejeans video conference. Deft. present in-custody via Bluejeans video conference. The Court noted Deft. waived his right to a speedy trial. Colloquy regarding trial dates. Following colloquy, COURT ORDERED, trial dates VACATED and RESET. CUSTODY 05/17/2021 8:30 AM CALENDAR CALL 05/24/2021 9:00 AM JURY TRIAL;</i>
01/19/2021	<b>CANCELED Jury Trial</b> (1:00 PM) (Judicial Officer: Lilly-Spells, Jasmin) <i>Vacated - per Judge</i>
01/25/2021	 <b>Motion for Own Recognizance Release/Setting Reasonable Bail</b> (8:30 AM) (Judicial Officer: Ballou, Erika) <i>Defendant's - Motion for Own Recognizance Release with Intensive Supervision</i> Granted in Part; Journal Entry Details: <i>David Stanton, Esq. and Michael Troiano, Esq. present via Bluejeans video conference. Deft. present in-custody via Bluejeans video conference. Arguments by counsel. Following arguments, COURT STATED IT'S FACTS AND FINDINGS, ORDERED, Own Recognizance Release (O.R.) with High Level Electronic Monitoring. O.R./HLEMP;</i>
03/08/2021	 <b>Opposition and Countermotion</b> (10:00 AM) (Judicial Officer: Ballou, Erika) <i>Defendant Margaux Ornelas Joinder To Co-Defendant Dustin Lewis Motion To Suppress Evidence Based On Fourth Amendment Violation And Fruit Of The Poisonous Tree Doctrince</i> Matter Heard; Journal Entry Details: <i>David Stanton, Esq. present via Bluejeans video conference. Deft. present in-custody via Bluejeans video conference. Colloquy regarding case law. Following colloquy, COURT ORDERED, Mr. Almase to file a reply with case law; matter SET for argument. CUSTODY 03.17.2021 8:30 AM ARGUMENT;</i>
03/17/2021	 <b>Argument</b> (8:30 AM) (Judicial Officer: Ballou, Erika) <b>03/17/2021, 03/31/2021, 04/05/2021</b> Matter Continued; Matter Continued; Matter Heard; Journal Entry Details: <i>David Stanton, Esq. and Michael Troiano, Esq. present via Bluejeans video conference. Deft. present in-custody via Bluejeans video conference. The Court noted it read all pleadings. Mr. Almase submitted on pleadings. Arguments by Mr. Stanton. Following arguments, COURT ORDERED, Motion GRANTED in entirety; advised Mr. Almase to prepare the Order. CUSTODY;</i> Matter Continued; Matter Continued; Matter Heard; Journal Entry Details: <i>Michael Troiano, Esq. and David Stanton, Esq. present via Bluejeans video conference.</i>

# CASE SUMMARY

## CASE NO. C-19-340051-2

	<p><i>Caesar Almase, Esq. present for Co-Deft. (Dustin Lewis). Deft. present in-custody via Bluejeans video conference. Mr. Almase indicated the State filed a response of pleadings. COURT ORDERED, matter CONTINUED to review pleadings. CUSTODY CONTINUED TO 04.05.2021 8:30 AM;</i></p> <p>Matter Continued;</p> <p>Matter Continued;</p> <p>Matter Heard;</p> <p>Journal Entry Details:</p> <p><i>Caesar V. Almase, Esq., appearing for Michael Troiano, Esq., for the Defendant. COURT NOTED this matter was Mr. Troiano's joinder to Mr. Almase's motion. COURT ORDERED, matter CONTINUED. CUSTODY CONTINUED TO: 03/30/21 8:30 AM;</i></p>
04/12/2021	<p> <b>Motion for Own Recognizance Release/Setting Reasonable Bail (8:30 AM)</b> (Judicial Officer: Ballou, Erika)</p> <p><b>04/12/2021, 04/14/2021</b></p> <p><i>Defendant's Motion for an Own Recognizance Release with Intensive Supervision</i></p> <p>Matter Continued;</p> <p>Granted;</p> <p>Journal Entry Details:</p> <p><i>David Stanton, Esq.; Caesar Almase, Esq.( Co-Deft. Lewis) and Michael Troiano, Esq. present via Bluejeans video conference. Deft. present in-custody via Bluejeans video conference. The Court noted it read all Motions and previous Motions. Arguments by counsel. Following arguments, COURT ORDERED, Deft. RELEASED with Intensive Supervision. O.R./I.S.;</i></p> <p>Matter Continued;</p> <p>Granted;</p> <p>Journal Entry Details:</p> <p><i>Sarah Overly, Esq. present via Bluejeans video conference. Deft. present in-custody via Bluejeans video conference. Ms. Overly indicated Mr. Stanton couldn't be present; requested to continue the matter with Co-Deft. COURT ORDERED, matter CONTINUED. CUSTODY CONTINUED TO 04.14.2021 8:30 AM;</i></p>
05/17/2021	<p> <b>Calendar Call (8:30 AM)</b> (Judicial Officer: Ballou, Erika)</p> <p>Set Status Check;</p> <p>Journal Entry Details:</p> <p><i>David Stanton, Esq. present via Bluejeans video conference. Deft. present out-of-custody via Bluejeans video conference. The Court noted Deft. WAIVED her right on May 22, 2019. Mr. Almase indicated the matter is on appeal; requested a status check in 30 days. COURT ORDERED, trial date VACATED; matter SET for status check. O.R./I.S. 06.14.2021 8:30 AM STATUS CHECK: APPEAL;</i></p>
05/24/2021	<p><b>CANCELED Jury Trial (9:00 AM)</b> (Judicial Officer: Ballou, Erika)</p> <p><i>Vacated - per Judge</i></p>
06/14/2021	<p> <b>Status Check (8:30 AM)</b> (Judicial Officer: Ballou, Erika)</p> <p><b>06/14/2021, 08/02/2021, 10/04/2021, 11/01/2021, 12/13/2021, 02/09/2022, 03/28/2022</b></p> <p><b>STATUS CHECK: APPEAL</b></p> <p>Set Status Check;</p> <p>Matter Continued;</p> <p>Matter Continued;</p> <p>Matter Continued;</p> <p>Matter Continued;</p> <p>Matter Continued;</p> <p>Matter Heard;</p> <p>Journal Entry Details:</p> <p><i>Ann Dunn, Esq. and Michael Troiano, Esq. present via Bluejeans video conference. Deft. not present. The Court noted Supreme Court needed more of a record. Colloquy regarding evidentiary hearing. Following colloquy, COURT ORDERED, matter SET or evidentiary hearing. O.R./I.S. 04.14.2022 1:30 PM EVIDENTIARY HEARING;</i></p> <p>Set Status Check;</p> <p>Matter Continued;</p> <p>Matter Continued;</p> <p>Matter Continued;</p>

**CASE SUMMARY**  
**CASE NO. C-19-340051-2**

Matter Continued;

Matter Continued;

Matter Heard;

Journal Entry Details:

*Sarah Overly, Esq. and Michael Troiano, Esq. present via Bluejeans video conference; Caesar Almase, Esq. present for Deft. Lewis; Caesar Almase, Esq. present for Steven Altig, Esq. for Deft. Herod. Upon Court's inquiry, Mr. Almase indicated Supreme Court would issue a written decision; no oral argument would be needed. COURT ORDERED, matter CONTINUED.*

*O.R./I.S. CONTINUED TO 04.06.2022 8:30 AM ;*

Set Status Check;

Matter Continued;

Matter Continued;

Matter Continued;

Matter Continued;

Matter Continued;

Matter Heard;

Journal Entry Details:

*Mr. Altig present for Mr. Troiano. The Court reviewed the Supreme Court status; WAIVED Deft. Ornelas; noted Mr. Lewis was not transported; reviewed the Supreme Court status. Mr. Almase requested a continuance for Supreme Court decision. COURT ORDERED, matter CONTINUED. CONTINUED TO 02.09.2022 8:30 AM CLERK'S NOTE: This Minute Order was prepared using JAVS./01.22.2022rh ;*

Set Status Check;

Matter Continued;

Matter Continued;

Matter Continued;

Matter Continued;

Matter Continued;

Matter Heard;

Journal Entry Details:

*Sarah Overly, Esq. present via Bluejeans video conference. Steve Altig, Esq. present for Co-Deft. Herod. Deft. and Co-Deft. Ornelas not present. Co-Deft. Herod present out-of-custody via Bluejeans video conference. The Court noted Deft. Lewis was a special transport and was not needed; WAIVED Co-Deft. Ornelas presence; reviewed status of Supreme Court case. Mr. Almase requested a 30 to 45 day continuance. COURT SO ORDERED. O.R./I.S. CONTINUED TO 12.13.2021 8:30 AM;*

Set Status Check;

Matter Continued;

Matter Continued;

Matter Continued;

Matter Continued;

Matter Continued;

Matter Heard;

Journal Entry Details:

*Sarah Overly, Esq.; Caesar Almase, Esq. (counsel for Co-Deft. Lewis); Michael Troiano, Esq. present via Bluejeans video conference. Deft. present out-of-custody via Bluejeans video conference. Upon Court's inquiry, Mr. Almase indicated the matter was still pending in Supreme Court. COURT ORDERED, matter CONTINUED. O.R./I.S. CONTINUED TO 11.01.2021 8:30 AM;*

Set Status Check;

Matter Continued;

Matter Continued;

Matter Continued;

Matter Continued;

Matter Continued;

Matter Heard;

Journal Entry Details:




*Sarah Overly, Esq. and Michael Troiano, Esq. present via Bluejeans video conference. Deft. not present. Counsel indicated the State filed it's opening brief. COURT ORDERED, matter CONTINUED. CONTINUED TO 10.04.2021 8:30 AM;*

Set Status Check;

Matter Continued;

Matter Continued;

**CASE SUMMARY**  
**CASE NO. C-19-340051-2**

	<p>Matter Continued; Matter Continued; Matter Continued; Matter Heard; Journal Entry Details: <i>Sarah Overly, Esq. present via Bluejeans video conference. Deft. present out-of-custody via Bluejeans video conference. Colloquy regarding Nevada Supreme Court case 82750. Following colloquy, COURT ORDERED, matter SET for status check. O.R./I.S. 08.02.2021 8:30 AM STATUS CHECK: APPEAL;</i></p>
04/14/2022	<p><b>CANCELED Evidentiary Hearing (1:30 PM)</b> (Judicial Officer: Ballou, Erika) <i>Vacated - per Attorney or Pro Per</i></p>
05/09/2022	<p> <b>At Request of Court (9:30 AM)</b> (Judicial Officer: Ballou, Erika) Matter Heard; Journal Entry Details: <i>Mr. Troiano, Esq. for Mr. Almase on behalf of Defendant. COURT NOTED this matter needed to be set for an evidentiary hearing. Mr. Troiano advised the State was close to a resolution with the insurance claims regarding the victim and then the State may be ready for a resolution Further Mr. Troiano requested a two week continuance for negotiations. Ms. Dunn stated she had spoken with the victim regarding a possible resolution, the victim wanted to contact his civil attorney and she was waiting to hear back from the victim. COURT ORDERED, matter SET. IN CUSTODY 05/23/22 9:30 A.M. STATUS CHECK: NEGOTIATIONS;</i></p>
05/23/2022	<p> <b>Status Check (9:30 AM)</b> (Judicial Officer: Ballou, Erika) <i>Status Check: Negotiations</i> Matter Heard; Journal Entry Details: <i>Caesar Almase, Esq. on behalf of Co-Deft. Herod; Steven Altig, Esq. present on behalf of Co-Deft. Herod. Upon Court's inquiry, Mr. Almase indicated the offers that were extended were contingent with Co-Deft.'s; further indicated Deft. Lewis rejected the offer. COURT ORDERED, matter SET for evidentiary hearing. 06.10.2022 1:30 PM EVIDENTIARY HEARING;</i></p>
06/10/2022	<p> <b>Evidentiary Hearing (1:30 PM)</b> (Judicial Officer: Ballou, Erika) Set Status Check; Journal Entry Details: <i>Steven Altig, Esq. on behalf of Co-Deft. Herod; Caesar Almase, Esq. present on behalf of Co-Deft. Lewis. Testimony and exhibits presented (see worksheet). Arguments by Mr. Almase and Ms. Dunn. Following arguments, COURT STATED IT'S FINDINGS, ORDERED, ruling STANDS; advised it would prepare the order. Ms. Dunn indicated she would be appealing the matter. COURT FURTHER ORDERED, matter SET for status check: appeal. 08.29.2022 9:30 AM STATUS CHECK: APPEAL;</i></p>
08/29/2022	<p><b>Status Check (9:30 AM)</b> (Judicial Officer: Ballou, Erika) <i>STATUS CHECK: APPEAL</i></p>

1 **FFCL**

2  
3 **DISTRICT COURT**  
4 **CLARK COUNTY, NEVADA**

5  
6 The State of Nevada,  
Plaintiff(s),

CASE NO. C-19-340051-1  
C-19-340051-2

7 v.

DEPT NO. XXIV

8  
9 Dustin Lewis,  
Margaux Ornelas,  
10 Defendant(s).

11  
12  
13 **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER GRANTING**  
14 **DEFENDANT DUSTIN LEWIS'S AND MARGAUX ORNELAS'S MOTIONS TO**  
15 **SUPPRESS EVIDENCE**

16 This matter having come before the Court on Dustin Lewis's ("Mr. Lewis") Motion to  
17 Suppress Evidence Based on Fourth Amendment Violation and Fruit of the Poisonous Tree  
18 Doctrine, filed on February 26, 2021, and Margaux Ornelas's ("Ms. Ornelas") Joinder to Co-  
19 Defendant Dustin Lewis's Motion to Suppress Evidence Based on Fourth Amendment  
20 Violation and Fruit of the Poisonous Tree Doctrine, filed on March 3, 2021. The State having  
21 filed an opposition, which was thoroughly reviewed by the Court, and the matter having come  
22 before the Court for argument on April 5, 2021, at which time the Court granted the defense  
23 motions in their entirety. The State then filed an interlocutory appeal to the Nevada Supreme  
24 Court, which vacated this Court's previous order and remanded for further proceedings  
25 consistent with its order. Thereafter, this Court had an Evidentiary Hearing on June 10, 2022,  
26 allowing the State to supplement its evidence with testimony from David Inman ("Inman"),  
27 the owner of the property, and Sgt. Andrew Shark (Sgt. Shark") from the Las Vegas  
28 Metropolitan Police Department ("Metro" or "LVMPD").

1 The Court, having read and considered the pleadings filed by the parties, having  
2 carefully considered the evidence and testimony presented at the Evidentiary Hearing, and  
3 having carefully considered the oral and written arguments of counsel and all related briefing,  
4 and with the intent of deciding the matters pending before the Court, the Court makes the  
5 following Findings of Fact, Conclusions of Law, and Order. If any findings of fact are properly  
6 conclusions of law, or vice versa, they shall be treated as if appropriately identified and  
7 designated.

8 **I. Findings of Fact**

- 9 1. On December 8, 2018, a StorageOne facility was burglarized. Three units in total  
10 were burglarized that day.
- 11 2. One of the units which was burglarized, unit B-151, had been rented by Marc  
12 Falcone (“Falcone”). Police were advised by Falcone that he was missing twenty-  
13 one (21) high end, rare, collectible wrist watches with an approximate value of over  
14 two million dollars. In addition, miscellaneous items were missing such as a  
15 Panerai bag that was white with blue trim, watch boxes, a black canvas duffel bag,  
16 and a leather briefcase.
- 17 3. One of the other units which was burglarized, unit B-147, had been rented by  
18 Michael Rodrigue (“Rodrigue”). Rodrigue, at first, informed police that items in  
19 his unit appeared to be moved but nothing take. He later updated that information  
20 to inform the police that various miscellaneous items were missing but there was  
21 nothing of great value taken. Some of the items that were missing included several  
22 dolls, a green Army jacket with the name “Rodrigue” on it, a black briefcase, and a  
23 large wooden chessboard.
- 24 4. Video surveillance from the storage facility showed two subjects entering the  
25 facility and leaving approximately one hour and twenty minutes later with several  
26 bags and a wheelchair.
- 27 5. Police were able to obtain still shots from the facility’s video surveillance. The  
28 suspects appeared on video surveillance to be a white female adult, mid-30s to 40s,

1 with a light colored ponytail with dark roots, wearing a dark colored jacket, and  
2 pushing the wheelchair. The second suspect was a white male adult, mid-30s, with  
3 short, dark colored hair, dark colored hoodie, and dark colored jeans. Both were  
4 potentially homeless.

5 6. Once police obtained the actual surveillance video, the white female adult is seen  
6 to have a large wooden chessboard in the wheelchair.

7 7. Metro officers canvassed the area and spoke with homeless individuals about the  
8 suspects. Some of the homeless individuals who were canvased confirmed to police  
9 that there was a homeless couple fitting that description who had recently been seen  
10 with a wheelchair and who lived in the area of Fort Apache and Tropicana. Police  
11 were unable locate either subject.

12 8. Det. Linder of Metro conducted a records check of crime reports and field  
13 interviews and located a field interview of a white female adult who was stopped in  
14 the area of Fort Apache and Tropicana, named Annie Bishop (DOB 6/15/84, ID#  
15 5599431) ("Bishop") who was with her husband, James Gregg (DOB: 12/29/86, ID  
16 # 7048098) ("Gregg"). Det. Linder was able to pull up prior booking photos for  
17 both Bishop and Gregg. Bishop had blonde hair with dark roots. Police determined  
18 that she could be a possible match for the female in the surveillance photos. Gregg  
19 also had short, dark hair which could be a match for the male in the photos as well.

20 9. On December 11, 2018, LVMPD officers decided to re-canvas the area for the  
21 suspects. Pages 6-7 of the LVMPD Continuation Report explain:

22 While walking along the bicycle/jogging path that  
23 parallels I-215, they located a tent that was in the desert  
24 area directly east of the StorageOne, north of the  
25 Chevron gas station that is also directly east of the  
26 StorageOne. They decided to hop the fence that  
27 surrounds the desert area and challenged the tent to see  
28 if anyone was inside. **There was no answer, so they**



1                    **unzipped the door of the tent to see if anyone was**  
2                    **inside.** There was nobody inside, but they saw a large  
3                    wooden chessboard, which matched the one seen on  
4                    the video surveillance still shot that was in the  
5                    wheelchair being pushed by the female suspect. They  
6                    also saw what appeared to be watch boxes and could  
7                    see that one had “Panerai” written on it. They did not  
8                    enter the tent. They also saw that about 25 yards  
9                    directly east of the tent was a folded wheelchair that  
10                   also looked like the one in the video surveillance  
11                   photos.

12                   (See LVMPD Continuation Report, attached as Exhibit A.) (Emphasis added.)

13                   10. Police then obtained a search warrant, authored by Officer Shark.

14                   11. Once inside the tent, police were able to lift several latent prints from various items,  
15                   including the wheelchair near the handle, the “Panerai” bag, and the chess board.

16                   12. The search warrant also returned numerous items of evidentiary value including an  
17                   Army jacket with “Rodrigue” on it that had dog tags in the name of Michael  
18                   Rodrigue in one of the pockets, watch boxes, white “Panerai” bag, and black duffel  
19                   bag.

20                   13. Police later returned to the scene of the search to recover Officer Shark’s lost cell  
21                   phone. While there, officers noticed that items, such as the duplicate original search  
22                   warrant and other miscellaneous items, were missing. Approximately fifteen  
23                   minutes after arrival, officers also heard the alarm sounding at the StorageOne  
24                   facility. Several police units responded.

25                   14. Police on scene noticed a suspicious Lincoln Navigator parked on the west side wall  
26                   of the facility. This vehicle led to the arrest of co-defendants Thomas Herod  
27                   (“Herod”) and Tyree Faulkner (“Faulkner”). Faulkner spoke with police and  
28                   explained his part in the burglaries. Faulkner did not identify Mr. Lewis or Ms.

Ornelas, only stating his cousin (co-defendant Herod) knew the male. The vehicle was eventually searched pursuant to a search warrant.

15. Latent prints lifted from the tent returned to defendants Dustin Lewis and Margaux Ornelas. The two matched the suspects from the burglaries.

16. Officers later located Ms. Ornelas at a motel. Police obtained a search warrant for the room where Ms. Ornelas was staying. More of Falcone's property was located in the room.

17. Ms. Ornelas was taken into custody on an unrelated domestic battery. She did not speak with police.

18. In January 2019, latent prints lifted from the exterior of the burglarized units returned to Mr. Lewis and Ms. Ornelas.

19. The same day, Mr. Lewis was located at his mother's home. He was taken into custody for an unrelated parole violation. He did not have any stolen property in his possession. His mother gave officers permission to search her home, vehicle, and storage room at her apartment complex. No stolen property was located.

20. Police interviewed Mr. Lewis who denied stealing or selling any watches. He further denied breaking into the storage units at issue. When asked specifically about who had the watches, Mr. Lewis told police to speak with Ms. Ornelas. Mr. Lewis claimed he may have been to the storage facility but did not make any further admissions.

21. On June 10, 2022, this Court held an evidentiary hearing allowing the State to supplement its evidence.

22. David Inman testified that he was the owner of the land on which the tent in question was located. When he purchased the land, there was no fencing.

23. Inman testified that he was made aware of a tent on his property on the weekend of November 10, 2018. He remembered the date because he was in New York for his son's wedding. He contacted Metro in November of 2018 to remove the homeless from his property but he never filed a report because he was told that he had to put

up signs before any action could be taken.

24. He had the fence erected in November of 2018. It would have been within a day or two of the November 19, 2018, invoice for that fence. He placed “No Trespassing” signs on the fence within a day of the fence being erected.

25. Sgt. Shark testified that although he is now a sergeant in the Summerlin Area Command, in December of 2018, he was a patrol officer in the Spring Valley Area Command where this incident occurred.

26. On December 11, 2018, he was working the burglaries and speaking to transient people. In this capacity, he came across the desert lot in question. He testified that although the lot had fencing around it, the fencing was damaged. He entered through the portion that was damaged. Sgt. Shark also testified that he does not recall any posted “No Trespassing” signs.

27. He observed a transient camp on the lot. There were several pieces of trash and a tent. He approached the tent to make contact with anyone inside. Sgt. Shark identified himself as a police officer and challenged the tent to see if there would be a response. He testified that he received no response. Sgt. Shark further testified that based on the proximity of the tent to the wall, and due to officer safety **Metro opened the tent to see if anyone was inside.** There was no one inside. While the officers cleared the tent, he noticed several items of evidentiary value to the case they were investigating including the chessboard. He then obtained a search warrant for the tent where additional items of evidentiary value were located.

28. On cross-examination, Sgt. Shark testified that he did not speak with the owner of the property before opening the tent. The justification for opening the tent was officer safety.

29. He also claimed that there was a small opening so the tent was not completely zipped.

## **II. Conclusions of Law**

30. The Fourth Amendment to the United States Constitution protects citizens, persons

1 and property from unreasonable searches and seizures by government agents except  
2 after obtaining a warrant supported by probable cause. Probable cause exists when  
3 “there is a fair probability that contraband or evidence of a crime will be found in a  
4 particular place.” Illinois v. Gates, 462 U.S. 213, 238 (1983). Evidence obtained  
5 as a result of an illegal search is subject to exclusion, as is evidence later discovered  
6 and “derivative of an illegality” as “fruit of the poisonous tree.” Segura v. United  
7 States, 468 U.S. 796, 804 (1984) (quoting Nardona v. United States, 308 U.S. 338,  
8 341 (1939)).

9 31. A person has a subjective expectation of privacy in a tent and its contents where  
10 that person manifests such expectation, such as **by leaving it closed**. Alward v.  
11 State, 112 Nev. 141, 150, 912 P.2d 243, 249 (1996), overruled on other grounds by  
12 Rosky v. State, 121 Nev. 184, 111 P.3d 690 (2005); see also United States v. Gooch,  
13 6 F.3d 673, 676 (9th Cir. 1993) (Emphasis added).

14 32. The Fourth Amendment “protects people, not places.” Gooch, 6 F.3d at 676-77  
15 (quoting Katz v. United States, 389 U.S. 347, 351 (1967)).

16 33. **“Simply because [the defendant] camped on land [owned by another] does not**  
17 **diminish his expectation of privacy.”** Alward, 112 Nev. at 150, 912 P.2d at 249.  
18 Warrantless searches of tents, therefore, violate the Fourth Amendment. Id.

19 34. In its initial opposition to Mr. Lewis’s suppression motion, the State argued that the  
20 Metro officers had “to ascertain whether an ongoing crime was being committed  
21 (trespassing)” (See State’s Opposition filed March 4, 2021, at page 2, lines 13-14.)

22 a. Nothing in the original police reports in this matter would lead one to believe  
23 that the police were concerned about the “ongoing crime of trespassing.” There  
24 is no mention of trespassing at all in any of the police reports.

25 b. Sgt. Shark’s testimony was that although the property was fenced, the fencing  
26 had damage and that he did not recall any “No Trespassing” signs on the  
27 property.

28 c. Sgt. Shark further testified that he did not speak to the owner of the property

1 prior to opening the tent.

2 d. Inman’s testimony is that he did not file a police report related to trespassing as  
3 he was informed that he must post signage before anything could be done.

4 35. For the same reason, the State’s argument that the entire tent and its contents could  
5 be seized and inventoried (See State’s Opposition filed March 4, 2021, at page 2,  
6 lines 22-24), also fails.

7 36. The State also argues in its initial opposition that the officers were duty bound, by  
8 the doctrine of “community caretaking,” to open and investigate the tent. (See  
9 State’s Opposition filed March 4, 2021, at page 5, lines 19-22.) The State chose not  
10 to analyze in any way, shape, or fashion how the simple presence of a wheelchair  
11 in the vicinity of a tent would induce the police to open a zipped tent without a  
12 warrant.

13 a. The State mentions the “community caretaking” doctrine in its Opposition to  
14 stand for the proposition that “The officers were obligated to see if the  
15 wheelchair was related to the occupants of the tent for several reasons –  
16 ‘community caretaking.’” (See State’s Opposition filed March 4, 2021, at page  
17 2, lines 15-19).

18 b. The Rincon case cited by the State for this proposition is a case related to driving  
19 under the influence. State v. Rincon, 122 Nev. 1170, 147 P.3d. 233 (2006).  
20 “The community caretaking exception applies if a police officer initiates a traffic  
21 stop based on a reasonable belief that a slow driver is in need of emergency  
22 assistance.” Id. 122 Nev. at 1176, 147 P.3d at 237. A wheelchair in close  
23 proximity to a tent does not relate to driving at all. Neither does a wheelchair  
24 simply existing engender a reasonable belief that someone is in need of  
25 emergency assistance.

26 37. The State also urges the Court to make a distinction between a tent found on public  
27 land and that on private land. (See State’s Opposition filed March 4, 2021, at page  
28 2, lines 2-12.) The State argues that this distinction shows that the tent in question

1 here evidenced the ongoing crime of trespass whereas tents on public land could be  
2 lawfully present for such things as camping.

- 3 a. As noted elsewhere, Sgt. Shark did not recall ever seeing any posted signage  
4 warning trespassers away from the property.  
5 b. Neither did Sgt. Shark attempt to contact the property owner to determine  
6 whether the campsite was permitted.  
7 c. Inman, the property owner, testified that he did not file a police report related to  
8 trespass on his property as he was told that he must post signage before he could  
9 do so.

10 38. During his testimony, Sgt. Shark testified that the reason for opening the tent was  
11 for officer safety.

- 12 a. Officer safety appears to be a pretextual, after-the-fact justification, as no  
13 mention of officer safety appears in the original police reports.  
14 b. Sgt. Shark testified that an attack “can happen through a tent” though there was  
15 no discussion as to why officers would anticipate an attack – officers were only  
16 speaking to civilians as potential witnesses. This reasoning is akin to officers  
17 investigating a burglary three days prior at a business adjacent to a home and  
18 then fully opening a door to the home when no one answered to speak with  
19 officers. A partially closed door could also be seen as a bad tactical situation in  
20 the same manner as a tent.  
21 c. This was also not a hot pursuit situation where police knew there to be someone  
22 inside the tent who could or would attack officers.  
23 d. The State argued at the evidentiary hearing on June 10, 2022, that a person who  
24 is trespassing does not have a privacy interest as the privacy interest must be one  
25 that society is willing to accept. This devalues the interests of the Fourth  
26 Amendment in preventing government overreach. Also as noted above, The  
27 Fourth Amendment “protects people, not places.” Gooch, 6 F.3d at 676-77  
28 (quoting Katz v. United States, 389 U.S. 347, 351 (1967)).

1 39. Mr. Lewis and Ms. Ornelas, like all citizens afforded the protection of the Fourth  
2 Amendment of the US Constitution, absolutely had an expectation of privacy in the  
3 home they maintained during this case, the tent. Officers unzipped the tent in clear  
4 violation of the Fourth Amendment and case law. As such, every tangible piece of  
5 property illegally seized from the tent and surrounding area must be suppressed.

6 40. As the US Supreme Court held in Segura v. United States, 468 U.S. 796, 804 (1984),  
7 “evidence later discovered and found to be derivative of” an illegal search or seizure  
8 must be excluded, as well as any primary evidence directly obtained from the  
9 illegality. (Id. at 468 US 797). Based on the Fruit of the Poisonous Tree doctrine,  
10 Mr. Lewis and Ms. Ornelas also seek to suppress: (1) Mr. Lewis’s and Ms. Ornelas’s  
11 latent prints recovered from the exterior of the burglarized units at the StorageOne  
12 facility; (2) the entirety of Mr. Lewis’s and Ms. Ornelas’s statements to police; (3)  
13 all tangible documents, statements, and any other tangible evidence related to the  
14 identities of Mr. Lewis and Ms. Ornelas; (4) any evidence from the search of the  
15 Lincoln Navigator that the State intends to use against Mr. Lewis or Ms. Ornelas;  
16 and (5) any evidence from the search of the Fun City Motel the State intends to use  
17 against Mr. Lewis or Ms. Ornelas.

18 a. The State argues that the latent prints were obtained independently and therefore  
19 shouldn’t be suppressed. However, as these prints were recovered from the  
20 exterior of the burglarized units, the only way to link these to the burglary is  
21 based on the illegally obtained evidence from the tent. Therefore, these latent  
22 prints must be suppressed.

23 b. The police were investigating Bishop and Gregg in relation to these burglaries.  
24 The only reason this focus shifted was due to the illegally obtained items from  
25 the tent. Therefore, the statements Mr. Lewis and Ms. Ornelas made after  
26 encountering police must be suppressed.

27 c. Because the only reason police shifted their sights onto Mr. Lewis and Ms.  
28 Ornelas and away from Bishop and Gregg is based on the contents of the tent

1 which were illegally obtained, all tangible documents, statements, and any other  
2 tangible evidence related to the identities of Mr. Lewis and Ms. Ornelas must be  
3 suppressed.

4 d. Again, as the police only shifted their investigation from Bishop and Gregg to  
5 Mr. Lewis and Ms. Ornelas after the illegal search of the tent, all evidence  
6 derived from the Fun City Motel, must also be suppressed.

7 **III. Order**

8 Based on the above Findings of Fact and Conclusions of Law,

9 **IT IS HEREBY ORDERED SUPRESSED,**

10 All tangible property and physical evidence recovered from the tent of Mr. Lewis and  
11 Ms. Ornelas and the surrounding area, as these items were seized in violation of the Fourth  
12 Amendment to the United States Constitution, U.S. v. Gooch, 6 F.3d. 673 (9th Cir. 1993), U.S.  
13 v. Sandoval, 200 F.3d 659 (2000), and State v. Alward, 112 Nev. 141 (1996);

14 **FURTHER ORDERED SUPPRESSED,**

15 Under the Fruit of the Poisonous Tree doctrine and Segura v. United States, 468 U.S.  
16 796, 804 (1984), is the hand print of Mr. Lewis; the interviews of Mr. Lewis and Ms. Ornelas;  
17 any statements attributed to Mr. Lewis and Ms. Ornelas; all documents, statements, and any  
18 other tangible or physical evidence relating to the identity of Mr. Lewis and Ms. Ornelas; any  
19 evidence derived from the Lincoln Navigator that the State intends to use against Mr. Lewis  
20 and Ms. Ornelas; and any evidence derived from the Fun City Motel.

Dated this 11th day of August, 2022

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22

23 **31B 918 3492 DD60**  
24 **Erika Ballou**  
25 **District Court Judge**  
26  
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**CERTIFICATE OF SERVICE**

I hereby certify that on the date e-filed, a copy of the foregoing was electronically served, pursuant to N.E.F.C.R. Rule 9, to all registered parties in the Eighth Judicial District Court Electronic Filing Program.

*If indicated below*, a copy of the foregoing was also

☐ Mailed by the U.S. Postal Service, postage prepaid, to the proper parties listed below at their last known address(es):

*Chapri Wright*  
Chapri Wright  
Judicial Executive Assistant

1 **CSERV**

2  
3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA

5  
6 State of Nevada

CASE NO: C-19-340051-2

7 vs

DEPT. NO. Department 24

8 Margaux Ornelas  
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 8/11/2022

15 Michael Troiano

mike@troianovegaslaw.com

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**May 03, 2019**

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C-19-340051-2      State of Nevada  
vs  
Margaux Ornelas

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**May 03, 2019      11:00 AM      Grand Jury Indictment**

**HEARD BY:** Leavitt, Michelle      **COURTROOM:** RJC Courtroom 10C

**COURT CLERK:** Kimberly Estala

**RECORDER:** Trisha Garcia

**REPORTER:**

**PARTIES**

**PRESENT:**      Stanton, David L.      Attorney  
State of Nevada      Plaintiff

**JOURNAL ENTRIES**

- Lawrence Holmes, Grand Jury Foreperson, stated to the Court that at least twelve members had concurred in the return of the true bill during deliberation, but had been excused for presentation to the Court. State presented Grand Jury Case Number 18CGJ056B to the Court. COURT ORDERED, the Indictment may be filed and is assigned Case Number C-19-340051-2, Department XXIII.

State requested a warrant, argued bail, and advised Deft is in custody. COURT ORDERED, \$100,000.00 BAIL; INDICTMENT WARRANT ISSUED, and matter SET for Arraignment.

Upon Court's inquiry, the State advised there are no material witness warrants to quash. COURT FURTHER ORDERED, Exhibits 1-67 to be lodged with the Clerk of the Court; Las Vegas Justice Court case no. 19F00933B DISMISSED per the State's request. In addition, a Pre-Trial Risk Assessment will be prepared if one was not previously done.

I.W. (NIC (COC-NDC))

05/22/18 9:30 A.M. INITIAL ARRAIGNMENT (DEPT XXIII)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

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

C-19-340051-2      State of Nevada  
vs  
Margaux Ornelas

**May 22, 2019****9:30 AM****All Pending Motions**

**Initial Arraignment;  
Indictment Warrant  
Return**

**HEARD BY:** Miley, Stefany**COURTROOM:** RJC Courtroom 12C**COURT CLERK:** Katherine Streuber**RECORDER:** Maria Garibay**REPORTER:****PARTIES**

<b>PRESENT:</b>	Ornelas, Margaux	Defendant
	Stanton, David L.	Attorney
	State of Nevada	Plaintiff
	Troiano, Michael	Attorney

**JOURNAL ENTRIES**

- Deft. present in custody on the returned warrant. DEFT. ORNELAS ARRAIGNED, PLED NOT GUILTY, and WAIVED the 60-DAY RULE. Parties advised trial length of one week. COURT ORDERED, matter SET for trial. FURTHER, counsel has 21 days from today's date.

**CUSTODY**

01-22-20 9:30 AM CALENDAR CALL

01-27-20 1:00 PM TRIAL BY JURY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**January 22, 2020**

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C-19-340051-2      State of Nevada  
                                 vs  
                                 Margaux Ornelas

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**January 22, 2020      9:30 AM      Calendar Call**

**HEARD BY:** Miley, Stefany

**COURTROOM:** RJC Courtroom 12C

**COURT CLERK:** Michaela Tapia

**RECORDER:** Maria Garibay

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Ornelas, Margaux	Defendant
	Stanton, David L.	Attorney
	State of Nevada	Plaintiff
	Troiano, Michael	Attorney

**JOURNAL ENTRIES**

- Also present: Co-Deft. Herod with counsel John Parris, Esq. and Co-Deft. Lewis with counsel Caesar Almase, Esq.

Mr. Parris advised offers have been extended to the Co-Defts. and they are contingent; however, one Deft. not accepted the offer from the State and therefore Mr. Parris requested trial date be vacated and reset. At the request of Mr. Parris and Mr. Almase, COURT ORDERED, trial date VACATED and RESET. FURTHER, matter SET for status check.

**CUSTODY**

2/19/20 9:30 AM STATUS CHECK: TRIAL READINESS

4/1/20 9:30 AM CALENDAR CALL

4/6/20 1:00 PM JURY TRIAL



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

## Felony/Gross Misdemeanor

# COURT MINUTES

February 19, 2020

C-19-340051-2      State of Nevada  
vs  
Margaux Ornelas

---

February 19, 2020      9:30 AM      Status Check: Trial  
Readiness

**HEARD BY:** Miley, Stefany

**COURTROOM:** RJC Courtroom 12C

**COURT CLERK:** Katherine Streuber

**RECORDER:** Maria Garibay

**REPORTER:**

## PARTIES

<b>PRESENT:</b>	Ornelas, Margaux	Defendant
	Stanton, David L.	Attorney
	State of Nevada	Plaintiff
	Troiano, Michael	Attorney

## JOURNAL ENTRIES

- State announced ready for trial. Counsel noted there had been an offer, which is contingent and stated Deft. wanted to accept the offer. COURT SO NOTED and ORDERED, trial date STANDS.

## CUSTODY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**June 17, 2020**

---

C-19-340051-2      State of Nevada  
                                 vs  
                                 Margaux Ornelas

---

**June 17, 2020      3:30 PM      Calendar Call**

**HEARD BY:** Miley, Stefany      **COURTROOM:** RJC Courtroom 12C

**COURT CLERK:** Katherine Streuber

**RECORDER:** Maria Garibay

**REPORTER:**

**PARTIES**

**PRESENT:**      Stanton, David L.      Attorney  
                                 State of Nevada      Plaintiff  
                                 Troiano, Michael      Attorney

**JOURNAL ENTRIES**

- Marshal Dean advised Deft. was not present due to health issue. COURT SO NOTED. Pursuant to Administrative Order due to COVID 19, COURT ORDERED, trial date VACATED and RESET.

CUSTODY

01-13-21 9:30 AM CALENDAR CALL

01-19-21 1:00 PM TRIAL BY JURY



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**January 13, 2021**

---

C-19-340051-2      State of Nevada  
vs  
Margaux Ornelas

---

**January 13, 2021      8:30 AM      Calendar Call**

**HEARD BY:** Ballou, Erika

**COURTROOM:** RJC Courtroom 12C

**COURT CLERK:** Ro'Shell Hurtado

**RECORDER:** Angelica Michaux

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Meng, Yu	Attorney
	Ornelas, Margaux	Defendant
	State of Nevada	Plaintiff
	Troiano, Michael	Attorney

**JOURNAL ENTRIES**

- Yu Meng, Esq. present via Bluejeans video conference. Deft. present in-custody via Bluejeans video conference.

The Court noted Deft. waived his right to a speedy trial. Colloquy regarding trial dates. Following colloquy, COURT ORDERED, trial dates VACATED and RESET.

**CUSTODY**

05/17/2021 8:30 AM CALENDAR CALL

05/24/2021 9:00 AM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**January 25, 2021**

C-19-340051-2      State of Nevada  
vs  
Margaux Ornelas

**January 25, 2021      8:30 AM      Motion for Own  
Recognizance  
Release/Setting Reasonable  
Bail**

**HEARD BY:** Ballou, Erika

**COURTROOM:** RJC Courtroom 12C

**COURT CLERK:** Ro'Shell Hurtado

**RECORDER:** Toshiana Pierson

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Ornelas, Margaux	Defendant
	Stanton, David L.	Attorney
	State of Nevada	Plaintiff
	Troiano, Michael	Attorney

**JOURNAL ENTRIES**

- David Stanton, Esq. and Michael Troiano, Esq. present via Bluejeans video conference. Deft. present in-custody via Bluejeans video conference.

Arguments by counsel. Following arguments, COURT STATED IT'S FACTS AND FINDINGS, ORDERED, Own Recognizance Release (O.R.) with High Level Electronic Monitoring.

O.R./HLEMP



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**March 17, 2021**

---

C-19-340051-2      State of Nevada  
                                 vs  
                                 Margaux Ornelas

---

**March 17, 2021      8:30 AM      Argument**

**HEARD BY:** Ballou, Erika

**COURTROOM:** RJC Courtroom 12C

**COURT CLERK:** Natalie Ortega

**RECORDER:** Susan Schofield

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Clowers, Shanon	Attorney
	Ornelas, Margaux	Defendant
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Caesar V. Almase, Esq., appearing for Michael Troiano, Esq., for the Defendant.

COURT NOTED this matter was Mr. Troiano's joinder to Mr. Almase's motion. COURT ORDERED, matter CONTINUED.

CUSTODY

CONTINUED TO: 03/30/21 8:30 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**March 31, 2021**

---

C-19-340051-2      State of Nevada  
                                 vs  
                                 Margaux Ornelas

---

**March 31, 2021      8:30 AM      Argument**

**HEARD BY:** Ballou, Erika      **COURTROOM:** RJC Courtroom 12C

**COURT CLERK:** Ro'Shell Hurtado

**RECORDER:** Susan Schofield

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Ornelas, Margaux	Defendant
	Stanton, David L.	Attorney
	State of Nevada	Plaintiff
	Troiano, Michael	Attorney

**JOURNAL ENTRIES**

- Michael Troiano, Esq. and David Stanton, Esq. present via Bluejeans video conference. Caesar Almase, Esq. present for Co-Deft. (Dustin Lewis). Deft. present in-custody via Bluejeans video conference.

Mr. Almase indicated the State filed a response of pleadings. COURT ORDERED, matter CONTINUED to review pleadings.

CUSTODY

CONTINUED TO 04.05.2021 8:30 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**April 05, 2021**

---

C-19-340051-2      State of Nevada  
vs  
Margaux Ornelas

---

**April 05, 2021      8:30 AM      Argument**

**HEARD BY:** Ballou, Erika

**COURTROOM:** RJC Courtroom 12C

**COURT CLERK:** Ro'Shell Hurtado

**RECORDER:** Susan Schofield

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Almase, Caesar V.	Attorney
	Ornelas, Margaux	Defendant
	Stanton, David L.	Attorney
	State of Nevada	Plaintiff
	Troiano, Michael	Attorney

**JOURNAL ENTRIES**

- David Stanton, Esq. and Michael Troiano, Esq. present via Bluejeans video conference. Deft. present in-custody via Bluejeans video conference.

The Court noted it read all pleadings. Mr. Almase submitted on pleadings. Arguments by Mr. Stanton. Following arguments, COURT ORDERED, Motion GRANTED in entirety; advised Mr. Almase to prepare the Order.

**CUSTODY**

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**April 12, 2021**

---

C-19-340051-2      State of Nevada  
vs  
Margaux Ornelas

---

**April 12, 2021      8:30 AM      Motion for Own  
Recognizance  
Release/Setting Reasonable  
Bail**

**HEARD BY:** Ballou, Erika

**COURTROOM:** RJC Courtroom 12C

**COURT CLERK:** Ro'Shell Hurtado

**RECORDER:** Susan Schofield

**REPORTER:**

**PARTIES**

**PRESENT:** Ornelas, Margaux      Defendant  
Troiano, Michael      Attorney

**JOURNAL ENTRIES**

- Sarah Overly, Esq. present via Bluejeans video conference. Deft. present in-custody via Bluejeans video conference.

Ms. Overly indicated Mr. Stanton couldn't be present; requested to continue the matter with Co-Deft.  
COURT ORDERED, matter CONTINUED.

CUSTODY

CONTINUED TO 04.14.2021 8:30 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**April 14, 2021**

C-19-340051-2      State of Nevada  
vs  
Margaux Ornelas

**April 14, 2021      8:30 AM      Motion for Own  
Recognizance  
Release/Setting Reasonable  
Bail**

**HEARD BY:** Ballou, Erika

**COURTROOM:** RJC Courtroom 12C

**COURT CLERK:** Ro'Shell Hurtado

**RECORDER:** Susan Schofield

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Ornelas, Margaux	Defendant
	Stanton, David L.	Attorney
	State of Nevada	Plaintiff
	Troiano, Michael	Attorney

**JOURNAL ENTRIES**

- David Stanton, Esq.; Caesar Almase, Esq.( Co-Deft. Lewis) and Michael Troiano, Esq. present via Bluejeans video conference. Deft. present in-custody via Bluejeans video conference.

The Court noted it read all Motions and previous Motions. Arguments by counsel. Following arguments, COURT ORDERED, Deft. RELEASED with Intensive Supervision.

O.R./I.S.



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**May 17, 2021**

---

C-19-340051-2      State of Nevada  
vs  
Margaux Ornelas

---

**May 17, 2021      8:30 AM      Calendar Call**

**HEARD BY:** Ballou, Erika      **COURTROOM:** RJC Courtroom 12C

**COURT CLERK:** Ro'Shell Hurtado

**RECORDER:** Susan Schofield

**REPORTER:**

**PARTIES**

**PRESENT:**      Almase, Caesar   V.      Attorney  
Ornelas, Margaux      Defendant  
Stanton, David   L.      Attorney  
State of Nevada      Plaintiff

**JOURNAL ENTRIES**

- David Stanton, Esq. present via Bluejeans video conference. Deft. present out-of-custody via Bluejeans video conference.

The Court noted Deft. WAIVED her right on May 22, 2019. Mr. Almase indicated the matter is on appeal; requested a status check in 30 days. COURT ORDERED, trial date VACATED; matter SET for status check.

O.R./I.S.

06.14.2021 8:30 AM STATUS CHECK: APPEAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**June 14, 2021**

---

C-19-340051-2      State of Nevada  
vs  
Margaux Ornelas

---

**June 14, 2021      8:30 AM      Status Check**

**HEARD BY:** Ballou, Erika

**COURTROOM:** RJC Courtroom 12C

**COURT CLERK:** Ro'Shell Hurtado

**RECORDER:** Susan Schofield

**REPORTER:**

**PARTIES**

**PRESENT:**      Almase, Caesar V.      Attorney  
Ornelas, Margaux      Defendant

**JOURNAL ENTRIES**

- Sarah Overly, Esq. present via Bluejeans video conference. Deft. present out-of-custody via Bluejeans video conference.

Colloquy regarding Nevada Supreme Court case 82750. Following colloquy, COURT ORDERED, matter SET for status check.

O.R./I.S.

08.02.2021 8:30 AM STATUS CHECK: APPEAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**August 02, 2021**

---

C-19-340051-2      State of Nevada  
                                 vs  
                                 Margaux Ornelas

---

**August 02, 2021      8:30 AM      Status Check**

**HEARD BY:** Ballou, Erika      **COURTROOM:** RJC Courtroom 12C

**COURT CLERK:** Ro'Shell Hurtado

**RECORDER:** Susan Schofield

**REPORTER:**

**PARTIES**

**PRESENT:**      Overly, Sarah      Attorney  
                                 State of Nevada      Plaintiff  
                                 Troiano, Michael      Attorney

**JOURNAL ENTRIES**

- Sarah Overly, Esq. and Michael Troiano, Esq. present via Bluejeans video conference. Deft. not present.

Counsel indicated the State filed it's opening brief. COURT ORDERED, matter CONTINUED.

CONTINUED TO 10.04.2021 8:30 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**October 04, 2021**

---

C-19-340051-2      State of Nevada  
                                 vs  
                                 Margaux Ornelas

---

**October 04, 2021      8:30 AM      Status Check**

**HEARD BY:** Ballou, Erika

**COURTROOM:** RJC Courtroom 12C

**COURT CLERK:** Ro'Shell Hurtado

**RECORDER:** Susan Schofield

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Ornelas, Margaux	Defendant
	Overly, Sarah	Attorney
	State of Nevada	Plaintiff
	Troiano, Michael	Attorney

**JOURNAL ENTRIES**

- Sarah Overly, Esq.; Caesar Almase, Esq. (counsel for Co-Deft. Lewis); Michael Troiano, Esq. present via Bluejeans video conference. Deft. present out-of-custody via Bluejeans video conference.

Upon Court's inquiry, Mr. Almase indicated the matter was still pending in Supreme Court. COURT ORDERED, matter CONTINUED.

O.R./I.S.

CONTINUED TO 11.01.2021 8:30 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**November 01, 2021**

---

C-19-340051-2      State of Nevada  
vs  
Margaux Ornelas

---

**November 01, 2021      8:30 AM      Status Check**

**HEARD BY:** Ballou, Erika

**COURTROOM:** RJC Courtroom 12C

**COURT CLERK:** Ro'Shell Hurtado

**RECORDER:** Susan Schofield

**REPORTER:**

**PARTIES**

**PRESENT:**      Almase, Caesar      V.      Attorney  
Overly, Sarah      Attorney  
State of Nevada      Plaintiff

**JOURNAL ENTRIES**

- Sarah Overly, Esq. present via Bluejeans video conference. Steve Altig, Esq. present for Co-Deft. Herod. Deft. and Co-Deft. Ornelas not present. Co-Deft. Herod present out-of-custody via Bluejeans video conference.

The Court noted Deft. Lewis was a special transport and was not needed; WAIVED Co-Deft. Ornelas presence; reviewed status of Supreme Court case. Mr. Almase requested a 30 to 45 day continuance. COURT SO ORDERED.

O.R./I.S.

CONTINUED TO 12.13.2021 8:30 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**December 13, 2021**

---

C-19-340051-2      State of Nevada  
                                 vs  
                                 Margaux Ornelas

---

**December 13, 2021      8:30 AM      Status Check**

**HEARD BY:** Ballou, Erika

**COURTROOM:** RJC Courtroom 12C

**COURT CLERK:** Michelle Jones

**RECORDER:** Susan Schofield

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- Mr. Altig present for Mr. Troiano.

The Court reviewed the Supreme Court status; WAIVED Deft. Ornelas; noted Mr. Lewis was not transported; reviewed the Supreme Court status. Mr. Almase requested a continuance for Supreme Court decision. COURT ORDERED, matter CONTINUED.

CONTINUED TO 02.09.2022 8:30 AM

CLERK'S NOTE: This Minute Order was prepared using JAVS./ /01.22.2022rh

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**February 09, 2022**

---

C-19-340051-2      State of Nevada  
                                 vs  
                                 Margaux Ornelas

---

**February 09, 2022      8:30 AM      Status Check**

**HEARD BY:** Ballou, Erika      **COURTROOM:** RJC Courtroom 12C

**COURT CLERK:** Ro'Shell Hurtado

**RECORDER:** Susan Schofield

**REPORTER:**

**PARTIES**

**PRESENT:**      Overly, Sarah      Attorney  
                                 State of Nevada      Plaintiff  
                                 Troiano, Michael      Attorney

**JOURNAL ENTRIES**

- Sarah Overly, Esq. and Michael Troiano, Esq. present via Bluejeans video conference; Caesar Almase, Esq. present for Deft. Lewis; Caesar Almase, Esq. present for Steven Altig, Esq. for Deft. Herod.

Upon Court's inquiry, Mr. Almase indicated Supreme Court would issue a written decision; no oral argument would be needed. COURT ORDERED, matter CONTINUED.

O.R./I.S.

CONTINUED TO 04.06.2022 8:30 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**March 28, 2022**

---

C-19-340051-2      State of Nevada  
vs  
Margaux Ornelas

---

**March 28, 2022      8:30 AM      Status Check**

**HEARD BY:** Ballou, Erika

**COURTROOM:** RJC Courtroom 12C

**COURT CLERK:** Ro'Shell Hurtado

**RECORDER:** Charisse Ward

**REPORTER:**

**PARTIES**

**PRESENT:**      Dunn, Ann Marie      Attorney  
State of Nevada      Plaintiff  
Troiano, Michael      Attorney

**JOURNAL ENTRIES**

- Ann Dunn, Esq. and Michael Troiano, Esq. present via Bluejeans video conference. Deft. not present.

The Court noted Supreme Court needed more of a record. Colloquy regarding evidentiary hearing. Following colloquy, COURT ORDERED, matter SET or evidentiary hearing.

O.R./I.S.

04.14.2022 1:30 PM EVIDENTIARY HEARING



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**May 09, 2022**

C-19-340051-2      State of Nevada  
vs  
Margaux Ornelas

**May 09, 2022      9:30 AM      At Request of Court**

**HEARD BY:** Ballou, Erika      **COURTROOM:** RJC Courtroom 12C

**COURT CLERK:** Cynthia Moleres

**RECORDER:** Susan Schofield

**REPORTER:**

**PARTIES**

**PRESENT:**      Dunn, Ann Marie      Attorney  
State of Nevada      Plaintiff  
Troiano, Michael      Attorney

**JOURNAL ENTRIES**

- Mr. Troiano, Esq. for Mr. Almase on behalf of Defendant.

COURT NOTED this matter needed to be set for an evidentiary hearing. Mr. Troiano advised the State was close to a resolution with the insurance claims regarding the victim and then the State may be ready for a resolution Further Mr. Troiano requested a two week continuance for negotiations. Ms. Dunn stated she had spoken with the victim regarding a possible resolution, the victim wanted to contact his civil attorney and she was waiting to hear back from the victim. COURT ORDERED, matter SET.

IN CUSTODY

05/23/22 9:30 A.M. STATUS CHECK: NEGOTIATIONS

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**May 23, 2022**

---

C-19-340051-2      State of Nevada  
                                 vs  
                                 Margaux Ornelas

---

**May 23, 2022      9:30 AM      Status Check**

**HEARD BY:** Ballou, Erika      **COURTROOM:** RJC Courtroom 12C

**COURT CLERK:** Ro'Shell Hurtado

**RECORDER:** Christine Erickson

**REPORTER:**

**PARTIES**

**PRESENT:**      Troiano, Michael      Attorney

**JOURNAL ENTRIES**

- Caesar Almase, Esq. on behalf of Co-Def't. Herod; Steven Altig, Esq. present on behalf of Co-Def't. Herod.

Upon Court's inquiry, Mr. Almase indicated the offers that were extended were contingent with Co-Def't.'s; further indicated Def't. Lewis rejected the offer. COURT ORDERED, matter SET for evidentiary hearing.

06.10.2022 1:30 PM EVIDENTIARY HEARING

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****June 10, 2022**

---

C-19-340051-2      State of Nevada  
vs  
Margaux Ornelas

---

**June 10, 2022****1:30 PM****Evidentiary Hearing****HEARD BY:** Ballou, Erika**COURTROOM:** RJC Courtroom 12C**COURT CLERK:** Ro'Shell Hurtado**RECORDER:** Deloris Scott**REPORTER:****PARTIES****PRESENT:**

Dunn, Ann Marie  
State of Nevada  
Troiano, Michael

Attorney  
Plaintiff  
Attorney

**JOURNAL ENTRIES**

- Steven Altig, Esq. on behalf of Co-Def. Herod; Caesar Almase, Esq. present on behalf of Co-Def. Lewis.

Testimony and exhibits presented (see worksheet). Arguments by Mr. Almase and Ms. Dunn. Following arguments, COURT STATED IT'S FINDINGS, ORDERED, ruling STANDS; advised it would prepare the order. Ms. Dunn indicated she would be appealing the matter. COURT FURTHER ORDERED, matter SET for status check: appeal.

08.29.2022 9:30 AM STATUS CHECK: APPEAL

CASE NO. C-19-340051-1, -2, -3, -4  
DEPT. NO. XXIII  
DDA BRANDON ALBRIGHT (L-3)

Defendant(s): DUSTIN LEWIS, #7030601  
MARGAUX ORNELAS, aka, Margaux Shannon Ornelas, #7032495  
TYREE FAULKNER, #7067032  
THOMAS HEROD, #7052832

Case No(s): 18CGJ056A-D (RANDOMLY TRACKS TO DC XXIII & XXX)

Charge(s): As to Deft's Lewis & Ornelas  
(2) CTS - CONSPIRACY TO COMMIT BURGLARY (Gross Misdemeanor - NRS 205.060, 199.480 - NOC 50445);  
(4) CTS - BURGLARY (Category B Felony - NRS 205.060 - NOC 50424) and  
(1) CT - GRAND LARCENY (Category B Felony - NRS 205.220.1, 205.222.3 - NOC 56008)

As to Deft's Faulker & Herod  
(1) CT - CONSPIRACY TO COMMIT BURGLARY (Gross Misdemeanor - NRS 205.060, 199.480 - NOC 50445) and  
(1) CT - BURGLARY (Category B Felony - NRS 205.060 - NOC 50424)

Def. Counsel(s): LEWIS - CAESAR ALMASE  
ORNELAS - MICHAEL TROIANO  
FAULKNER - PD  
HEROD - JOHN PARRIS

5/22 930  
0623

WARRANTS (3 WEEKS):

LEWIS - 500  
ORNELAS - 100  
FAULKNER - SUMMONS  
HEROD - SUMMONS

DEFT LEWIS IS IN CUSTODY @ NDOC (19F00933A - PH 5/13 IN JC 2)  
DEFT ORNELAS IS IN CUSTODY @ CCDC (19F00933B PH 5/13 IN JC 2)  
DEFT FAULKNER IS NOT IN CUSTODY (18F23275X DISM'D 4/19)  
DEFT HEROD IS NOT IN CUSTODY (19F01352X - PH 5/13 IN JC 2)

LVJC CASE TO BE DISM'D: 19F00933A-B & 19F01352X

Exhibits:

pg 1. Proposed Indictment  
pg 2. CD/DVD  
pg 3. Photo  
pg 4. Photo  
pg 5. Photo  
pg 6. Photo  
pg 7. Spreadsheet  
pg 8. Report

pg 9. Report  
pg 10. Report  
pg 11. Photo  
pg 12. Photo  
pg 13. Map  
pg 14. Photo  
pg 15. Photo  
pg 16. Photo

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65. Photo  
66. Report  
67. Report

Exhibits 1 - 67 to be lodged with the Clerk of the Court.

---



EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE  
**NOTICE OF DEFICIENCY**  
ON APPEAL TO NEVADA SUPREME COURT

STEVEN B. WOLFSON,  
DISTRICT ATTORNEY  
200 LEWIS ST.  
LAS VEGAS, NV 89155-2212

DATE: August 15, 2022  
CASE: C-19-340051-2

**RE CASE:** STATE OF NEVADA vs. MARGAUX ORNELAS aka MARGAUX SHANNON ORNELAS

NOTICE OF APPEAL FILED: August 12, 2022

**YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.**

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

- ☐ Case Appeal Statement  
- NRAP 3 (a)(1), Form 2
- ☐ Order
- ☒ Notice of Entry of Order

---

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. **The district court clerk shall apprise appellant of the deficiencies in writing**, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (g) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

# Certification of Copy

State of Nevada }  
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT  
DOCKET ENTRIES; FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER GRANTING  
DEFENDANT DUSTIN LEWIS'S AND MARGAUX ORNELAS'S MOTIONS TO SUPPRESS  
EVIDENCE; DISTRICT COURT MINUTES; EXHIBITS LIST; NOTICE OF DEFICIENCY

STATE OF NEVADA,

Plaintiff(s),

vs.

MARGAUX ORNELAS  
aka MARGAUX SHANNON ORNELAS,

Defendant(s).

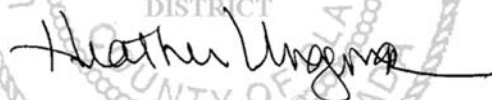
Case No: C-19-340051-2

Dept No: XXIV

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 15 day of August 2022.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk

