

Electronically Filed
Dec 15 2021 02:53 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

NOASC
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jim@oronozlawyers.com
Attorney for Appellant

DISTRICT COURT
CLARK COUNTY, NEVADA

EDWARD M. ADAMS,)	
)	
Appellant,)	CASE NO. 08C241003
)	
v.)	DEPT. NO. III
)	
THE STATE OF NEVADA,)	
)	NOTICE OF APPEAL
Respondent.)	

NOTICE is hereby given that EDWARD ADAMS, defendant named above, hereby appeals to the Nevada Supreme Court from the Findings of Fact, Conclusions of Law and Order rendered in this action on the 8th day of December, 2021.

DATED this 8th day of December, 2021.

ORONoz & ERICSSON, LLC

/s/ James A. Oronoz, Esq.
JAMES A. ORONoz, ESQ.
Nevada Bar No. 6769
1050 Indigo Drive, Suite 120
Las Vegas, Nevada 89145
Telephone: (702) 878-2889
Attorney for Appellant

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CERTIFICATE OF ELECTRONIC SERVICE

The undersigned hereby certifies that electronic service was completed via the Odyssey E-File & Serve System and emailed to the following recipient(s) on this 8th day of December 2021.

STEVEN B. WOLFSON
Clark County District Attorney
PDMotions@clarkcountyda.com

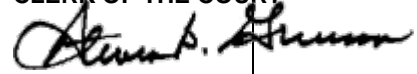
ALEXANDER CHEN
Chief Deputy District Attorney
Alexander.chen@clarkcountyda.com

CERTIFICATE OF MAILING

The undersigned hereby certifies that service was completed by sending a copy of this Notice of Appeal via U.S. mail on this 8th day of December, 2021, to the following recipient pursuant to NRAP 3(d)(2).

EDWARD ADAMS, ID# 1046775
c/o Lovelock Correctional Center
1200 Prison Rd.
Lovelock, Nevada 89419

/s/ Jan Ellison
An Employee of Oronoz & Ericsson, LLC



ASTA
JAMES A. ORONOZ, ESQ.
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Telephone: (702) 878-2889
Facsimile: (702) 522-1542
jim@oronozlawyers.com
Attorney for Appellant

DISTRICT COURT
CLARK COUNTY, NEVADA

EDWARD MICHAEL ADAMS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

CASE NO.: 08C241003

Supreme Court No: _____

DEPT. NO.: III

CASE APPEAL STATEMENT

1. Appellant filing this case appeal statement: **Edward Adams.**

2. The name of the judge who entered the order or judgment that is being appealed:

The Honorable Nancy A. Becker.

3. All parties to the proceedings in the district court (the use of et al. to denote parties is prohibited): **The State of Nevada, Plaintiff; Edward Michael Adams, Defendant.**

4. All parties involved in this appeal (the use of et. al. to denote parties is prohibited):
Edward Michael Adams, Appellant; The State of Nevada, Respondent.

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

JAMES A. ORONoz, ESQ.
Oronoz & Ericsson, LLC
1050 Indigo Drive, Suite 120
Las Vegas, Nevada 89145
(702) 878-2889
Attorney for Appellant

STEVEN B. WOLFSON
Clark County District Attorney
200 Lewis Avenue
Las Vegas, Nevada 89155
Attorney for Respondent

6. Whether an attorney identified in response to paragraph 5 is not licensed to practice law in Nevada, and if so, whether the district court granted that attorney permission to appear under SCR 42, including a copy of any district court order granting that permission: **N/A.**

7. Whether appellant was represented by appointed or retained counsel in the district court: **Appointed.**

8. Whether appellant is represented by appointed or retained counsel on appeal: **Appointed.**

9. 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.**

10. Date proceedings commenced in the district court (e.g., date complaint, indictment, information, or petition was filed): **Information, filed February 12, 2008.**

11. A brief description of the nature of the action and result in the district court, including the type of judgment or order being appealed and the relief granted by the district court: **This is an appeal from the District Court's Findings of Fact, Conclusions of Law and Order.**

12. Whether the case has previously been the subject of an appeal to or original writ proceeding in the Supreme Court and, if so, the caption and Supreme Court docket number of the prior proceeding:

N/A

13. Whether the appeal involves child custody or visitation: **N/A.**

///

14. In civil cases, whether the appeal involves the possibility of settlement. **N/A.**

DATED this 8th day of December 2021.

Respectfully submitted,

By: /s/ James A. Oronoz
JAMES A. ORONoz, ESQ.
Nevada Bar No. 6769
Oronoz & Ericsson, LLC
1050 Indigo Drive, Suite 120
Las Vegas, Nevada 89145
Telephone: (702) 878-2889
Attorney for Appellant

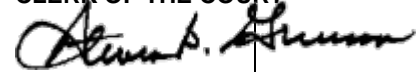
1 **CERTIFICATE OF SERVICE**

2 The undersigned hereby certifies that electronic service was completed via the Odyssey E-
3 File & Serve System and emailed to the following recipient(s) on this 8th day of December 2021.

4 STEVEN B. WOLFSON
Clark County District Attorney
5 PDmotions@clarkcountyda.com

6 ALEXANDER CHEN, ESQ.
Chief Deputy District Attorney
7 Alexander.chen@clarkcountyda.com

8 By: /s/ Jan Ellison
9 An employee of Oronoz & Ericsson, LLC



REQT
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jim@oronozlawyers.com
Attorney for Appellant

DISTRICT COURT
CLARK COUNTY, NEVADA

EDWARD M. ADAMS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

CASE NO.: 08C241003

DEPT. NO.: III

REQUEST FOR TRANSCRIPTS OF PROCEEDINGS

TO: Court Recorder: Christine Erickson
Yvette Sison
Brittany Amoroso
Rebeca Gomez
District Court: Department No. III
District Judge: Honorable Veronica Barisich
Honorable Mary Kay Holthus
Honorable Crystal Eller
Honorable Monica Trujillo

Edward Adams, Defendant named above, requests a preparation of a transcript of certain portions of the proceedings before the District Court, as follows:

1. Court Recorder Christine Erickson: October 9, 2008 (Defendant's Motion to Continue Trial Date)
2. Court Recorder Yvette Sison: October 29, 2009 (Overflow); November 9, 2009 (Minute Order Re: Sealing of State's Trial Exhibits); January 30, 2012 (Defendant's

Pro Per Motion for Modification of Sentence); August 29, 2012 (Defendant's Pro Per Motions for Modification of Sentence); October 15, 2012 (State's Request to Appoint Defense Counsel); October 22, 2012 (Appointment of Counsel); November 19, 2012 (Status Check: Receipt of File)

3. Court Recorder Brittany Amoroso: May 16, 2016 (Defendant's Motion to Place on Calendar for the Purpose of Obtaining SANE Exam Photographs from the District Attorney's Office); September 12, 2016 (Defendant's Second Motion to Place on Calendar for the Purpose of Obtaining SANE Exam Photographs from the District Attorney's Office); July 24, 2019 (Status Check: Briefing Schedule); November 13, 2019 (Petition for Writ of Habeas Corpus); July 29, 2020 (Petition for Writ of Habeas Corpus)

4. Court Recorder Rebeca Gomez: January 11, 2021 (Petition for Writ of Habeas Corpus); April 21, 2021 (Petition for Writ of Habeas Corpus); May 12, 2021 (Petition for Writ of Habeas Corpus)

Portion of the transcripts requested: Entire Hearing (including bench conferences and sealed hearings), including word index.

This Notice requests a transcript of only those portions of the District Court proceedings that counsel reasonably and in good faith believes are necessary to determine whether appellate issues are present.

I recognize that I must personally serve a copy of this form on the above-named court recorder and opposing counsel.

That the above-named court recorder shall have thirty (30) days from the date of service of this document to prepare an original plus three copies and file with the District Court Clerk the original transcript(s) requested herein.

1 Further, pursuant to NRAP 3C(d)(3)(iii), the court recorder shall also deliver copies of
2 the transcript to the Supreme Court Clerk, to appellant's counsel and respondent's counsel no
3 more than thirty (30) days after the date of the appellant's request.

4 DATED this 8th day of December 2021.

5 Respectfully submitted,

6 By: /s/ James A. Oronoz
7 James A. Oronoz, Esq.
8 Nevada Bar No. 6769
9 Oronoz & Ericsson, LLC
10 1050 Indigo Drive, Suite 120
11 Las Vegas, Nevada 89145
12 Telephone: (702) 878-2889
13 *Attorney for Appellant*
14 *Edward Adams*
15
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CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of December 2021, I served a true and correct copy of the foregoing Request for Transcripts on:

Christine Erickson
Court Recorder
District Court, Dept. V
200 Lewis Avenue
Las Vegas, Nevada 89155
EricksonC@clarkcountycourts.us

Yvette Sison
Court Recorder
District Court, Dept. XVIII
200 Lewis Avenue
Las Vegas, Nevada 89155
SisonY@clarkcountycourts.us

Brittany Amoroso
Court Recorder
District Court, Dept. XIX
200 Lewis Avenue
Las Vegas, Nevada 89155
AmorosoB@clarkcountycourts.us

Rebeca Gomez
Court Recorder
District Court, Dept. III
200 Lewis Avenue
Las Vegas, Nevada 89155
GomezRe@clarkcountycourts.us

STEVEN B. WOLFSON, Clark County District Attorney
200 Lewis Avenue
Las Vegas, Nevada 89101
PDMotions@clarkcountyda.com

/s/ Jan Ellison
An employee of Oronoz & Ericsson, LLC

CASE SUMMARY**CASE No. 08C241003****The State of Nevada vs Edward M Adams**§
§
§
§
§
§
§
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§
§

Location: **Department 3**
 Judicial Officer: **Trujillo, Monica**
 Filed on: **01/31/2008**
 Case Number History:
 Cross-Reference Case Number: **C241003**
 Defendant's Scope ID #: **1969904**
 ITAG Booking Number: **800034026**
 ITAG Case ID: **917097**
 Lower Court Case # Root: **08F00902**
 Lower Court Case Number: **08F00902X**

CASE INFORMATION

Offense	Statute	Deg	Date	Case Type:	Felony/Gross Misdemeanor
1. FIRST DEGREE KIDNAPPING	200.320	F	01/01/1900	Case Status:	02/13/2012 Closed
2. BATTERY WITH INTENT TO COMMIT SEXUAL ASSAULT	200.400	F	01/01/1900		
3. SEXUAL ASSAULT	200.366	F	01/01/1900		
4. SEXUAL ASSAULT	200.366	F	01/01/1900		
5. SEXUAL ASSAULT	200.366	F	01/01/1900		
6. SEXUAL ASSAULT	200.366	F	01/01/1900		
7. SEXUAL ASSAULT	200.366	F	01/01/1900		
8. SEXUAL ASSAULT	200.366	F	01/01/1900		
9. SEXUAL ASSAULT	200.366	F	01/01/1900		
10. SEXUAL ASSAULT	200.366	F	01/01/1900		
11. SEXUAL ASSAULT	200.366	F	01/01/1900		
12. OPEN AND GROSS LEWDNESS	201.210	G	12/14/2007		

Statistical Closures

02/13/2012 Other Manner of Disposition - Criminal
 01/15/2010 USJR Reporting Statistical Closure

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

Case Number 08C241003
 Court Department 3
 Date Assigned 01/04/2021
 Judicial Officer Trujillo, Monica

PARTY INFORMATION

Defendant	Adams, Edward Michael	<i>Lead Attorneys</i>
		Oronoz, James A. <i>Retained</i> 702-878-2889(W)
Plaintiff	State of Nevada	Wolfson, Steven B 702-671-2700(W)

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

01/31/2008



Information

[1] INFORMATION Fee \$0.00

Index #1













02/01/2008

Hearing











Index #2

CASE SUMMARY

CASE No. 08C241003




	<i>[2] INITIAL ARRAIGNMENT</i>	
02/01/2008	 Criminal Bindover <i>[3] CRIMINAL BINDOVER</i>	Index #3
02/08/2008	 Reporters Transcript <i>[4] REPORTER'S TRANSCRIPT OF PROCEEDINGS</i>	Index #4
03/04/2008	 Media Request and Order <i>[5] MEDIA REQUEST AND ORDER</i>	Index #5
04/16/2008	 Notice of Witnesses and/or Expert Witnesses <i>[6] NOTICE OF WITNESSES AND/OR EXPERT WITNESSES</i>	Index #6
10/06/2008	 Motion <i>[7] DEFT'S MTN TO CONTINUE TRIAL DATE/06</i>	Index #7
10/07/2008	Hearing <i>[8] STATUS CHECK: NEGOTIATIONS AND/OR TRIAL SETTING</i>	Index #8
10/07/2008	Motion <i>[9] ALL PENDING MOTIONS 10/7/08</i>	Index #9
10/21/2009	 Motion <i>[10] PD'S MTN TO DISMISS BASED UPON STATE'S FAILURE TO PRESERVE EXCULP EVID/13</i>	Index #10
10/21/2009	 Notice of Witnesses and/or Expert Witnesses <i>[11] SUPPLEMENTAL NOTICE OF WITNESSES AND/OR EXPERT WITNESSES</i>	Index #11
10/21/2009	 Notice of Witnesses and/or Expert Witnesses Filed By: Defendant Adams, Edward Michael <i>[12] DEFENDANTS NOTICE OF WITNESSES PURSUANT TO NRS 174.234</i>	Index #12
10/27/2009	Motion <i>[13] ALL PENDING MOTIONS 10-27-09</i>	Index #13
10/28/2009	 Information <i>[14] AMENDED INFORMATION</i>	Index #14
11/02/2009	 Jury List <i>[15] DISTRICT COURT JURY LIST</i>	Index #15
11/04/2009	Conversion Case Event Type <i>[16] SENTENCING COUNTS 1-8 & 11-12</i>	Index #16
11/04/2009	Hearing <i>[17] STATUS CHECK: DISMISSAL COUNTS 9 & 10</i>	Index #17
11/04/2009	 Instructions to the Jury <i>[18] INSTRUCTIONS TO THE JURY - INSTRUCTION NO 1</i>	Index #18
11/04/2009	 Jury Verdict <i>[19]</i>	Index #19

CASE SUMMARY**CASE No. 08C241003**

11/04/2009	Jury Verdict Party: Defendant Adams, Edward Michael [20]	Index #20
11/09/2009	Hearing [21] MINUTE ORDER RE: SEALING OF STATE'S TRIAL EXHIBITS 86-92	Index #21
01/13/2010	Motion [22] ALL PENDING MOTIONS OF 1/13/10	Index #22
02/02/2010	 Judgment [23] JUDGMENT OF CONVICTION/ADMIN ASSESSMENT	Index #23
02/02/2010	Judgment [24] JUDGMENT OF CONVICTION/GENETIC TESTING	Index #24
02/02/2010	Judgment [25] COURT ASSESSMENT FEE INDIGENT DEFENSE	Index #25
02/02/2010	Judgment [26] JUDGMENT OF CONVICTION/RESTITUTION	Index #26
02/22/2010	 Statement Filed by: Defendant Adams, Edward Michael [27] CASE APPEAL STATEMENT	Index #27
02/22/2010	 Notice of Appeal Filed By: Defendant Adams, Edward Michael [28] NOTICE OF APPEAL (SC 55494)	Index #28
03/17/2010	 Reporters Transcript [29] REPORTER'S TRANSCRIPT OF PROCEEDINGS - STATUS CHECK - NEGOTIATIONS AND OR TRIAL SETTING - HEARD 10-28-08 TRIAL SETTING - HEARD 10-28-08	Index #29
03/17/2010	 Reporters Transcript [30] REPORTER'S TRANSCRIPT OF PROCEEDINGS - CALENDAR CALL - HEARD 06-10-08	Index #30
03/17/2010	 Reporters Transcript [31] REPORTER'S TRANSCRIPT OF PROCEEDINGS - CALENDAR CALL - HEARD 10-07-08	Index #31
03/25/2010	 Reporters Transcript [32] RECORDER'S TRANSCRIPT OF HEARING RE ARRAIGNMENT - HEARD 02-19-08	Index #32
03/25/2010	 Reporters Transcript [33] RECORDER'S TRANSCRIPT OF HEARING RE ALL PENDING MOTIONS - HEARD 10-27-09	Index #33
03/25/2010	 Reporters Transcript [34] RECORDER'S TRANSCRIPT OF HEARING RE CALENDAR CALL - HEARD 03-31-09	Index #34
04/13/2010	 Reporters Transcript [35] REPORTER'S TRANSCRIPT OF PROCEEDINGS - JURY TRIAL DAY 1	Index #35




CASE SUMMARY

CASE No. 08C241003

04/13/2010	 Reporters Transcript <i>[38] RECORDER'S TRANSCRIPT RE SENTENCING - HEARD 01-13-10</i>	Index #38
04/14/2010	 Reporters Transcript <i>[36] REPORTER'S TRANSCRIPT OF PROCEEDINGS - JURY TRIAL DAY 3</i>	Index #36
04/14/2010	 Reporters Transcript <i>[37] REPORTER'S TRANSCRIPT OF PROCEEDINGS - JURY TRIAL DAY 2 - HEARD 11-03-09</i>	Index #37
01/17/2012	 Motion Filed By: Defendant Adams, Edward Michael <i>[39] Notice of Motion Motions for Modification of Sentence</i>	Index #39
01/20/2012	 Opposition to Motion <i>[40] Opposition to Defendant's Motion to Modify Sentence</i>	Index #40
02/13/2012	 Criminal Order to Statistically Close Case <i>[41] Criminal Order to Statistically Close Case</i>	Index #41
02/21/2012	 Order Denying Motion Filed By: Plaintiff State of Nevada <i>[42] Order Denying Defendant's Motion to Modify Sentence</i>	Index #42
08/08/2012	 Motion Filed By: Defendant Adams, Edward Michael <i>[43] Notice of Motion Motions for Modification of Sentence</i>	Index #43
08/15/2012	 Opposition to Motion <i>[44] Opposition to Defendant's Motion to Modify Sentence</i>	Index #44
08/30/2012	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>[45] Nevada Supreme Court Clerk's Certificate Judgment - Affirmed</i>	Index #45
09/11/2012	 Petition for Writ of Habeas Corpus Filed by: Defendant Adams, Edward Michael <i>[46] (Post-Conviction)</i>	Index #46
09/11/2012	 Motion Filed By: Defendant Adams, Edward Michael <i>[47] Motion to Proceed in Forma Pauperis</i>	Index #47
09/11/2012	 Motion Filed By: Defendant Adams, Edward Michael <i>[48] Motion to Withdraw Counsel</i>	Index #48
09/11/2012	 Motion Filed By: Defendant Adams, Edward Michael <i>[49] Motion to Appoint Counsel</i>	Index #49
09/14/2012	 Order Denying Motion Filed By: Plaintiff State of Nevada <i>[50] Order Denying Defendant's Motion to Modify Sentence</i>	Index #50
















CASE SUMMARY

CASE NO. 08C241003

09/17/2012	 Order for Petition for Writ of Habeas Corpus <i>[51]</i>	Index #51
10/18/2012	 Certificate of Mailing Filed By: Defendant Adams, Edward Michael <i>[52] Certificate of Mailing</i>	Index #52
01/05/2015	Case Reassigned to Department 19 <i>District Court Case Reassignment 2015</i>	
07/15/2015	 Order Filed By: Defendant Adams, Edward Michael <i>[53] Order</i>	Index #53
09/04/2015	 Ex Parte Order Filed By: Defendant Adams, Edward Michael <i>[54] Ex Parte Order Of Appointment</i>	Index #54
05/05/2016	 Motion Filed By: Defendant Adams, Edward Michael <i>[55] Motion to Place on Calendar for the Purpose of Obtaining SANE Exam Photographs From the District Attorney's Office</i>	Index #55
05/10/2016	 Opposition Filed By: Plaintiff State of Nevada <i>[56] State's Opposition to Defendant's Motion to Place on Calendar for the Purpose of Obtaining Sane Exam Photographs from the District Attorney's Office</i>	Index #56
05/11/2016	 Notice of Change of Address <i>[57] Notice Of Change Of Address</i>	Index #57
06/01/2016	 Order Denying Filed By: Plaintiff State of Nevada <i>[58] Order Denying Defendant's Motion of May 16, 2016</i>	Index #58
08/31/2016	 Motion Filed By: Defendant Adams, Edward Michael <i>[59] Second Motion to Place on Calendar for the Purpose of Obtaining SANE Exam Photographs from the District Attorney's Office</i>	Index #59
09/06/2016	 Response Filed by: Plaintiff State of Nevada <i>[60] Opposition to Defendant's Motion Second Motion to Place on Calendar for the Purpose of Obtaining Sane Exam Photographs from the District Attorney's Office</i>	Index #60
03/24/2017	 Ex Parte Motion Filed By: Defendant Adams, Edward Michael <i>[61] Ex Parte Motion And Order For Release Of Medical Records</i>	Index #61
06/28/2019	 Supplemental Filed by: Defendant Adams, Edward Michael <i>[62] Supplemental Post-Conviction Petition for Writ of Habeas Corpus</i>	Index #62
		Index #63

CASE SUMMARY

CASE NO. 08C241003

09/26/2019	 Response <i>[63] State's Response to Defendant s Supplemental Petition for Writ of Habeas Corpus (Post-Conviction)</i>	
10/24/2019	 Reply Filed by: Defendant Adams, Edward Michael <i>[64] Reply to State's Response to Defendant's Supplemental Petition for Writ of Habeas Corpus (Post-Conviction)</i>	Index #64
01/14/2020	 Notice of Hearing <i>[65] Notice of Hearing for Petition For Writ Of Habeas Corpus (post conviction)</i>	Index #65
03/03/2020	 Notice of Hearing <i>[66] Notice of Hearing for Petition of Writ of Habeas Corpus (Post Conviction)</i>	Index #66
03/19/2020	 Notice of Hearing <i>[67] Notice of Hearing for Petition of Writ of Habeas Corpus (Post Conviction)</i>	Index #67
03/23/2020	 Notice of Hearing <i>[68] Notice of Hearing for Petition of Writ of Habeas Corpus (Post Conviction)</i>	Index #68
06/15/2020	 Notice of Rescheduling of Hearing <i>[69] Notice of Rescheduling of Hearing</i>	Index #69
07/29/2020	 Stipulation and Order <i>[70] stipulation and order to continue hearing</i>	Index #70
01/04/2021	Case Reassigned to Department 3 <i>Judicial Reassignment to Judge Monica Trujillo</i>	
01/08/2021	 Stipulation and Order Filed by: Defendant Adams, Edward Michael <i>[71] Stipulation and Order to Continue Hearing</i>	Index #71
01/20/2021	 Order for Production of Inmate <i>[72] 200802574C-OPI-(ADAMS EDWARD 04 21 2021)-001</i>	Index #72
04/12/2021	 Stipulation and Order Filed by: Defendant Adams, Edward Michael <i>[73] Stipulation and Order to Vacate Order for Production of Inmate</i>	Index #73
12/07/2021	 Findings of Fact, Conclusions of Law and Order <i>[74] Findings of Fact, Conclusions of Law and Order</i>	Index #74
12/08/2021	 Case Appeal Statement Filed By: Defendant Adams, Edward Michael <i>[75] Appellant's Case Appeal Statement</i>	Index #75
12/08/2021	 Notice of Appeal (Criminal) Party: Defendant Adams, Edward Michael <i>[76] Appellant's Notice of Appeal</i>	Index #76
12/08/2021	 Request	Index #77

CASE SUMMARY**CASE NO. 08C241003**

Filed by: Defendant Adams, Edward Michael
 [77] Appellant's Request for Transcripts of Proceedings

12/08/2021



Notice of Entry

Filed By: Plaintiff State of Nevada

[78] Notice of Entry of Findings of Fact, Conclusions of Law and Order

Index #78

DISPOSITIONS

01/01/1900

Plea (Judicial Officer: User, Conversion)

1. FIRST DEGREE KIDNAPPING

Not Guilty

PCN: Sequence:

01/01/1900

Plea (Judicial Officer: User, Conversion)

2. BATTERY WITH INTENT TO COMMIT SEXUAL ASSAULT

Not Guilty

PCN: Sequence:

01/01/1900

Plea (Judicial Officer: User, Conversion)

3. SEXUAL ASSAULT

Not Guilty

PCN: Sequence:

01/01/1900

Plea (Judicial Officer: User, Conversion)

4. SEXUAL ASSAULT

Not Guilty

PCN: Sequence:

01/01/1900

Plea (Judicial Officer: User, Conversion)

5. SEXUAL ASSAULT

Not Guilty

PCN: Sequence:

01/01/1900

Plea (Judicial Officer: User, Conversion)

6. SEXUAL ASSAULT

Not Guilty

PCN: Sequence:

01/01/1900

Plea (Judicial Officer: User, Conversion)

7. SEXUAL ASSAULT

Not Guilty

PCN: Sequence:

01/01/1900

Plea (Judicial Officer: User, Conversion)

8. SEXUAL ASSAULT

Not Guilty

PCN: Sequence:

01/01/1900

Plea (Judicial Officer: User, Conversion)

9. SEXUAL ASSAULT

Not Guilty

PCN: Sequence:

CASE SUMMARY

CASE No. 08C241003

01/01/1900	<p>Plea (Judicial Officer: User, Conversion)</p> <p>10. SEXUAL ASSAULT</p> <p>Not Guilty</p> <p>PCN: Sequence:</p>
01/01/1900	<p>Plea (Judicial Officer: User, Conversion)</p> <p>11. SEXUAL ASSAULT</p> <p>Not Guilty</p> <p>PCN: Sequence:</p>
01/01/1900	<p>Plea (Judicial Officer: Barker, David)</p> <p>12. OPEN AND GROSS LEWDNESS</p> <p>Not Guilty</p> <p>PCN: Sequence:</p>
11/04/2009	<p>Disposition (Judicial Officer: Barker, David)</p> <p>9. SEXUAL ASSAULT</p> <p>Not Guilty</p> <p>PCN: Sequence:</p> <p>10. SEXUAL ASSAULT</p> <p>Not Guilty</p> <p>PCN: Sequence:</p>
01/13/2010	<p>Disposition (Judicial Officer: Barker, David)</p> <p>1. FIRST DEGREE KIDNAPPING</p> <p>Guilty</p> <p>PCN: Sequence:</p> <p>2. BATTERY WITH INTENT TO COMMIT SEXUAL ASSAULT</p> <p>Guilty</p> <p>PCN: Sequence:</p> <p>3. SEXUAL ASSAULT</p> <p>Guilty</p> <p>PCN: Sequence:</p> <p>4. SEXUAL ASSAULT</p> <p>Guilty</p> <p>PCN: Sequence:</p> <p>5. SEXUAL ASSAULT</p> <p>Guilty</p> <p>PCN: Sequence:</p> <p>6. SEXUAL ASSAULT</p> <p>Guilty</p> <p>PCN: Sequence:</p> <p>7. SEXUAL ASSAULT</p> <p>Guilty</p> <p>PCN: Sequence:</p> <p>8. SEXUAL ASSAULT</p> <p>Guilty</p> <p>PCN: Sequence:</p>

CASE SUMMARY**CASE No. 08C241003**

	11. SEXUAL ASSAULT Guilty PCN: Sequence:
01/13/2010	Disposition (Judicial Officer: Barker, David) 12. OPEN AND GROSS LEWDNESS Guilty PCN: Sequence:
01/13/2010	Adult Adjudication (Judicial Officer: Barker, David) 12. OPEN AND GROSS LEWDNESS 12/14/2007 (G) 201.210 (5108) PCN: Sequence:
	<hr/> Sentenced to CCDC Term: 12 Months Credit for Time Served: 731 Days Comments: \$25 ADM Fee; \$150 DNA Fee; \$500 Indigent Defense Fund Fee. Concurrent with balance of counts. Condition 1. Register As A Sex Offender 2. Lifetime Supervision
01/13/2010	Adult Adjudication (Judicial Officer: Barker, David) 1. FIRST DEGREE KIDNAPPING 01/01/1900 (F) 200.320 (200.320) PCN: Sequence:
	<hr/> Sentenced to Nevada Dept. of Corrections Term: Life with the possibility of parole after:5 Years Other Fees 1. , \$2,932.00
01/13/2010	Adult Adjudication (Judicial Officer: Barker, David) 2. BATTERY WITH INTENT TO COMMIT SEXUAL ASSAULT 01/01/1900 (F) 200.400 (200.400) PCN: Sequence:
	<hr/> Sentenced to Nevada Dept. of Corrections Term: Life with the possibility of parole after:5 Years Consecutive: Charge 1
01/13/2010	Adult Adjudication (Judicial Officer: Barker, David) 3. SEXUAL ASSAULT 01/01/1900 (F) 200.366 (200.366) PCN: Sequence:
	<hr/> Sentenced to Nevada Dept. of Corrections Term: Life with the possibility of parole after:10 Years Consecutive: Charge 2
01/13/2010	Adult Adjudication (Judicial Officer: Barker, David) 4. SEXUAL ASSAULT 01/01/1900 (F) 200.366 (200.366) PCN: Sequence:
	<hr/> Sentenced to Nevada Dept. of Corrections Term: Life with the possibility of parole after:10 Years Consecutive: Charge 4

CASE SUMMARY

CASE NO. 08C241003

01/13/2010	<p>Adult Adjudication (Judicial Officer: Barker, David) 5. SEXUAL ASSAULT 01/01/1900 (F) 200.366 (200.366) PCN: Sequence:</p> <hr/> <p>Sentenced to Nevada Dept. of Corrections Term: Life with the possibility of parole after:10 Years Consecutive: Charge 4</p>
01/13/2010	<p>Adult Adjudication (Judicial Officer: Barker, David) 6. SEXUAL ASSAULT 01/01/1900 (F) 200.366 (200.366) PCN: Sequence:</p> <hr/> <p>Sentenced to Nevada Dept. of Corrections Term: Life with the possibility of parole after:10 Years Consecutive: Charge 5</p>
01/13/2010	<p>Adult Adjudication (Judicial Officer: Barker, David) 7. SEXUAL ASSAULT 01/01/1900 (F) 200.366 (200.366) PCN: Sequence:</p> <hr/> <p>Sentenced to Nevada Dept. of Corrections Term: Life with the possibility of parole after:10 Years Consecutive: Charge 6</p>
01/13/2010	<p>Adult Adjudication (Judicial Officer: Barker, David) 8. SEXUAL ASSAULT 01/01/1900 (F) 200.366 (200.366) PCN: Sequence:</p> <hr/> <p>Sentenced to Nevada Dept. of Corrections Term: Life with the possibility of parole after:10 Years Consecutive: Charge 7</p>
01/13/2010	<p>Adult Adjudication (Judicial Officer: Barker, David) 11. SEXUAL ASSAULT 01/01/1900 (F) 200.366 (200.366) PCN: Sequence:</p> <hr/> <p>Sentenced to Nevada Dept. of Corrections Term: Life with the possibility of parole after:10 Years Consecutive: Charge 8</p>
	<p><u>HEARINGS</u></p>
02/19/2008	<p>Initial Arraignment (9:00 AM) Events: 02/01/2008 Hearing <i>INITIAL ARRAIGNMENT Court Clerk: Roshonda Mayfield Reporter/Recorder: Kiara Schmidt</i> <i>Heard By: Kevin Williams</i> Matter Heard; INITIAL ARRAIGNMENT Court Clerk: Roshonda Mayfield Reporter/Recorder: Kiara Schmidt Heard By: Kevin Williams</p>
06/10/2008	<p>Calendar Call (8:30 AM) <i>CALENDAR CALL Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard</i> <i>By: Jackie Glass</i> Matter Heard; CALENDAR CALL Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Jackie Glass</p>
06/16/2008	<p>CANCELED Jury Trial (10:00 AM) <i>Vacated</i></p>

CASE SUMMARY

CASE No. 08C241003

10/07/2008	Calendar Call (8:30 AM) <i>CALENDAR CALL Heard By: Jackie Glass</i>
10/07/2008	Motion to Continue (8:30 AM) <i>DEFT'S MTN TO CONTINUE TRIAL DATE/06 Heard By: Jackie Glass</i>
10/07/2008	All Pending Motions (8:30 AM) <i>ALL PENDING MOTIONS 10/7/08 Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Jackie Glass</i> Matter Heard; ALL PENDING MOTIONS 10/7/08 Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Jackie Glass
10/09/2008	Motion to Continue (9:00 AM) Events: 10/06/2008 Motion <i>DEFT'S MTN TO CONTINUE TRIAL DATE/06 Heard By: Jackie Glass</i>
10/13/2008	CANCELED Jury Trial (10:00 AM) <i>Vacated</i>
10/28/2008	Status Check (8:30 AM) Events: 10/07/2008 Hearing <i>STATUS CHECK: NEGOTIATIONS AND/OR TRIAL SETTING Court Clerk: Denise Trujillo Reporter/Recorder: Rachelle Hamilton Heard By: James Brennan</i> Matter Heard; STATUS CHECK: NEGOTIATIONS AND/OR TRIAL SETTING Court Clerk: Denise Trujillo Reporter/Recorder: Rachelle Hamilton Heard By: James Brennan
03/31/2009	Calendar Call (8:00 AM) <i>CALENDAR CALL Court Clerk: Kristen Brown Reporter/Recorder: Michelle Ramsey Heard By: Michael Villani</i> Matter Heard; CALENDAR CALL Court Clerk: Kristen Brown Reporter/Recorder: Michelle Ramsey Heard By: Michael Villani
04/06/2009	CANCELED Jury Trial (10:00 AM) <i>Vacated</i>
10/27/2009	Calendar Call (8:00 AM) <i>CALENDAR CALL</i>
10/27/2009	All Pending Motions (8:00 AM) <i>ALL PENDING MOTIONS 10-27-09 Court Clerk: Kristen Brown Reporter/Recorder: Michelle Ramsey Heard By: Michael Villani</i> Matter Heard; ALL PENDING MOTIONS 10-27-09 Court Clerk: Kristen Brown Reporter/Recorder: Michelle Ramsey Heard By: Michael Villani Journal Entry Details: <i>CALENDAR CALL...PUBLIC DEFENDER'S MOTION TO DISMISS BASED UPON STATE'S FAILURE TO PRESERVE EXCULPATORY EVIDENCE AND MOTION TO DISMISS DUE TO THE STATE'S FAILURE TO PROVIDE BRADY MATERIAL Mr. Hendricks stated he is ready to proceed to trial which will take about 4-5 days with 15 witnesses, several being out of state. Mr. Maningo stated the defense will have about 4-5 witnesses. COURT ORDERED, trial VACATED and matter REFERRED to Overflow. Upon Court's inquiry, Mr. Maningo stated that the Motion on calendar today is WITHDRAWN, COURT SO ORDERED. CUSTODY 10/29/09 9:00 AM OVERFLOW (17) C. HENDRICKS/R. SCOW/J. MANINGO 4-5 DAYS 19-20 WITNESSES SOME OUT OF STATE ;</i>
10/27/2009	Motion to Dismiss (8:15 AM) Events: 10/21/2009 Motion <i>PD'S MTN TO DISMISS BASED UPON STATE'S FAILURE TO PRESERVE EXCULP EVID/13</i>
10/29/2009	Overflow (9:00 AM) <i>OVERFLOW (17) C. HENDRICKS/J. MANINGO 19-20 WITNESSES/5 DAYS/SOME OUT-</i>

CASE SUMMARY

CASE No. 08C241003

OF-STATE Relief Clerk: Tia Everett/te Reporter/Recorder: Richard Kangas Heard By: David Barker

Matter Heard; OVERFLOW (17) C. HENDRICKS/J. MANINGO 19-20 WITNESSES/5 DAYS/SOME OUT-OF-STATE Relief Clerk: Tia Everett/te Reporter/Recorder: Richard Kangas Heard By: David Barker

Journal Entry Details:

COURT ORDERED, REFERRED to Department 18 and Set for trial. FURTHER ORDERED, matter REASSIGNED to Department 18. CUSTODY 11/2/08 10:00 AM JURY TRIAL ;

11/02/2009 CANCELED Jury Trial (10:00 AM)
Vacated

11/02/2009 Jury Trial (10:00 AM)

TRIAL BY JURY Court Clerk: Sharon Chun Reporter/Recorder: Richard Kangas Heard By: Barker, David

Matter Continued; TRIAL BY JURY Court Clerk: Sharon Chun Reporter/Recorder: Richard Kangas Heard By: Barker, David

Journal Entry Details:

TRIAL CONVENED at 9:55 A.M. and JURY PANEL SEATED. Introductions presented by the Court and counsel. Following roll call of Panel, Panel was placed under oath and general voir dire was conducted by the Court. Panel members thanked and excused for cause. The State conducted additional voir dire and passed the Panel. COURT ORDERED, LUNCH RECESS. COURT RECONVENED OUTSIDE PANEL MEMBERS. Mr. Maningo noted the racial make-up of the Jury Panel members. JURY PANEL SEATED, Mr. Maningo conducted additional voir dire. Bench Conference, following which COURT ORDERED additional Panel Members excused for cause. Peremptory Challenges were conducted, during which COURT ORDERED, JURORS RECESSED. Mr. Maningo raised a Batson Challenge and arguments presented by both sides. COURT ORDERED, BATSON CHALLENGE OVER-RULED, it does not find the State demonstrated a pattern of bias. Peremptory Challenges continued. COURT DIRECTED the State to present a hard-copy of their Power Point presentations, which will be marked as Court's Exhibits. Mr. Maningo objected to most of the Power Point presentations which depicts Deft in jail cloths. COURT ORDERED, ALLOWED, there is nothing which indicates the custody status of Deft and it is not more prejudicial than probative. JURY PANEL SEATED. COURT THANKED and EXCUSED those Panel Members which were removed during Peremptory Challenges. Remaining Jurors placed under oath and seated. Court presented preliminary instructions to the Jury. Information was read to Jurors by the Clerk. Opening statements presented by the State with Power Point presentation. Defense presented its opening statement. BENCH CONFERENCE HELD. COURT ORDERED, JURORS RECESSED AND TO RETURN TOMORROW AT 10:00 A.M. OUTSIDE PRESENCE OF JURY: COURT ADVISED that since Panel Member #202 was absent after lunch an Order Show Cause will be requested. Both sides stated that no additional inquiry will be requested. COURT STATED Jury Services is to inquire of panel Member #202 as to why not present after lunch and perhaps schedule him before the Chief Judge for hearing. COURT ORDERED, EVENING RECESS; CONTINUED TOMORROW. ;

11/03/2009 Jury Trial (10:00 AM)

TRIAL BY JURY Court Clerk: Sharon Chun Heard By: Barker, David

Matter Continued; TRIAL BY JURY Court Clerk: Sharon Chun Heard By: Barker, David

Journal Entry Details:

TRIAL RECONVENED at 10:08 A.M. with JURY SEATED. State called forth witnesses who were placed under oath, testified, and identified Deft Adams; exhibits presented. (Please see Witness and Exhibit Lists.) OUTSIDE PRESENCE OF JURY: Court advised Deft of his Fifth Amendment right not to testify; Carter Instruction. JURY SEATED. State called additional witnesses. COURT ORDERED, JURY RECESSED; to return tomorrow at 10:00 A.M. OUTSIDE PRESENCE OF JURY: Mr. Hendricks stated the black witness was found and the State plans to call him tomorrow, although not on the Witness list. Mr. Maningo had no objection. Mr. Hendricks advised he will make the witness available to Defense. COURT ORDERED, EVENING RECESS. ;

11/04/2009 Jury Trial (10:00 AM)

TRIAL BY JURY Court Clerk: Sharon Chun @ 11 AM/sc Relief Clerk: Dameda Scott @ 10:00 AM/ds Reporter/Recorder: Richard Kangas Heard By: David Barker

Matter Heard; TRIAL BY JURY Court Clerk: Sharon Chun @ 11 AM/sc Relief Clerk: Dameda Scott @ 10:00 AM/ds Reporter/Recorder: Richard Kangas Heard By: David Barker

Journal Entry Details:

CASE SUMMARY

CASE No. 08C241003

TRIAL RECONVENED with JURY PRESENT. State called forth additional witnesses; exhibits presented. (Please see Witness and Exhibit Lists.) Photographs were published in open court. JURY RECESSED. OUTSIDE PRESENCE OF JURY: Jury Instructions settled on the record. Counsel argued re allowing in Deft's prior arrests. COURT ORDERED, MUST BE CONVICTIONS with Certified Copies, otherwise not allowed. Discussion also held regarding "alibi witnesses being introduced", but, Mr. Maningo stated he is not going to present alibi witnesses. Mr. Maningo raised issue of a "consensual" theory, and Mr. Hendricks argued. OUTSIDE PRESENCE OF THE STATE: Discussion between the Court and Deft re consensual conduct. JURY INSTRUCTIONS settled on the record. JURY SEATED. STATE RESTED its case in chief. Defense called forth witnesses who were sworn and testified. DEFENSE RESTED. No rebuttal arguments made by the state. JURY RECESSED. JURY INSTRUCTIONS FINALIZED. JURY SEATED and COURT READ Jury Instructions to Jury. Closing arguments presented. COURT ANNOUNCED Alternate Jurors to be #13 and 14. The Marshal and Judicial Executive Assistant were sworn to take charge of Jurors and ORDERED, JURORS TO DELIBERATION at 4:35 P.M. VERDICT REACHED. All counsel, Deft Adams, and jurors returned to the court room and the TRIAL RECONVENED AT 6:35 P.M. COURT ANNOUNCED the Foreperson to be Juror #7. VERDICT READ by the Clerk, as follows: "We, the jury in the above entitled case, find the Defendant EDWARD MICHAEL ADAMS, as follows: COUNT 1 - GUILTY OF FIRST DEGREE KIDNAPPING; COUNT 2 - GUILTY OF BATTERY WITH INTENT TO COMMIT SEXUAL ASSAULT; COUNT 3-8, & 11 - GUILTY OF SEXUAL ASSAULT; COUNT 9 - NOT GUILTY; COUNT 10 - NOT GUILTY; and COUNT 12 - GUILTY OF OPEN OR GROSS LEWDNESS". COURT POLLED JURORS at request of Defense; all twelve jurors responded that was their verdict, as read. COURT THANKED and EXCUSED JURORS. OUTSIDE PRESENCE OF JURORS: COURT ORDERED, matter referred to the Division of Parole and Probation (P&P) and set for sentencing. COURT FURTHER ORDERED, DEFT ADAMS REMANDED TO CUSTODY; WITHOUT BAIL. CUSTODY 1/13/10 8:15 AM SENTENCING (COUNTS 1-8 AND 11-12)...STATUS CHECK: DISMISSAL OF COUNTS 9 AND 10 ;

11/09/2009

Minute Order (9:00 AM)

MINUTE ORDER RE: SEALING OF STATE'S TRIAL EXHIBITS 86-92 Court Clerk: Sharon Chun Heard By: David Barker

Matter Heard; MINUTE ORDER RE: SEALING OF STATE'S TRIAL EXHIBITS 86-92 Court Clerk: Sharon Chun Heard By: David Barker

Journal Entry Details:

COURT ORDERED, State's Exhibits 86-92, as admitted during the Jury Trial of 11/2/09 are to be SEALED, and, not to be released unless by Court Order. ;

01/13/2010

Sentencing (8:15 AM)

Events: 11/04/2009 Conversion Case Event Type

SENTENCING COUNTS 1-8 & 11-12 Heard By: David Barker

01/13/2010

Status Check (8:15 AM)

Events: 11/04/2009 Hearing

STATUS CHECK: DISMISSAL COUNTS 9 & 10 Heard By: David Barker

01/13/2010

All Pending Motions (8:15 AM)

ALL PENDING MOTIONS OF 1/13/10 Court Clerk: Sharon Chun/SC Relief Clerk: Shelly Landwehr Reporter/Recorder: Richard Kangas Heard By: David Barker

Matter Heard; ALL PENDING MOTIONS OF 1/13/10 Court Clerk: Sharon Chun/SC Relief Clerk: Shelly Landwehr Reporter/Recorder: Richard Kangas Heard By: David Barker

Journal Entry Details:

PURSUANT TO JURY VERDICT OF 11/4/09, COURT ADJUDGED DEFT ADAMS GUILTY OF COUNT 1 - FIRST DEGREE KIDNAPPING (F); COUNT 2 - BATTERY WITH INTENT TO COMMIT SEXUAL ASSAULT (F); COUNTS 3-8 AND 11 - SEXUAL ASSAULT (F); COUNT 12 - OPEN OR GROSS LEWDNESS (GM). COURT FURTHER ORDERED, COUNTS 9 AND 10 DISMISSED PURSUANT TO JURY VERDICT OF NOT GUILTY. Mr. Hendricks noted that no victim impact statements will be presented today because the State did not provide them with notice, but, it was agreed to go forward with sentencing today. COURT NOTED Deft Adams prior criminal history. Mr. Maningo presented argument in support of Deft. Mr. Hendricks argued in support of life sentence because Deft is a threat to the community. COURT STATED IT FINDS DEFT ADAMS A THREAT TO THE COMMUNITY. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, a \$150.00 DNA Analysis fee including testing to determine genetic markers, and \$500.00 Indigent Defense Fund fee, Deft. SENTENCED, as follows: COUNT 1 - a MINIMUM TERM of SIXTY (60) MONTHS and

CASE SUMMARY**CASE No. 08C241003**

a MAXIMUM TERM OF LIFE in the Nevada Department of Corrections (NDC), and TO PAY RESTITUTION IN THE AMOUNT OF \$2,932.00; COUNT 2 - a MINIMUM TERM of SIXTY (60) MONTHS and a MAXIMUM TERM OF LIFE in the Nevada Department of Corrections (NDC), CONSECUTIVE TO COUNT 1; COUNT 3 - a MINIMUM TERM of ONE-HUNDRED-TWENTY MONTHS (120) and a MAXIMUM TERM OF LIFE in the Nevada Department of Corrections (NDC), CONSECUTIVE TO COUNT 2; COUNT 4 - a MINIMUM TERM of ONE-HUNDRED-TWENTY MONTHS (120) and a MAXIMUM TERM OF LIFE in the Nevada Department of Corrections (NDC), CONSECUTIVE TO COUNT 3; COUNT 5 - a MINIMUM TERM of ONE-HUNDRED-TWENTY MONTHS (120) and a MAXIMUM TERM OF LIFE in the Nevada Department of Corrections (NDC), CONSECUTIVE TO COUNT 4; COUNT 6 - a MINIMUM TERM of ONE-HUNDRED-TWENTY MONTHS (120) and a MAXIMUM TERM OF LIFE in the Nevada Department of Corrections (NDC), CONSECUTIVE TO COUNT 5; COUNT 7 - a MINIMUM TERM of ONE-HUNDRED-TWENTY MONTHS (120) and a MAXIMUM TERM OF LIFE in the Nevada Department of Corrections (NDC), CONSECUTIVE TO COUNT 6; COUNT 8 - a MINIMUM TERM of ONE-HUNDRED-TWENTY MONTHS (120) and a MAXIMUM TERM OF LIFE in the Nevada Department of Corrections (NDC), CONSECUTIVE TO COUNT 7; COUNT 11 - a MINIMUM TERM of ONE-HUNDRED-TWENTY MONTHS (120) and a MAXIMUM TERM OF LIFE in the Nevada Department of Corrections (NDC), CONSECUTIVE TO COUNT 8; COUNT 12 - TWELVE (12) MONTHS IN THE CLARK COUNTY DETENTION CENTER, CONCURRENT WITH BALANCE OF COUNTS. COURT FURTHER ORDERED, Deft to receive 731 DAYS CREDIT for time served. COURT FURTHER ORDERED, pursuant to NRS 179D.460, DEFT SHALL REGISTER AS A SEX OFFENDER WITHIN 48 HOURS OF SENTENCING OR RELEASE FROM CUSTODY. COURT FURTHER ORDERED, A SPECIAL SENTENCE OF LIFETIME SUPERVISION TO COMMENCE UPON RELEASE FROM ANY TERM OF PROBATION, PAROLE OR IMPRISONMENT. COURT NOTED, BEFORE DEFT IS ELIGIBLE FOR PAROLE, a panel consisting of the Administer of the Mental Health and Development Services of the Dept of Human Resources or his designee; the Director of the Dept of Corrections or his designee; and a psychologist licensed to practice in this State; or a psychiatrist licensed to practice medicine in NV must certify that the Deft does not represent a high risk to re-offend based on current accepted standards of assessment. If bond, exonerated. ;

01/30/2012

**Motion** (8:15 AM) (Judicial Officer: Barker, David)

Events: 01/17/2012 Motion

Deft's Pro Per Motion for Modification of Sentence

Motion Denied; Deft's Pro Per Motion for Modification of Sentence

Journal Entry Details:

Mr. Maningo advised he was trial counsel for Deft. at time of trial and Mr. Westbrook is handling appeal. Court noted notice of appeal still pending in front of the Supreme Court, this Court lacks jurisdiction and ORDERED, motion DENIED. NDC ;

08/29/2012

**Motion** (8:15 AM) (Judicial Officer: Barker, David)

Events: 08/08/2012 Motion

Deft's Pro Per Motions for Modification of Sentence

Motion Denied; Deft's Pro Per Motions for Modification of Sentence

Journal Entry Details:

Court noted Deft. filed appeal of conviction as a result of jury verdict, Supreme Court affirmed conviction, Deft. requesting original sentence be modified, Court FINDS no jurisdiction to modify once the Judgment of Conviction (JOC) has been filed, nothing to support request and ORDERED, motion DENIED. NDC CLERK'S NOTE: The above minute order has been distributed to: Edward Adams, BAC #1046775, High Desert State Prison, P.O. Box 650, Indian Springs, NV 89070. aw ;

10/15/2012

**Request** (8:15 AM) (Judicial Officer: Barker, David)*DA Setting Slip - State's Request to Appoint Defense Counsel*

Granted;

Journal Entry Details:

Kelly Williams, Deputy District Attorney, present on behalf of the State. Defendant not present in custody with Nevada Department of Corrections. Ms. Williams advised the State is seeking to have the Court appoint counsel based on the fact that the Supreme Court continues to remand cases in which Defendants are serving lengthy sentences. Court noted on 8/30/2012 the Supreme Court affirmed the conviction and Defendant filed his post conviction writ on 9/12/2012. COURT ORDERED, State's Request GRANTED and matter SET for Appointment

CASE SUMMARY

CASE No. 08C241003

of Counsel. *FURTHER ORDERED*, all upcoming hearings set for 11/21/2012 VACATED and will be addressed with new counsel. NDC 10/22/2012 8:15 AM APPOINTMENT OF COUNSEL ;

10/22/2012



Appointment of Counsel (8:15 AM) (Judicial Officer: Barker, David)

Matter Heard;

Journal Entry Details:

Kelly Williams, Esq. present on behalf of the State of Nevada. Mr. Gaffney CONFIRMED as counsel on behalf of Mr. Oronoz. Further, Mr. Gaffney requested matter be set for status check. COURT ORDERED, matter SET for status check. NDC 11/19/12 8:15 AM STATUS CHECK: RECEIPT OF FILE ;

11/19/2012



Status Check (8:15 AM) (Judicial Officer: Barker, David)

Status Check: Receipt of File

Off Calendar; Status Check: Receipt of File

Journal Entry Details:

Mr. Gaffney advised file has been received from prior counsel. COURT ORDERED, matter OFF CALENDAR. NDC ;

11/21/2012

CANCELED Petition for Writ of Habeas Corpus (8:15 AM) (Judicial Officer: Barker, David)

Vacated - per Judge

Def't's Pro Per Petition for Writ of Habeas Corpus (Post Conviction)

11/21/2012

CANCELED Motion (8:15 AM) (Judicial Officer: Barker, David)

Vacated - per Judge

Def't's Pro Per Motion to Proceed in Forma Pauperis

11/21/2012

CANCELED Motion (8:15 AM) (Judicial Officer: Barker, David)

Vacated - per Judge

Def't's Pro Per Motion to Withdraw Counsel

11/21/2012

CANCELED Motion (8:15 AM) (Judicial Officer: Barker, David)

Vacated - per Judge

Def't's Pro Per Motion to Appoint Counsel

05/16/2016



Motion (8:30 AM) (Judicial Officer: Kephart, William D.)

Defendant's Motion to Place on Calendar for the Purpose of Obtaining SANE Exam Photographs From the District Attorney's Office

Denied;

Journal Entry Details:

Court noted in order to grant the motion counsel needs to show good cause why the information needs to be produced. COURT ORDERED, Motion DENIED. Mr. Gaffney argued the SANE photographs were provided to previous counsel; however, the photographs were unable to be provided as part of the file based on the law. Further, Mr. Gaffney advised these photographs were admitted as exhibits at the time of trial. Upon Court's inquiry, Mr. Gaffney advised he has not viewed the photographs contained in the evidence vault which were admitted at the time of trial. Further discussion regarding the photographs. Court stated ruling stands. NDC;

09/12/2016



Motion (8:30 AM) (Judicial Officer: Kephart, William D.)

Defendant's Second Motion to Place on Calendar for the Purpose of Obtaining Sane Exam Photographs from the District Attorney's Office

Granted in Part;

Journal Entry Details:

Following arguments by counsel and discussions regarding the photographs, COURT ORDERED, Motion GRANTED IN PART; State to provide the photographs is in their possession. NDC;

07/24/2019



Status Check (8:30 AM) (Judicial Officer: Kephart, William D.)

Status Check: Briefing Schedule

CASE SUMMARY

CASE No. 08C241003

11/13/2019

Briefing Schedule Set;
Journal Entry Details:
Court noted matter has not been on calendar since 2016 and a supplemental petition was recently filed in June of 2019. Mr. Thoman requested 60 days to file a response. COURT ORDERED, response shall be due on or before 9/25/2019; reply shall be due on or before 10/30/2019 and matter SET for hearing. NDC 11/13/2019 8:30 AM PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION);



Petition for Writ of Habeas Corpus (8:30 AM) (Judicial Officer: Trujillo, Monica)
11/13/2019, 07/29/2020, 01/11/2021, 04/21/2021, 05/12/2021

Petition for Writ of Habeas Corpus (post-conviction)

Matter Continued;

T Erricsson

per COVID 19 AD. ORD

continue 30 days per JIm Oronoz

Matter Continued;

Continued;

Matter Continued;

Denied;

Journal Entry Details:

Following arguments by counsel, Court noted the Court adopts states response for reasons stated in States briefings. COURT ORDERED, petition DENIED and State to prepare Findings of Facts and Conclusions of Law.;

Matter Continued;

T Erricsson

per COVID 19 AD. ORD

continue 30 days per JIm Oronoz

Matter Continued;

Continued;

Matter Continued;

Denied;

Journal Entry Details:

At the request of counsel and there being no opposition, COURT ORDERED, matter CONTINUED. NDC CONTINUED TO 5/12/21 8:30 AM;

Matter Continued;

T Erricsson

per COVID 19 AD. ORD

continue 30 days per JIm Oronoz

Matter Continued;

Continued;

Matter Continued;

Denied;

Journal Entry Details:

No parties present. COURT NOTED it received a stipulation and order agreement between the parties requesting a continuance. COURT ORDERED, matter CONTINUED. NDC CONTINUED TO: 4/21/2021 8:30 AM;

Matter Continued;

T Erricsson

per COVID 19 AD. ORD

continue 30 days per JIm Oronoz

Matter Continued;

Continued;

Matter Continued;

Denied;

Journal Entry Details:

COURT ORDERED, matter CONTINUED to 12/07/2020 at 8:30 AM pursuant to Stipulation and Order. NDC;

Matter Continued;

T Erricsson

per COVID 19 AD. ORD

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE No. 08C241003

continue 30 days per Jim Oronoz

Matter Continued;

Continued;

Matter Continued;

Denied;

Journal Entry Details:

Court noted Defendant not present and in custody with the Nevada Department of Corrections.

Ms. Stewart advised she is requesting to continue the argument on the Petition until after the

first of the year. Mr. Thoman stated no objection. COURT ORDERED, matter CONTINUED.

NDC CONTINUED TO: 1/15/2020 8:30 AM;

DATE

FINANCIAL INFORMATION

Defendant Adams, Edward Michael

Total Charges

675.00

Total Payments and Credits

0.00

Balance Due as of 12/10/2021

675.00

FCL
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
ALEXANDER CHEN
Chief Deputy District Attorney
Nevada Bar #0010539
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

**DISTRICT COURT
CLARK COUNTY, NEVADA**

EDWARD MICHAEL ADAMS,
#1969904

Petitioner,

-vs-

THE STATE OF NEVADA,
Respondent.

CASE NO: 08C241003

DEPT NO: III

**FINDINGS OF FACT, CONCLUSIONS OF
LAW AND ORDER**

DATE OF HEARING: May 12, 2021
TIME OF HEARING: 8:30 AM

THIS CAUSE having come on for hearing before the Honorable TRUJILLO, District Judge, on the 12th day of May, 2021, the Petitioner not being present, proceeding in proper person, the Respondent being represented by STEVEN B. WOLFSON, Clark County District Attorney, by and through RICHARD SCOW, Chief Deputy District Attorney, and the Court having considered the matter, including briefs, transcripts, arguments of counsel, and documents on file herein, now therefore, the Court makes the following findings of fact and conclusions of law:

STATEMENT OF THE CASE

On February 12, 2008, the State filed an Information charging Edward Adams (hereinafter "Petitioner") as follows: Count 1 – First Degree Kidnapping with Use of a Deadly

1 Weapon (Felony – NRS 200.310, 200.320, 193.165), Count 2 – Battery with Intent to Commit
2 a Crime with Use of a Deadly Weapon (Felony – NRS 200.400, 193.165), Counts 3 through
3 11 – Sexual Assault with a Minor Under Fourteen Years of Age with Use of a Deadly Weapon
4 (Felony – NRS 200.364, 200.366, 193.165), and Count 12 – Open or Gross Lewdness (Gross
5 Misdemeanor – NRS 201.210). On October 28, 2009, the State filed an Amended Information
6 with the same charges.

7 On November 2, 2009, Petitioner’s jury trial commenced. On November 4, 2009, the
8 jury found Petitioner guilty of Count 1 – First Degree Kidnapping, Count 2 – Battery with
9 Intent to Commit Sexual Assault, Counts 3, 4, 5, 6, 7, 8 and 11 – Sexual Assault, and Count
10 12 – Open or Gross Lewdness. The jury found Petitioner not guilty of Counts 9 and 10.

11 On January 13, 2010, the district court sentenced Petitioner as follows: Count 1 – to 60
12 months to life and \$2932.00 in restitution; Count 2 – to 60 months to life, consecutive to Count
13 1; Count 3 – to 120 months to life, consecutive to Count 2; Count 4 – to 120 months to life,
14 consecutive to Count 3; Count 5 – to 120 months to life, consecutive to Count 4; Count 6 – to
15 120 months to life, consecutive to Count 5; Count 7 – to 120 months to life, consecutive to
16 Count 6; Count 8 – to 120 months to life, consecutive to Count 7; Count 11 – to 120 months
17 to life, consecutive to Count 8; and Count 12 – to 12 months, concurrent with all other counts.

18 The court also imposed a special sentence of Lifetime Supervision to commence upon
19 release from any term of imprisonment, probation, or parole. The court also ordered Petitioner
20 to register as a sex offender after any release from custody. The court entered the Judgment
21 of Conviction on February 2, 2010.

22 Petitioner filed his Notice of Appeal on February 22, 2010. The Nevada
23 Supreme Court affirmed Petitioner’s Judgment of Conviction on July 26, 2012. Remittitur
24 issued on August 21, 2012.

25 On September 11, 2012, Petitioner filed a Post-Conviction Petition for Writ of
26 Habeas Corpus. On October 15, 2012, the court appointed counsel for Petitioner. On
27 September 4, 2015, the Court entered an Ex Parte Order of Appointment to appoint Dr. Hariton
28 to “review medical records and investigate issues.” On May 5, 2016, Petitioner filed a Motion

1 to Place on Calendar for the Purpose of Obtaining SANE Exam Photographs from the District
2 Attorney's Office ("Motion"). The State filed an opposition to the motion on May 10, 2016.
3 The Court denied Petitioner's motion on May 16, 2016. The order denying the motion was
4 filed on June 1, 2016.

5 On August 31, 2016, Petitioner filed a second Motion to Place on Calendar for
6 the Purpose of Obtaining SANE Exam Photographs from the District Attorney's Office
7 ("Second Motion"). The State filed an opposition to the second motion on May 10, 2016. The
8 Court denied Petitioner's motion on September 6, 2016. The order denying the motion was
9 filed on June 1, 2016. On September 12, 2016, the Court granted the motion in part and ordered
10 the State to provide the photographs in their possession.

11 On June 28, 2019 Petitioner filed a Supplemental Post-Conviction Petition for
12 Writ of Habeas Corpus. The State filed its Response to Petitioner's pleadings on September
13 26, 2019. On May 12, 2021, this matter came before this Court, at which time this Court heard
14 arguments. The Court stated its Findings, Conclusions, and Order based on the written
15 pleadings, as follows:

16 **ANALYSIS**

17 **I. PETITIONER RECEIVED EFFECTIVE ASSISTANCE OF COUNSEL**

18 **A. Standard Of Review**

19 The Sixth Amendment to the United States Constitution provides that, "[i]n all criminal
20 prosecutions, the accused shall enjoy the right ... to have the Assistance of Counsel for his
21 defense." The United States Supreme Court has long recognized that "the right to counsel is
22 the right to the effective assistance of counsel." Strickland v. Washington, 466 U.S. 668, 686,
23 104 S. Ct. 2052, 2063 (1984); see also State v. Love, 109 Nev. 1136, 1138, 865 P.2d 322, 323
24 (1993).

25 To prevail on a claim of ineffective assistance of trial counsel, a defendant must prove
26 he was denied "reasonably effective assistance" of counsel by satisfying the two-prong test of
27 Strickland, 466 U.S. at 686-87, 104 S. Ct. at 2063-64. See also Love, 109 Nev. at 1138, 865
28 P.2d at 323. Under the Strickland test, a defendant must show first that his counsel's

1 representation fell below an objective standard of reasonableness, and second, that but for
2 counsel's errors, there is a reasonable probability that the result of the proceedings would have
3 been different. 466 U.S. at 687-88, 694, 104 S.Ct. at 2065, 2068; Warden, Nevada State Prison
4 v. Lyons, 100 Nev. 430, 432, 683 P.2d 504, 505 (1984) (adopting the Strickland two-part
5 test). "[T]here is no reason for a court deciding an ineffective assistance claim to approach
6 the inquiry in the same order or even to address both components of the inquiry if the defendant
7 makes an insufficient showing on one." Strickland, 466 U.S. at 697, 104 S. Ct. at 2069.

8 The court begins with the presumption of effectiveness and then must determine
9 whether the defendant has demonstrated by a preponderance of the evidence that counsel was
10 ineffective. Means v. State, 120 Nev. 1001, 1011, 103 P.3d 25, 32 (2004). "Effective counsel
11 does not mean errorless counsel, but rather counsel whose assistance is '[w]ithin the range of
12 competence demanded of attorneys in criminal cases.'" Jackson v. Warden, 91 Nev. 430, 432,
13 537 P.2d 473, 474 (1975).

14 Counsel cannot be ineffective for failing to make futile objections or arguments. See
15 Ennis v. State, 122 Nev. 694, 706, 137 P.3d 1095, 1103 (2006). Trial counsel has the
16 "immediate and ultimate responsibility of deciding if and when to object, which witnesses, if
17 any, to call, and what defenses to develop." Rhyne v. State, 118 Nev. 1, 8, 38 P.3d 163, 167
18 (2002).

19 Based on the above law, the role of a court in considering allegations of ineffective
20 assistance of counsel is "not to pass upon the merits of the action not taken but to determine
21 whether, under the particular facts and circumstances of the case, trial counsel failed to render
22 reasonably effective assistance." Donovan v. State, 94 Nev. 671, 675, 584 P.2d 708, 711
23 (1978). This analysis does not mean that the court should "second guess reasoned choices
24 between trial tactics nor does it mean that defense counsel, to protect himself against
25 allegations of inadequacy, must make every conceivable motion no matter how remote the
26 possibilities are of success." Id. To be effective, the constitution "does not require that counsel
27 do what is impossible or unethical. If there is no bona fide defense to the charge, counsel

28 //

1 cannot create one and may disserve the interests of his client by attempting a useless charade.”
2 United States v. Cronin, 466 U.S. 648, 657 n.19, 104 S. Ct. 2039, 2046 n.19 (1984).

3 “There are countless ways to provide effective assistance in any given case. Even the
4 best criminal defense attorneys would not defend a particular client in the same way.”
5 Strickland, 466 U.S. at 689, 104 S.Ct. at 689. “Strategic choices made by counsel after
6 thoroughly investigating the plausible options are almost unchallengeable.” Dawson v. State,
7 108 Nev. 112, 117, 825 P.2d 593, 596 (1992); see also Ford v. State, 105 Nev. 850, 853, 784
8 P.2d 951, 953 (1989). In essence, the court must “judge the reasonableness of counsel’s
9 challenged conduct on the facts of the particular case, viewed as of the time of counsel’s
10 conduct.” Strickland, 466 U.S. at 690, 104 S. Ct. at 2066.

11 Even if a defendant can demonstrate that his counsel’s representation fell below an
12 objective standard of reasonableness, he must still demonstrate prejudice and show a
13 reasonable probability that, but for counsel’s errors, the result of the trial would have been
14 different. McNelton v. State, 115 Nev. 396, 403, 990 P.2d 1263, 1268 (1999) (citing
15 Strickland, 466 U.S. at 687, 104 S. Ct. at 2064). “A reasonable probability is a probability
16 sufficient to undermine confidence in the outcome.” Id. (citing Strickland, 466 U.S. at 687-
17 89, 694, 104 S. Ct. at 2064-65, 2068).

18 The Nevada Supreme Court has held “that a habeas corpus petitioner must prove the
19 disputed factual allegations underlying his ineffective-assistance claim by a preponderance of
20 the evidence.” Means, 120 Nev. at 1012, 103 P.3d at 33. Furthermore, claims of ineffective
21 assistance of counsel asserted in a petition for post-conviction relief must be supported with
22 specific factual allegations, which if true, would entitle the petitioner to relief. Hargrove v.
23 State, 100 Nev. 498, 502, 686 P.2d 222, 225 (1984). “Bare” and “naked” allegations are not
24 sufficient, nor are those belied and repelled by the record. Id. NRS 34.735(6) states in relevant
25 part, “[Petitioner] *must* allege specific facts supporting the claims in the petition[.] . . . Failure
26 to allege specific facts rather than just conclusions may cause your petition to be dismissed.”
27 (emphasis added).

28 //

1 **B. Petitioner's Counsel Was Not Ineffective For Allowing A Juror To Remain On**
2 **The Panel Who Knew The Judge And One Witness Because The Juror Was Able**
3 **To Remain Fair And Impartial.**

4 The Nevada Supreme Court has held that it is improper for Petitioner to make factual
5 assertions without "adequately cit[ing] to the record in his briefs or provide this court with an
6 adequate record." Thomas v. State, 120 Nev. 37, 43, 83 P.3d 818, 822 (2004). Here, Petitioner
7 has failed to cite to any record in support of his claim of ineffective assistance of counsel.
8 Instead of supporting his assertions with the record, Petitioner just makes these assertions that
9 because Juror 7 remained on the jury, it resulted in his conviction. This is not supported with
10 any evidence from the record, and thus, is rejected.

11 Moreover, Petitioner has failed to demonstrate that the juror was not fair and impartial.
12 During voir dire, the juror acknowledges to the judge that she can be fair and impartial despite
13 knowing him:

14 PROSPECTIVE JUROR NO. 156: Your Honor, I'm juror number
15 156. You and I have met socially several times over the past 20
16 years. I worked with your wife at the Attorney General's office
17 back in the 1990s.

18 THE COURT: Okay. Anything about that association or relation
19 that might cause you to –

20 PROSPECTIVE JUROR NO. 156: No, sir.

21 THE COURT: -- judge this case unfairly or be – you wouldn't

22 PROSPECTIVE JUROR NO. 156: No.

23 THE COURT: -- affect your ability to be fair and impartial?

24 PROSPECTIVE JUROR NO. 156: No.

25 THE COURT: All right. Thank you very much.

26 Jury Trial Transcript Day 1, November 2, 2009, at 17-18.

27 The juror then affirms again to the State that she can still remain fair and impartial
28 despite knowing the judge:

 MR. HENDRICKS: One last question. You said that you were
 familiar with Judge Barker and his wife.

 PROSPECTIVE JUROR NO. 156: Yes, yes.

//

1 MR. HENDRICKS: Is that going to affect you in any way in being
2 able to make a just decision in regards to both defense and the
3 State?

4 PROSPECTIVE JUROR NO. 156: No.

5 Jury Trial Transcript Day 1, November 2, 2009, at 96-87.

6 Additionally, the juror acknowledges that she can be fair and impartial despite knowing
7 the State's witness, Shayla Joseph:

8 MR. HENDRICKS: Thank you, Judge. State calls Shayla Joseph.

9 JUROR NO. 7: Excuse me, your Honor. I realize I know Shayla
10 Joseph. Just met her one time socially.

11 THE COURT: Okay.

12 JUROR NO. 7: I'm recognizing the name now.

13 THE COURT: Parties approach.

14 (Off-record bench conference).

15 ...

16 THE COURT: Record should reflect we're outside the presence of
17 the jury. Record should further reflect that parties approached after
18 Juror No. 7, Ms. Clayton, indicated that she had knowledge,
19 independent familiarity with the previous witness, Ms. Joseph, that
20 was just called. And parties agreed to address this issue out – well,
21 after the witness had completed her testimony.

22 It would be my inclination to call Ms. Clayton back in to – inquire
23 as to her – the base of her knowledge. I'll give each side an
24 opportunity to inquire and make decisions on whether or not you
25 want to challenge her as consequence of this disclosure.

26 MR. HENDRICKS: No, I think that's a great idea just to – just to
27 have that on the record. Just to make sure Mr. Maningo and the
28 defendant's rights are preserved just in case.

MR. MANINGO: Agreed.

THE COURT: That's exactly what I want to do. Could you go ask
Danny to bring in Juror No. 7, please.

(Juror No. 7 present)

THE COURT: Thank you. Record will reflect Ms. Clayton's
returned to the courtroom, Juror No. 7.

Ms. Clayton, you indicated that you had some previous knowledge
or you know Ms. Joseph, the previous witness called, so we've
taken you outside the presence of the rest the jury to inquire about

1 how you know Ms. Joseph. Could you tell us a little bit about that
2 relationship?

3 JUROR NO. 7: When I – since we're having crime scene
4 examiners here, and I heard her name and I thought oh, my God,
5 I've met – we have a – Shayla and I have a mutual friend named
6 Tim Speese (phonetic), who's a police officer. And I met Shalya
7 once, perhaps twice, over the summer socially at – I mean, at a bar,
8 you know, just because we have mutual friends. And she and I
9 spoke a few minutes.

10 I don't even think she probably would have even recognized me,
11 honestly. But she has a distinctive name. And again, when
12 (indiscernible) and again, she's not somebody that I consider to be
13 – you know, she is somebody that I met once, possibly twice and
14 we have a very good mutual friend.

15 THE COURT: All right. State, any inquiry of Ms. Clayton as a
16 consequence of that disclosure?

17 MR. HENDRICKS: No. Thanks, Judge.

18 THE COURT: Ms. Clayton, anything about that contact, as you
19 described with Ms. Joseph, that might affect your ability to be fair
20 and impartial in this case?

21 JUROR NO. 7: No, not at all.

22 THE COURT: Mr. Maningo, any questions?

23 **MR. MANINGO: Ms. Clayton, just because you have – you've
24 met that witness in your social life, would you give her
25 testimony more weight than you would any other witnesses?**

26 **JUROR NO. 7: No, sir.**

27 MR. MANINGO: Okay, then – I have no problem.

28 JUROR NO. 7: I apologize, Judge.

THE COURT: It's all right. That's what it's all about. Thank you.
We'll be with you in just a few minutes.

Jury Trial Transcript Day 2, November 3, 2009, at 199-200, 212-214 (emphasis added).

There is nothing in the record that Petitioner cites to that demonstrates the juror could not remain fair and impartial despite knowing Judge Barker and the State's witness. Instead, the issue of knowing Judge Barker is brought to the Court's attention many times, and each time, the juror explains that she can remain fair and impartial to Petitioner. Moreover, when the juror realized that she had briefly met the State's witness only one time, she brought it to

1 the Court's attention and again, affirmed that she could remain fair and impartial. Petitioner
2 does not give any reason to indicate why she was not fair and impartial or why she would have
3 been unable to remain fair and impartial. Therefore, this claim is denied.

4 **C. There Is No Support From The Record That Petitioner's Counsel Failed To**
5 **Investigate The Case Or Was Not Prepared For Trial.**

6 Petitioner contends that trial counsel failed to conduct adequate pretrial discovery,
7 including but not limited to failing to fully, competently, investigate the facts, circumstances,
8 and legal issues surrounding the offense. A defendant who contends that his attorney was
9 ineffective because he did not adequately investigate must show how a better investigation
10 would have rendered a more favorable outcome probable. Molina v. State, 120 Nev. 185, 87
11 P.3d 533 (2004). Such a defendant must allege with specificity what the investigation would
12 have revealed and how it would have altered the outcome of the trial. United States v. Porter,
13 924 F.2d 395, 397 (1st Cir. 1991) (quoting United States v. Green, 882 F.2d 999, 1003 (5th
14 Cir. 1989)).

15 Here, Petitioner's claim fails as he has not alleged with adequate specificity what
16 further investigation or additional facts would have come to light and how this would have
17 changed the outcome of the trial. He alleges that his counsel told him he was not properly
18 prepared because he did not have a second chair and had to juggle" during trial. Supplemental
19 Petition, at 27. This claim is not supported by the record, and there is no mention of any
20 specific facts suggesting counsel was not prepared for trial. In fact, the record in this case
21 demonstrates how prepared trial counsel was by filing many pre-trial motions, thoroughly
22 cross-examining each of the State's witnesses, and even calling three (3) character witnesses
23 to testify on behalf of Petitioner.

24 Petitioner argues the fact that counsel did not find Mr. Randall through a preliminary
25 investigation while the District Attorney found him on the first day of trial. Petition for Writ
26 of Habeas Corpus (Post-Conviction), at 9. This is a bare and naked allegation as Randle still
27 testified at trial, and counsel even had the opportunity to meet with Randle the morning before
28 his trial testimony. In fact, trial counsel even conducted a thorough cross-examination of

1 Detective Gabriel Lebario emphasizing that the detective did not do a report of his interview
2 with Randle or provide his name in his report:

3 Q (MR. MANINGO): Okay. And making reports is an important
4 part of your job –

5 A (DETECTIVE LEBARIO): Yes.

6 Q: -- is that fair to say?

7 A: Yes, sir.

8 Q: Okay. You have to document when you do certain things or
9 when you speak to people, correct?

10 A: Yes.

11 ...

12 Q: You spoke to another individual who – who lived in a nearby
13 apartment building, correct?

14 A: Yes.

15 Q: Okay. And this is the person that – that you described as the
16 adult black male, correct?

17 A: Yes.

18 Q: And the reason we refer to this gentleman that way, in your
19 report you don't list his name, correct?

20 A: Right.

21 Q: And that's because you had taken notes and kept those notes
22 separate, correct?

23 A: Well, written, yes.

24 Q: Okay. When you spoke to Mr. Randall, he gave a description
25 of seeing two people together that matched the description of Mr.
26 Adams and Amber?

27 A: Yes.

28 Q: Okay. He also noted that the two individuals he saw were not
touching one another, correct?

A: Right.

Q: And he noted that they were not emotional, and that the girl was
not emotional?

//

1 A: Correct.

2 Q: He also noted that the girl did not appear to be in any distress.

3 A: Correct.

4 . . .

5 Q: You just spoke to him about the two individuals that he saw
6 that day?

7 A: Yes.

8 Q: Okay. I think you said earlier that there was no need to get a
9 report from him at that time.

10 A: At the time, yes.

11 Q: Okay. You did, however, none of the details of what he told
12 you in your – in your report, correct?

13 A: Yes.

14 Q: Okay.

15 A: My case notes.

16 Jury Trial Transcript Day 2, November 3, 2009, at 259-262.

17 Therefore, counsel took the time to prepare by fully cross-examining the detective about
18 not providing Randle's name or details of his interview with him, and counsel was able to meet
19 with Randle before his testimony before cross-examining him at trial. Therefore, Petitioner's
20 bare allegations do not and cannot demonstrate prejudice and, therefore, this claim is
21 absolutely without merit. See Hargrove, 100 Nev. at 502, 686 P.2d at 225. As such, this claim
22 is denied.

23 **D. Petitioner's Counsel Was Not Ineffective For Failing To Investigate Or Challenge
24 The State's Late Disclosure Of Witness Andre Randle Because, In Fact, Counsel
25 Did Challenge The Late Disclosure In His Motion To Dismiss, And Cross-
26 Examined Randle At Trial.**

27 "Bare" and "naked" allegations are not sufficient to warrant post-conviction relief, nor
28 are those belied and repelled by the record. Hargrove v. State, 100 Nev. 498, 502, 686 P.2d
222, 225 (1984). "A claim is 'belied' when it is contradicted or proven to be false by the record
as it existed at the time the claim was made." Mann v. State, 118 Nev. 351, 354, 46 P.3d 1228,
1230 (2002).

1 In order to satisfy the Strickland standard and establish ineffectiveness for failure to
2 investigate, a defendant must allege *in the pleadings* what information would have resulted
3 from a better investigation or the substance of the missing witness' testimony. Molina v. State,
4 120 Nev. 185, 192, 87 P.3d 533, 538 (2004); State v. Haberstroh, 119 Nev. 173, 185, 69 P.3d
5 676, 684 (2003). It must be clear from the "record what it was about the defense case that a
6 more adequate investigation would have uncovered." Id. A defendant must also show how a
7 better investigation probably would have rendered a more favorable outcome. Id.

8 Here, Petitioner claims that trial counsel should have objected to the late disclosure of
9 State's witness Andre Randle. In fact, counsel filed a Motion to Dismiss on October 20, 2009,
10 (Petitioner's own Exhibit D) arguing that the State should turn over the "tall, physically fit,
11 adult black male." Motion to Dismiss, at 3-4. Counsel argued in the Motion that the detectives
12 did not follow up with the mystery witness, and that the state should produce the witness to
13 testify at trial. Id. at 4. By counsel filing this motion prior to trial, he was objecting and
14 challenging the fact that the State had not produced Mr. Randle.

15 Then, during trial, when the State did produce the witness, the State allowed counsel to
16 not only cross-examine Mr. Randle, but also speak with him beforehand:

17 MR. HENDRICKS: Okay. Now, I don't think either one of us, I'm
18 not sure though, has this – this black male adult listed on our
19 witness list. But as you know, he was not interviewed at the time
20 other than just what was reflected in his case notes. We've now
21 contacted him. We tracked him down. We found him so he's
22 available to defense counsel.

23 He's going to be here tomorrow morning at 10:00 a.m. My concern
24 is this, is he's not on our witness list, but we would still like to call
25 him. And I want to make sure that defense counsel doesn't have
26 an objection because they're actually the ones who wanted him
27 and made a motion to – to dismiss the whole case because they
28 didn't have him. Now we have him. I want to make sure it's okay
we can call him.

THE COURT: Defense position.

MR. MANINGO: Yeah, that's fine. I don't have an objection. I'm
not worried about – I know that the reason he wasn't on the witness
list at the time is because neither one with of us knew who this
person was.

1 THE COURT: Well, hearing no objection from the defense, the
2 State calling the witness, even though the witness wasn't identified
on their witness list, so –

3 MR. HENDRICKS: **And I'll make him available in the morning**
4 **so Jeff can speak with him also beforehand** just -- just to know
what we're getting.

5 Jury Trial Transcript Day 2, November 3, 2009, at 276-77 (emphasis added).

6 Now, Petitioner is arguing that counsel should have expended all resources to find this
7 unidentified witness. But then Petitioner argues that when the witness is actually produced at
8 trial, counsel should have challenged the late disclosure of the witness and not agreed to let
9 him testify. Petitioner's argument as to why counsel was ineffective at trial is based on the fact
10 that he should have found this witness before trial, and the witness would have produced
11 exculpatory evidence during his trial testimony. It is a roundabout argument to claim that
12 counsel should have found him, then when the State actually did find him, counsel should have
13 objected and not let him testify because he would testify to exculpatory evidence.

14 Moreover, it is utter speculation that Randle's testimony would have somehow been
15 different at trial had counsel conducted a more in-depth pre-trial interview of the witness, when
16 Petitioner admits that Randle's testimony was favorable to the defense. Trial counsel had time
17 before Randle's testimony to discuss his testimony with him and essentially have a pre-trial
18 interview. Counsel also had the opportunity to cross-examine Randle and question him in-
19 depth about how difficult it is to remember an event from two (2) years ago, that the witness
20 did not write anything down or take any notes after the event, about his interactions with
21 Petitioner and the victim, and about the Petitioner and the victim's demeanor entering the
22 vacant apartment. See Jury Trial Transcript Day 3, November 4, 2009, at 31-33. Even on
23 direct-examination, Randle testified that, "She didn't even look mad or nothing." *Id.* at 29. On
24 cross-examination, he says. "They was just walking normal." *Id.* at 33. Therefore, there was
25 no prejudice to Petitioner because, as Petitioner admits, Randle's testimony was favorable to
26 the defense.

27 By the end of trial, counsel had the opportunity to present the exculpatory evidence
28 through cross-examination because Randle ultimately testified during trial. Moreover, on

1 direct-examination, Randle's testimony confirmed the victim's classmates, Jonathan and
2 Angela's, testimony that they saw the two walking together. Even though counsel was unable
3 to locate Randle prior to trial, counsel filed the Motion to Dismiss contesting the fact the State
4 had not produced the witness, was still allowed the opportunity to cross-examine him during
5 his trial testimony, and even discuss his testimony with him the morning before he testified.
6 Therefore, there was no prejudice to Petitioner by Randle's testimony.

7 It simply cannot be said that trial counsel did not make sufficient inquiries into
8 information about Randle and his testimony after having the opportunity to speak with him
9 before his testimony and cross-examine him at trial. The record belies Petitioner's claim of
10 failure to investigate and shows that counsel did everything Petitioner claims should have been
11 done. Therefore, this claim is without merit and is denied.

12 **E. Claims 2 And 4-12 Are Waived Because They Should Have Been Raised On Direct**
13 **Appeal.**

14 NRS 34.810(1) reads:

15 The court shall dismiss a petition if the court determines that:

16 (a) The petitioner's conviction was upon a plea of guilty or
17 guilty but mentally ill and the petition is not based upon an
18 allegation that the plea was involuntarily or unknowingly
entered or that the plea was entered without effective assistance
of counsel.

19 (b) The petitioner's conviction was the result of a trial and the
20 grounds for the petition could have been:

21 . . .

22 (2) Raised in a direct appeal or a prior petition for a writ of
habeas corpus or postconviction relief.

23 unless the court finds both cause for the failure to present the
24 grounds and actual prejudice to the petitioner.

25 The Nevada Supreme Court has held that "challenges to the validity of a guilty plea and
26 claims of ineffective assistance of trial and appellate counsel must first be pursued in post-
27 conviction proceedings.... [A]ll other claims that are appropriate for a direct appeal must be
28 pursued on direct appeal, or they will be *considered waived in subsequent proceedings.*"

1 Franklin v. State, 110 Nev. 750, 752, 877 P.2d 1058, 1059 (1994) (emphasis added)
2 (disapproved on other grounds by Thomas v. State, 115 Nev. 148, 979 P.2d 222 (1999)). “A
3 court must dismiss a habeas petition if it presents claims that either were or could have been
4 presented in an earlier proceeding, unless the court finds both cause for failing to present the
5 claims earlier or for raising them again and actual prejudice to the petitioner.” Evans v. State,
6 117 Nev. 609, 646–47, 29 P.3d 498, 523 (2001).

7 Here, Petitioner’s Claims 2 and 4-12 should have been raised on a direct appeal because
8 they do not challenge the validity of a guilty plea or allege ineffective assistance of counsel.
9 NRS 34.810(1); Franklin, 110 Nev. at 752, 877 P.2d at 1059. Petitioner does not allege good
10 cause or prejudice for not bringing these claims on direct appeal and raising them for the first
11 time in these habeas proceedings. Therefore, as these claims are all waived, they are dismissed.

12 **F. Petitioner’s Pro Per Claims Fail Because They Should Have Been Raised On**
13 **Appeal As Discussed Above**

14 As discussed above, the Petitioner’s Pro Per claims fail because they should have been
15 raised on appeal and are therefore waived. Petitioner now raises these claims again in his
16 Supplemental Petition, however, they are still waived for the exact reason stated above.
17 Therefore, these claims are dismissed.

18 **G. Cumulative Error Does Not Apply to Ineffective Assistance Of Counsel**

19 Petitioner asserts a claim of cumulative error in the context of ineffective assistance of
20 counsel. The Nevada Supreme Court has never held that instances of ineffective assistance of
21 counsel can be cumulated; it is the State’s position that they cannot. However, even if they
22 could be, it would be of no consequence as there was no single instance of ineffective
23 assistance in Petitioner’s case. See United States v. Rivera, 900 F.2d 1462, 1471 (10th Cir.
24 1990) (“[A] cumulative-error analysis should evaluate only the effect of matters determined
25 to be error, not the cumulative effect of non-errors.”). Furthermore, Petitioner’s claim is
26 without merit. “Relevant factors to consider in evaluating a claim of cumulative error are (1)
27 whether the issue of guilt is close, (2) the quantity and character of the error, and (3) the gravity
28 of the crime charged.” Mulder v. State, 116 Nev. 1, 17, 992 P.2d 845, 855 (2000). Furthermore,

1 any errors that occurred at trial were minimal in quantity and character, and a defendant “is
2 not entitled to a perfect trial, but only a fair trial.” Ennis v. State, 91 Nev. 530, 533, 539 P.2d
3 114, 115 (1975). There was no error in this case let alone cumulative error. Therefore, this
4 claim is denied.

5 **H. Petitioner Is Not Entitled to An Evidentiary Hearing**

6 A defendant is entitled to an evidentiary hearing only if his petition is supported by
7 specific factual allegations, which, if true, would entitle her to relief. Marshall v. State, 110
8 Nev. 1328, 1331, 885 P.2d 603, 605 (1994). “The judge or justice, upon review of the return,
9 answer and all supporting documents which are filed, shall determine whether an evidentiary
10 hearing is required.” NRS 34.770(1). Further, “[i]f the judge or justice determines that the
11 petitioner is not entitled to relief and an evidentiary hearing is not required, the judge or justice
12 shall dismiss the petition without a hearing.” NRS 34.770(2).

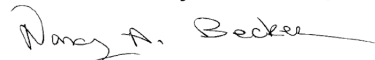
13 Here, there is no reason to expand the record because Petitioner’s claims are not
14 cognizable in a post-conviction petition and Petitioner fails to present specific factual
15 allegations that would entitle him to relief. Marshall, 110 Nev. at 1331, 885 P.2d at 605. As
16 such, Petitioner’s request for an evidentiary hearing is denied.

17 **ORDER**

18 THEREFORE, IT IS HEREBY ORDERED that the Supplemental Petition for Writ of
19 Habeas Corpus shall be, and it is, hereby denied.

20 DATED this ____ day of December, 2021.

Dated this 7th day of December, 2021




DISTRICT JUDGE

2BB C4B 269D DD3D
Nancy Becker
District Court Judge

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

25
26 BY


ALEXANDER CHEN
Chief Deputy District Attorney
Nevada Bar #0010539

for

CERTIFICATE OF SERVICE

I certify that on the ____ day of ____, 2021, I mailed a copy of the foregoing proposed Findings of Fact, Conclusions of Law, and Order to:

EDWARD MICHAEL ADAMS, BAC #1046775
HIGH DESERT STATE PRISON
P.O. BOX 650
INDIAN SPRINGS, NV 89018

BY

C. Garcia
Secretary for the District Attorney's Office

AC/et/cg/L2

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 The State of Nevada vs Edward
M Adams

CASE NO: 08C241003

7 DEPT. NO. Department 3

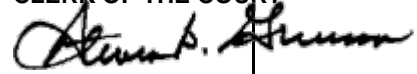
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9 **AUTOMATED CERTIFICATE OF SERVICE**

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

13 Service Date: 12/7/2021

14 James Oronoz	jim@oronozlawyers.com
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NEO

**DISTRICT COURT
CLARK COUNTY, NEVADA**

EDWARD M. ADAMS,

Petitioner,

vs.

THE STATE OF NEVADA,

Respondent,

Case No: 08C241003

Dept No: III

**NOTICE OF ENTRY OF FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER**

PLEASE TAKE NOTICE that on December 7, 2021, the court entered a decision or order in this matter, a true and correct copy of which is attached to this notice.

You may appeal to the Supreme Court from the decision or order of this court. If you wish to appeal, you must file a notice of appeal with the clerk of this court within thirty-three (33) days after the date this notice is mailed to you. This notice was mailed on December 8, 2021.

STEVEN D. GRIERSON, CLERK OF THE COURT

/s/ Amanda Hampton

Amanda Hampton, Deputy Clerk

CERTIFICATE OF E-SERVICE / MAILING

I hereby certify that on this 8 day of December 2021, I served a copy of this Notice of Entry on the following:

☒ By e-mail:

Clark County District Attorney's Office
Attorney General's Office – Appellate Division-

☒ The United States mail addressed as follows:

Edward Adams # 1046775
1200 Prison Rd.
Lovelock, NV 89419

James A. Oronzo, Esq.
1050 Indigo Dr., Ste 120
Las Vegas, NV 89145

/s/ Amanda Hampton

Amanda Hampton, Deputy Clerk

FCL
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
ALEXANDER CHEN
Chief Deputy District Attorney
Nevada Bar #0010539
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

**DISTRICT COURT
CLARK COUNTY, NEVADA**

EDWARD MICHAEL ADAMS,
#1969904

Petitioner,

-vs-

THE STATE OF NEVADA,
Respondent.

CASE NO: 08C241003

DEPT NO: III

**FINDINGS OF FACT, CONCLUSIONS OF
LAW AND ORDER**

DATE OF HEARING: May 12, 2021
TIME OF HEARING: 8:30 AM

THIS CAUSE having come on for hearing before the Honorable TRUJILLO, District Judge, on the 12th day of May, 2021, the Petitioner not being present, proceeding in proper person, the Respondent being represented by STEVEN B. WOLFSON, Clark County District Attorney, by and through RICHARD SCOW, Chief Deputy District Attorney, and the Court having considered the matter, including briefs, transcripts, arguments of counsel, and documents on file herein, now therefore, the Court makes the following findings of fact and conclusions of law:

STATEMENT OF THE CASE

On February 12, 2008, the State filed an Information charging Edward Adams (hereinafter "Petitioner") as follows: Count 1 – First Degree Kidnapping with Use of a Deadly

1 Weapon (Felony – NRS 200.310, 200.320, 193.165), Count 2 – Battery with Intent to Commit
2 a Crime with Use of a Deadly Weapon (Felony – NRS 200.400, 193.165), Counts 3 through
3 11 – Sexual Assault with a Minor Under Fourteen Years of Age with Use of a Deadly Weapon
4 (Felony – NRS 200.364, 200.366, 193.165), and Count 12 – Open or Gross Lewdness (Gross
5 Misdemeanor – NRS 201.210). On October 28, 2009, the State filed an Amended Information
6 with the same charges.

7 On November 2, 2009, Petitioner’s jury trial commenced. On November 4, 2009, the
8 jury found Petitioner guilty of Count 1 – First Degree Kidnapping, Count 2 – Battery with
9 Intent to Commit Sexual Assault, Counts 3, 4, 5, 6, 7, 8 and 11 – Sexual Assault, and Count
10 12 – Open or Gross Lewdness. The jury found Petitioner not guilty of Counts 9 and 10.

11 On January 13, 2010, the district court sentenced Petitioner as follows: Count 1 – to 60
12 months to life and \$2932.00 in restitution; Count 2 – to 60 months to life, consecutive to Count
13 1; Count 3 – to 120 months to life, consecutive to Count 2; Count 4 – to 120 months to life,
14 consecutive to Count 3; Count 5 – to 120 months to life, consecutive to Count 4; Count 6 – to
15 120 months to life, consecutive to Count 5; Count 7 – to 120 months to life, consecutive to
16 Count 6; Count 8 – to 120 months to life, consecutive to Count 7; Count 11 – to 120 months
17 to life, consecutive to Count 8; and Count 12 – to 12 months, concurrent with all other counts.

18 The court also imposed a special sentence of Lifetime Supervision to commence upon
19 release from any term of imprisonment, probation, or parole. The court also ordered Petitioner
20 to register as a sex offender after any release from custody. The court entered the Judgment
21 of Conviction on February 2, 2010.

22 Petitioner filed his Notice of Appeal on February 22, 2010. The Nevada
23 Supreme Court affirmed Petitioner’s Judgment of Conviction on July 26, 2012. Remittitur
24 issued on August 21, 2012.

25 On September 11, 2012, Petitioner filed a Post-Conviction Petition for Writ of
26 Habeas Corpus. On October 15, 2012, the court appointed counsel for Petitioner. On
27 September 4, 2015, the Court entered an Ex Parte Order of Appointment to appoint Dr. Hariton
28 to “review medical records and investigate issues.” On May 5, 2016, Petitioner filed a Motion

1 to Place on Calendar for the Purpose of Obtaining SANE Exam Photographs from the District
2 Attorney's Office ("Motion"). The State filed an opposition to the motion on May 10, 2016.
3 The Court denied Petitioner's motion on May 16, 2016. The order denying the motion was
4 filed on June 1, 2016.

5 On August 31, 2016, Petitioner filed a second Motion to Place on Calendar for
6 the Purpose of Obtaining SANE Exam Photographs from the District Attorney's Office
7 ("Second Motion"). The State filed an opposition to the second motion on May 10, 2016. The
8 Court denied Petitioner's motion on September 6, 2016. The order denying the motion was
9 filed on June 1, 2016. On September 12, 2016, the Court granted the motion in part and ordered
10 the State to provide the photographs in their possession.

11 On June 28, 2019 Petitioner filed a Supplemental Post-Conviction Petition for
12 Writ of Habeas Corpus. The State filed its Response to Petitioner's pleadings on September
13 26, 2019. On May 12, 2021, this matter came before this Court, at which time this Court heard
14 arguments. The Court stated its Findings, Conclusions, and Order based on the written
15 pleadings, as follows:

16 **ANALYSIS**

17 **I. PETITIONER RECEIVED EFFECTIVE ASSISTANCE OF COUNSEL**

18 **A. Standard Of Review**

19 The Sixth Amendment to the United States Constitution provides that, "[i]n all criminal
20 prosecutions, the accused shall enjoy the right ... to have the Assistance of Counsel for his
21 defense." The United States Supreme Court has long recognized that "the right to counsel is
22 the right to the effective assistance of counsel." Strickland v. Washington, 466 U.S. 668, 686,
23 104 S. Ct. 2052, 2063 (1984); see also State v. Love, 109 Nev. 1136, 1138, 865 P.2d 322, 323
24 (1993).

25 To prevail on a claim of ineffective assistance of trial counsel, a defendant must prove
26 he was denied "reasonably effective assistance" of counsel by satisfying the two-prong test of
27 Strickland, 466 U.S. at 686-87, 104 S. Ct. at 2063-64. See also Love, 109 Nev. at 1138, 865
28 P.2d at 323. Under the Strickland test, a defendant must show first that his counsel's

1 representation fell below an objective standard of reasonableness, and second, that but for
2 counsel's errors, there is a reasonable probability that the result of the proceedings would have
3 been different. 466 U.S. at 687-88, 694, 104 S.Ct. at 2065, 2068; Warden, Nevada State Prison
4 v. Lyons, 100 Nev. 430, 432, 683 P.2d 504, 505 (1984) (adopting the Strickland two-part
5 test). "[T]here is no reason for a court deciding an ineffective assistance claim to approach
6 the inquiry in the same order or even to address both components of the inquiry if the defendant
7 makes an insufficient showing on one." Strickland, 466 U.S. at 697, 104 S. Ct. at 2069.

8 The court begins with the presumption of effectiveness and then must determine
9 whether the defendant has demonstrated by a preponderance of the evidence that counsel was
10 ineffective. Means v. State, 120 Nev. 1001, 1011, 103 P.3d 25, 32 (2004). "Effective counsel
11 does not mean errorless counsel, but rather counsel whose assistance is '[w]ithin the range of
12 competence demanded of attorneys in criminal cases.'" Jackson v. Warden, 91 Nev. 430, 432,
13 537 P.2d 473, 474 (1975).

14 Counsel cannot be ineffective for failing to make futile objections or arguments. See
15 Ennis v. State, 122 Nev. 694, 706, 137 P.3d 1095, 1103 (2006). Trial counsel has the
16 "immediate and ultimate responsibility of deciding if and when to object, which witnesses, if
17 any, to call, and what defenses to develop." Rhyne v. State, 118 Nev. 1, 8, 38 P.3d 163, 167
18 (2002).

19 Based on the above law, the role of a court in considering allegations of ineffective
20 assistance of counsel is "not to pass upon the merits of the action not taken but to determine
21 whether, under the particular facts and circumstances of the case, trial counsel failed to render
22 reasonably effective assistance." Donovan v. State, 94 Nev. 671, 675, 584 P.2d 708, 711
23 (1978). This analysis does not mean that the court should "second guess reasoned choices
24 between trial tactics nor does it mean that defense counsel, to protect himself against
25 allegations of inadequacy, must make every conceivable motion no matter how remote the
26 possibilities are of success." Id. To be effective, the constitution "does not require that counsel
27 do what is impossible or unethical. If there is no bona fide defense to the charge, counsel

28 //

1 cannot create one and may disserve the interests of his client by attempting a useless charade.”
2 United States v. Cronin, 466 U.S. 648, 657 n.19, 104 S. Ct. 2039, 2046 n.19 (1984).

3 “There are countless ways to provide effective assistance in any given case. Even the
4 best criminal defense attorneys would not defend a particular client in the same way.”
5 Strickland, 466 U.S. at 689, 104 S.Ct. at 689. “Strategic choices made by counsel after
6 thoroughly investigating the plausible options are almost unchallengeable.” Dawson v. State,
7 108 Nev. 112, 117, 825 P.2d 593, 596 (1992); see also Ford v. State, 105 Nev. 850, 853, 784
8 P.2d 951, 953 (1989). In essence, the court must “judge the reasonableness of counsel’s
9 challenged conduct on the facts of the particular case, viewed as of the time of counsel’s
10 conduct.” Strickland, 466 U.S. at 690, 104 S. Ct. at 2066.

11 Even if a defendant can demonstrate that his counsel’s representation fell below an
12 objective standard of reasonableness, he must still demonstrate prejudice and show a
13 reasonable probability that, but for counsel’s errors, the result of the trial would have been
14 different. McNelson v. State, 115 Nev. 396, 403, 990 P.2d 1263, 1268 (1999) (citing
15 Strickland, 466 U.S. at 687, 104 S. Ct. at 2064). “A reasonable probability is a probability
16 sufficient to undermine confidence in the outcome.” Id. (citing Strickland, 466 U.S. at 687-
17 89, 694, 104 S. Ct. at 2064-65, 2068).

18 The Nevada Supreme Court has held “that a habeas corpus petitioner must prove the
19 disputed factual allegations underlying his ineffective-assistance claim by a preponderance of
20 the evidence.” Means, 120 Nev. at 1012, 103 P.3d at 33. Furthermore, claims of ineffective
21 assistance of counsel asserted in a petition for post-conviction relief must be supported with
22 specific factual allegations, which if true, would entitle the petitioner to relief. Hargrove v.
23 State, 100 Nev. 498, 502, 686 P.2d 222, 225 (1984). “Bare” and “naked” allegations are not
24 sufficient, nor are those belied and repelled by the record. Id. NRS 34.735(6) states in relevant
25 part, “[Petitioner] *must* allege specific facts supporting the claims in the petition[.] . . . Failure
26 to allege specific facts rather than just conclusions may cause your petition to be dismissed.”
27 (emphasis added).

28 //

1 **B. Petitioner's Counsel Was Not Ineffective For Allowing A Juror To Remain On**
2 **The Panel Who Knew The Judge And One Witness Because The Juror Was Able**
3 **To Remain Fair And Impartial.**

4 The Nevada Supreme Court has held that it is improper for Petitioner to make factual
5 assertions without "adequately cit[ing] to the record in his briefs or provide this court with an
6 adequate record." Thomas v. State, 120 Nev. 37, 43, 83 P.3d 818, 822 (2004). Here, Petitioner
7 has failed to cite to any record in support of his claim of ineffective assistance of counsel.
8 Instead of supporting his assertions with the record, Petitioner just makes these assertions that
9 because Juror 7 remained on the jury, it resulted in his conviction. This is not supported with
10 any evidence from the record, and thus, is rejected.

11 Moreover, Petitioner has failed to demonstrate that the juror was not fair and impartial.
12 During voir dire, the juror acknowledges to the judge that she can be fair and impartial despite
13 knowing him:

14 PROSPECTIVE JUROR NO. 156: Your Honor, I'm juror number
15 156. You and I have met socially several times over the past 20
16 years. I worked with your wife at the Attorney General's office
17 back in the 1990s.

18 THE COURT: Okay. Anything about that association or relation
19 that might cause you to –

20 PROSPECTIVE JUROR NO. 156: No, sir.

21 THE COURT: -- judge this case unfairly or be – you wouldn't

22 PROSPECTIVE JUROR NO. 156: No.

23 THE COURT: -- affect your ability to be fair and impartial?

24 PROSPECTIVE JUROR NO. 156: No.

25 THE COURT: All right. Thank you very much.

26 Jury Trial Transcript Day 1, November 2, 2009, at 17-18.

27 The juror then affirms again to the State that she can still remain fair and impartial
28 despite knowing the judge:

29 MR. HENDRICKS: One last question. You said that you were
30 familiar with Judge Barker and his wife.

31 PROSPECTIVE JUROR NO. 156: Yes, yes.

32 //

1 MR. HENDRICKS: Is that going to affect you in any way in being
2 able to make a just decision in regards to both defense and the
3 State?

4 PROSPECTIVE JUROR NO. 156: No.

5 Jury Trial Transcript Day 1, November 2, 2009, at 96-87.

6 Additionally, the juror acknowledges that she can be fair and impartial despite knowing
7 the State's witness, Shayla Joseph:

8 MR. HENDRICKS: Thank you, Judge. State calls Shayla Joseph.

9 JUROR NO. 7: Excuse me, your Honor. I realize I know Shayla
10 Joseph. Just met her one time socially.

11 THE COURT: Okay.

12 JUROR NO. 7: I'm recognizing the name now.

13 THE COURT: Parties approach.

14 (Off-record bench conference).

15 ...

16 THE COURT: Record should reflect we're outside the presence of
17 the jury. Record should further reflect that parties approached after
18 Juror No. 7, Ms. Clayton, indicated that she had knowledge,
19 independent familiarity with the previous witness, Ms. Joseph, that
20 was just called. And parties agreed to address this issue out – well,
21 after the witness had completed her testimony.

22 It would be my inclination to call Ms. Clayton back in to – inquire
23 as to her – the base of her knowledge. I'll give each side an
24 opportunity to inquire and make decisions on whether or not you
25 want to challenge her as consequence of this disclosure.

26 MR. HENDRICKS: No, I think that's a great idea just to – just to
27 have that on the record. Just to make sure Mr. Maningo and the
28 defendant's rights are preserved just in case.

MR. MANINGO: Agreed.

THE COURT: That's exactly what I want to do. Could you go ask
Danny to bring in Juror No. 7, please.

(Juror No. 7 present)

THE COURT: Thank you. Record will reflect Ms. Clayton's
returned to the courtroom, Juror No. 7.

Ms. Clayton, you indicated that you had some previous knowledge
or you know Ms. Joseph, the previous witness called, so we've
taken you outside the presence of the rest the jury to inquire about

1 how you know Ms. Joseph. Could you tell us a little bit about that
2 relationship?

3 JUROR NO. 7: When I – since we're having crime scene
4 examiners here, and I heard her name and I thought oh, my God,
5 I've met – we have a – Shayla and I have a mutual friend named
6 Tim Speese (phonetic), who's a police officer. And I met Shalya
7 once, perhaps twice, over the summer socially at – I mean, at a bar,
8 you know, just because we have mutual friends. And she and I
9 spoke a few minutes.

10 I don't even think she probably would have even recognized me,
11 honestly. But she has a distinctive name. And again, when
12 (indiscernible) and again, she's not somebody that I consider to be
13 – you know, she is somebody that I met once, possibly twice and
14 we have a very good mutual friend.

15 THE COURT: All right. State, any inquiry of Ms. Clayton as a
16 consequence of that disclosure?

17 MR. HENDRICKS: No. Thanks, Judge.

18 THE COURT: Ms. Clayton, anything about that contact, as you
19 described with Ms. Joseph, that might affect your ability to be fair
20 and impartial in this case?

21 JUROR NO. 7: No, not at all.

22 THE COURT: Mr. Maningo, any questions?

23 **MR. MANINGO: Ms. Clayton, just because you have – you've
24 met that witness in your social life, would you give her
25 testimony more weight than you would any other witnesses?**

26 **JUROR NO. 7: No, sir.**

27 MR. MANINGO: Okay, then – I have no problem.

28 JUROR NO. 7: I apologize, Judge.

THE COURT: It's all right. That's what it's all about. Thank you.
We'll be with you in just a few minutes.

Jury Trial Transcript Day 2, November 3, 2009, at 199-200, 212-214 (emphasis added).

There is nothing in the record that Petitioner cites to that demonstrates the juror could not remain fair and impartial despite knowing Judge Barker and the State's witness. Instead, the issue of knowing Judge Barker is brought to the Court's attention many times, and each time, the juror explains that she can remain fair and impartial to Petitioner. Moreover, when the juror realized that she had briefly met the State's witness only one time, she brought it to

1 the Court's attention and again, affirmed that she could remain fair and impartial. Petitioner
2 does not give any reason to indicate why she was not fair and impartial or why she would have
3 been unable to remain fair and impartial. Therefore, this claim is denied.

4 **C. There Is No Support From The Record That Petitioner's Counsel Failed To**
5 **Investigate The Case Or Was Not Prepared For Trial.**

6 Petitioner contends that trial counsel failed to conduct adequate pretrial discovery,
7 including but not limited to failing to fully, competently, investigate the facts, circumstances,
8 and legal issues surrounding the offense. A defendant who contends that his attorney was
9 ineffective because he did not adequately investigate must show how a better investigation
10 would have rendered a more favorable outcome probable. Molina v. State, 120 Nev. 185, 87
11 P.3d 533 (2004). Such a defendant must allege with specificity what the investigation would
12 have revealed and how it would have altered the outcome of the trial. United States v. Porter,
13 924 F.2d 395, 397 (1st Cir. 1991) (quoting United States v. Green, 882 F.2d 999, 1003 (5th
14 Cir. 1989)).

15 Here, Petitioner's claim fails as he has not alleged with adequate specificity what
16 further investigation or additional facts would have come to light and how this would have
17 changed the outcome of the trial. He alleges that his counsel told him he was not properly
18 prepared because he did not have a second chair and had to juggle" during trial. Supplemental
19 Petition, at 27. This claim is not supported by the record, and there is no mention of any
20 specific facts suggesting counsel was not prepared for trial. In fact, the record in this case
21 demonstrates how prepared trial counsel was by filing many pre-trial motions, thoroughly
22 cross-examining each of the State's witnesses, and even calling three (3) character witnesses
23 to testify on behalf of Petitioner.

24 Petitioner argues the fact that counsel did not find Mr. Randall through a preliminary
25 investigation while the District Attorney found him on the first day of trial. Petition for Writ
26 of Habeas Corpus (Post-Conviction), at 9. This is a bare and naked allegation as Randle still
27 testified at trial, and counsel even had the opportunity to meet with Randle the morning before
28 his trial testimony. In fact, trial counsel even conducted a thorough cross-examination of

1 Detective Gabriel Lebario emphasizing that the detective did not do a report of his interview
2 with Randle or provide his name in his report:

3 Q (MR. MANINGO): Okay. And making reports is an important
4 part of your job –

5 A (DETECTIVE LEBARIO): Yes.

6 Q: -- is that fair to say?

7 A: Yes, sir.

8 Q: Okay. You have to document when you do certain things or
9 when you speak to people, correct?

10 A: Yes.

11 ...

12 Q: You spoke to another individual who – who lived in a nearby
13 apartment building, correct?

14 A: Yes.

15 Q: Okay. And this is the person that – that you described as the
16 adult black male, correct?

17 A: Yes.

18 Q: And the reason we refer to this gentleman that way, in your
19 report you don't list his name, correct?

20 A: Right.

21 Q: And that's because you had taken notes and kept those notes
22 separate, correct?

23 A: Well, written, yes.

24 Q: Okay. When you spoke to Mr. Randall, he gave a description
25 of seeing two people together that matched the description of Mr.
26 Adams and Amber?

27 A: Yes.

28 Q: Okay. He also noted that the two individuals he saw were not
touching one another, correct?

A: Right.

Q: And he noted that they were not emotional, and that the girl was
not emotional?

//

1 A: Correct.

2 Q: He also noted that the girl did not appear to be in any distress.

3 A: Correct.

4 . . .

5 Q: You just spoke to him about the two individuals that he saw
6 that day?

7 A: Yes.

8 Q: Okay. I think you said earlier that there was no need to get a
9 report from him at that time.

10 A: At the time, yes.

11 Q: Okay. You did, however, none of the details of what he told
12 you in your – in your report, correct?

13 A: Yes.

14 Q: Okay.

15 A: My case notes.

16 Jury Trial Transcript Day 2, November 3, 2009, at 259-262.

17 Therefore, counsel took the time to prepare by fully cross-examining the detective about
18 not providing Randle's name or details of his interview with him, and counsel was able to meet
19 with Randle before his testimony before cross-examining him at trial. Therefore, Petitioner's
20 bare allegations do not and cannot demonstrate prejudice and, therefore, this claim is
21 absolutely without merit. See Hargrove, 100 Nev. at 502, 686 P.2d at 225. As such, this claim
22 is denied.

23 **D. Petitioner's Counsel Was Not Ineffective For Failing To Investigate Or Challenge
24 The State's Late Disclosure Of Witness Andre Randle Because, In Fact, Counsel
25 Did Challenge The Late Disclosure In His Motion To Dismiss, And Cross-
26 Examined Randle At Trial.**

27 "Bare" and "naked" allegations are not sufficient to warrant post-conviction relief, nor
28 are those belied and repelled by the record. Hargrove v. State, 100 Nev. 498, 502, 686 P.2d
222, 225 (1984). "A claim is 'belied' when it is contradicted or proven to be false by the record
as it existed at the time the claim was made." Mann v. State, 118 Nev. 351, 354, 46 P.3d 1228,
1230 (2002).

1 In order to satisfy the Strickland standard and establish ineffectiveness for failure to
2 investigate, a defendant must allege *in the pleadings* what information would have resulted
3 from a better investigation or the substance of the missing witness' testimony. Molina v. State,
4 120 Nev. 185, 192, 87 P.3d 533, 538 (2004); State v. Haberstroh, 119 Nev. 173, 185, 69 P.3d
5 676, 684 (2003). It must be clear from the "record what it was about the defense case that a
6 more adequate investigation would have uncovered." Id. A defendant must also show how a
7 better investigation probably would have rendered a more favorable outcome. Id.

8 Here, Petitioner claims that trial counsel should have objected to the late disclosure of
9 State's witness Andre Randle. In fact, counsel filed a Motion to Dismiss on October 20, 2009,
10 (Petitioner's own Exhibit D) arguing that the State should turn over the "tall, physically fit,
11 adult black male." Motion to Dismiss, at 3-4. Counsel argued in the Motion that the detectives
12 did not follow up with the mystery witness, and that the state should produce the witness to
13 testify at trial. Id. at 4. By counsel filing this motion prior to trial, he was objecting and
14 challenging the fact that the State had not produced Mr. Randle.

15 Then, during trial, when the State did produce the witness, the State allowed counsel to
16 not only cross-examine Mr. Randle, but also speak with him beforehand:

17 MR. HENDRICKS: Okay. Now, I don't think either one of us, I'm
18 not sure though, has this – this black male adult listed on our
19 witness list. But as you know, he was not interviewed at the time
20 other than just what was reflected in his case notes. We've now
21 contacted him. We tracked him down. We found him so he's
22 available to defense counsel.

23 He's going to be here tomorrow morning at 10:00 a.m. My concern
24 is this, is he's not on our witness list, but we would still like to call
25 him. And I want to make sure that defense counsel doesn't have
26 an objection because they're actually the ones who wanted him
27 and made a motion to – to dismiss the whole case because they
28 didn't have him. Now we have him. I want to make sure it's okay
we can call him.

THE COURT: Defense position.

MR. MANINGO: Yeah, that's fine. I don't have an objection. I'm
not worried about – I know that the reason he wasn't on the witness
list at the time is because neither one with of us knew who this
person was.

1 THE COURT: Well, hearing no objection from the defense, the
2 State calling the witness, even though the witness wasn't identified
on their witness list, so –

3 MR. HENDRICKS: **And I'll make him available in the morning**
4 **so Jeff can speak with him also beforehand** just -- just to know
what we're getting.

5 Jury Trial Transcript Day 2, November 3, 2009, at 276-77 (emphasis added).

6 Now, Petitioner is arguing that counsel should have expended all resources to find this
7 unidentified witness. But then Petitioner argues that when the witness is actually produced at
8 trial, counsel should have challenged the late disclosure of the witness and not agreed to let
9 him testify. Petitioner's argument as to why counsel was ineffective at trial is based on the fact
10 that he should have found this witness before trial, and the witness would have produced
11 exculpatory evidence during his trial testimony. It is a roundabout argument to claim that
12 counsel should have found him, then when the State actually did find him, counsel should have
13 objected and not let him testify because he would testify to exculpatory evidence.

14 Moreover, it is utter speculation that Randle's testimony would have somehow been
15 different at trial had counsel conducted a more in-depth pre-trial interview of the witness, when
16 Petitioner admits that Randle's testimony was favorable to the defense. Trial counsel had time
17 before Randle's testimony to discuss his testimony with him and essentially have a pre-trial
18 interview. Counsel also had the opportunity to cross-examine Randle and question him in-
19 depth about how difficult it is to remember an event from two (2) years ago, that the witness
20 did not write anything down or take any notes after the event, about his interactions with
21 Petitioner and the victim, and about the Petitioner and the victim's demeanor entering the
22 vacant apartment. See Jury Trial Transcript Day 3, November 4, 2009, at 31-33. Even on
23 direct-examination, Randle testified that, "She didn't even look mad or nothing." *Id.* at 29. On
24 cross-examination, he says. "They was just walking normal." *Id.* at 33. Therefore, there was
25 no prejudice to Petitioner because, as Petitioner admits, Randle's testimony was favorable to
26 the defense.

27 By the end of trial, counsel had the opportunity to present the exculpatory evidence
28 through cross-examination because Randle ultimately testified during trial. Moreover, on

1 direct-examination, Randle's testimony confirmed the victim's classmates, Jonathan and
2 Angela's, testimony that they saw the two walking together. Even though counsel was unable
3 to locate Randle prior to trial, counsel filed the Motion to Dismiss contesting the fact the State
4 had not produced the witness, was still allowed the opportunity to cross-examine him during
5 his trial testimony, and even discuss his testimony with him the morning before he testified.
6 Therefore, there was no prejudice to Petitioner by Randle's testimony.

7 It simply cannot be said that trial counsel did not make sufficient inquiries into
8 information about Randle and his testimony after having the opportunity to speak with him
9 before his testimony and cross-examine him at trial. The record belies Petitioner's claim of
10 failure to investigate and shows that counsel did everything Petitioner claims should have been
11 done. Therefore, this claim is without merit and is denied.

12 **E. Claims 2 And 4-12 Are Waived Because They Should Have Been Raised On Direct**
13 **Appeal.**

14 NRS 34.810(1) reads:

15 The court shall dismiss a petition if the court determines that:

16 (a) The petitioner's conviction was upon a plea of guilty or
17 guilty but mentally ill and the petition is not based upon an
18 allegation that the plea was involuntarily or unknowingly
entered or that the plea was entered without effective assistance
of counsel.

19 (b) The petitioner's conviction was the result of a trial and the
20 grounds for the petition could have been:

21 . . .

22 (2) Raised in a direct appeal or a prior petition for a writ of
habeas corpus or postconviction relief.

23 unless the court finds both cause for the failure to present the
24 grounds and actual prejudice to the petitioner.

25 The Nevada Supreme Court has held that "challenges to the validity of a guilty plea and
26 claims of ineffective assistance of trial and appellate counsel must first be pursued in post-
27 conviction proceedings.... [A]ll other claims that are appropriate for a direct appeal must be
28 pursued on direct appeal, or they will be *considered waived in subsequent proceedings.*"

1 Franklin v. State, 110 Nev. 750, 752, 877 P.2d 1058, 1059 (1994) (emphasis added)
2 (disapproved on other grounds by Thomas v. State, 115 Nev. 148, 979 P.2d 222 (1999)). “A
3 court must dismiss a habeas petition if it presents claims that either were or could have been
4 presented in an earlier proceeding, unless the court finds both cause for failing to present the
5 claims earlier or for raising them again and actual prejudice to the petitioner.” Evans v. State,
6 117 Nev. 609, 646–47, 29 P.3d 498, 523 (2001).

7 Here, Petitioner’s Claims 2 and 4-12 should have been raised on a direct appeal because
8 they do not challenge the validity of a guilty plea or allege ineffective assistance of counsel.
9 NRS 34.810(1); Franklin, 110 Nev. at 752, 877 P.2d at 1059. Petitioner does not allege good
10 cause or prejudice for not bringing these claims on direct appeal and raising them for the first
11 time in these habeas proceedings. Therefore, as these claims are all waived, they are dismissed.

12 **F. Petitioner’s Pro Per Claims Fail Because They Should Have Been Raised On**
13 **Appeal As Discussed Above**

14 As discussed above, the Petitioner’s Pro Per claims fail because they should have been
15 raised on appeal and are therefore waived. Petitioner now raises these claims again in his
16 Supplemental Petition, however, they are still waived for the exact reason stated above.
17 Therefore, these claims are dismissed.

18 **G. Cumulative Error Does Not Apply to Ineffective Assistance Of Counsel**

19 Petitioner asserts a claim of cumulative error in the context of ineffective assistance of
20 counsel. The Nevada Supreme Court has never held that instances of ineffective assistance of
21 counsel can be cumulated; it is the State’s position that they cannot. However, even if they
22 could be, it would be of no consequence as there was no single instance of ineffective
23 assistance in Petitioner’s case. See United States v. Rivera, 900 F.2d 1462, 1471 (10th Cir.
24 1990) (“[A] cumulative-error analysis should evaluate only the effect of matters determined
25 to be error, not the cumulative effect of non-errors.”). Furthermore, Petitioner’s claim is
26 without merit. “Relevant factors to consider in evaluating a claim of cumulative error are (1)
27 whether the issue of guilt is close, (2) the quantity and character of the error, and (3) the gravity
28 of the crime charged.” Mulder v. State, 116 Nev. 1, 17, 992 P.2d 845, 855 (2000). Furthermore,

any errors that occurred at trial were minimal in quantity and character, and a defendant “is not entitled to a perfect trial, but only a fair trial.” Ennis v. State, 91 Nev. 530, 533, 539 P.2d 114, 115 (1975). There was no error in this case let alone cumulative error. Therefore, this claim is denied.

H. Petitioner Is Not Entitled to An Evidentiary Hearing

A defendant is entitled to an evidentiary hearing only if his petition is supported by specific factual allegations, which, if true, would entitle her to relief. Marshall v. State, 110 Nev. 1328, 1331, 885 P.2d 603, 605 (1994). “The judge or justice, upon review of the return, answer and all supporting documents which are filed, shall determine whether an evidentiary hearing is required.” NRS 34.770(1). Further, “[i]f the judge or justice determines that the petitioner is not entitled to relief and an evidentiary hearing is not required, the judge or justice shall dismiss the petition without a hearing.” NRS 34.770(2).

Here, there is no reason to expand the record because Petitioner’s claims are not cognizable in a post-conviction petition and Petitioner fails to present specific factual allegations that would entitle him to relief. Marshall, 110 Nev. at 1331, 885 P.2d at 605. As such, Petitioner’s request for an evidentiary hearing is denied.

ORDER

THEREFORE, IT IS HEREBY ORDERED that the Supplemental Petition for Writ of Habeas Corpus shall be, and it is, hereby denied.

DATED this ____ day of December, 2021.

Dated this 7th day of December, 2021




DISTRICT JUDGE

2BB C4B 269D DD3D
Nancy Becker
District Court Judge

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

BY



ALEXANDER CHEN
Chief Deputy District Attorney
Nevada Bar #0010539

for

CERTIFICATE OF SERVICE

I certify that on the ____ day of ____, 2021, I mailed a copy of the foregoing proposed Findings of Fact, Conclusions of Law, and Order to:

EDWARD MICHAEL ADAMS, BAC #1046775
HIGH DESERT STATE PRISON
P.O. BOX 650
INDIAN SPRINGS, NV 89018

BY

C. Garcia
Secretary for the District Attorney's Office

AC/et/cg/L2

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 The State of Nevada vs Edward
M Adams

CASE NO: 08C241003

7 DEPT. NO. Department 3

8
9 **AUTOMATED CERTIFICATE OF SERVICE**

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

13 Service Date: 12/7/2021

14 James Oronoz	jim@oronozlawyers.com
15 Thomas Ericsson	tom@oronozlawyers.com
16 Alicia Oronoz	alicia@oronozlawyers.com
17 District Attorney	pdmotions@clarkcountyda.com
18 Department Law Clerk	dept19lc@clarkcountycourts.us
19 Jan Ellison	jan@oronozlawyers.com

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23
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28

THE SEALED PORTION
OF THESE MINUTES
WILL FOLLOW VIA
U.S. MAIL.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 27, 2009

08C241003

The State of Nevada vs Edward M Adams

October 27, 2009

8:00 AM

All Pending Motions

**ALL PENDING
MOTIONS 10-27-09
Court Clerk: Kristen
Brown
Reporter/Recorder:
Michelle Ramsey
Heard By: Michael
Villani**

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Adams, Edward M
Hendricks, Craig L.
Maningo, Jeffrey S.
Public Defender
Scow, Richard H.

Defendant
Attorney
Attorney
Attorney
Attorney

JOURNAL ENTRIES

- CALENDAR CALL...PUBLIC DEFENDER'S MOTION TO DISMISS BASED UPON STATE'S FAILURE TO PRESERVE EXCULPATORY EVIDENCE AND MOTION TO DISMISS DUE TO THE STATE'S FAILURE TO PROVIDE BRADY MATERIAL

Mr. Hendricks stated he is ready to proceed to trial which will take about 4-5 days with 15 witnesses, several being out of state. Mr. Maningo stated the defense will have about 4-5 witnesses. COURT ORDERED, trial VACATED and matter REFERRED to Overflow. Upon Court's inquiry, Mr. Maningo stated that the Motion on calendar today is WITHDRAWN, COURT SO ORDERED. CUSTODY

10/29/09 9:00 AM OVERFLOW (17) C. HENDRICKS/R. SCOW/J. MANINGO 4-5 DAYS 19-20

08C241003

WITNESSES SOME OUT OF STATE

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****October 29, 2009**

08C241003

The State of Nevada vs Edward M Adams

October 29, 2009**9:00 AM****Overflow****OVERFLOW (17) C.
HENDRICKS/J.
MANINGO 19-20
WITNESSES/5
DAYS/SOME OUT-
OF-STATE Relief
Clerk: Tia Everett/te
Reporter/Recorder:
Richard Kangas
Heard By: David
Barker****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Adams, Edward M
Maningo, Jeffrey S.
Public Defender
Scow, Richard H.Defendant
Attorney
Attorney
Attorney**JOURNAL ENTRIES**

- COURT ORDERED, REFERRED to Department 18 and Set for trial. FURTHER ORDERED, matter
REASSIGNED to Department 18.
CUSTODY
11/2/08 10:00 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****November 02, 2009**

08C241003

The State of Nevada vs Edward M Adams

November 02, 2009**10:00 AM****Jury Trial****TRIAL BY JURY****Court Clerk: Sharon
Chun****Reporter/Recorder:****Richard Kangas****Heard By: Barker,
David****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Adams, Edward M

Defendant

Hendricks, Craig L.

Attorney

Maningo, Jeffrey S.

Attorney

Public Defender

Attorney

Scow, Richard H.

Attorney

JOURNAL ENTRIES

- TRIAL CONVENED at 9:55 A.M. and JURY PANEL SEATED. Introductions presented by the Court and counsel. Following roll call of Panel, Panel was placed under oath and general voir dire was conducted by the Court. Panel members thanked and excused for cause. The State conducted additional voir dire and passed the Panel. COURT ORDERED, LUNCH RECESS.

COURT RECONVENED OUTSIDE PANEL MEMBERS. Mr. Maningo noted the racial make-up of the Jury Panel members. JURY PANEL SEATED, Mr. Maningo conducted additional voir dire. Bench Conference, following which COURT ORDERED additional Panel Members excused for cause. Peremptory Challenges were conducted, during which COURT ORDERED, JURORS RECESSED. Mr. Maningo raised a Batson Challenge and arguments presented by both sides. COURT ORDERED, BATSON CHALLENGE OVER-RULED, it does not find the State demonstrated a pattern of bias.

Peremptory Challenges continued.

COURT DIRECTED the State to present a hard-copy of their Power Point presentations, which will be marked as Court's Exhibits. Mr. Maningo objected to most of the Power Point presentations which depicts Deft in jail cloths. COURT ORDERED, ALLOWED, there is nothing which indicates the custody status of Deft and it is not more prejudicial than probative.

JURY PANEL SEATED. COURT THANKED and EXCUSED those Panel Members which were removed during Peremptory Challenges. Remaining Jurors placed under oath and seated. Court presented preliminary instructions to the Jury. Information was read to Jurors by the Clerk.

Opening statements presented by the State with Power Point presentation. Defense presented its opening statement. BENCH CONFERENCE HELD.

COURT ORDERED, JURORS RECESSED AND TO RETURN TOMORROW AT 10:00 A.M.

OUTSIDE PRESENCE OF JURY: COURT ADVISED that since Panel Member #202 was absent after lunch an Order Show Cause will be requested. Both sides stated that no additional inquiry will be requested. COURT STATED Jury Services is to inquire of panel Member #202 as to why not present after lunch and perhaps schedule him before the Chief Judge for hearing.

COURT ORDERED, EVENING RECESS; CONTINUED TOMORROW.

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****November 03, 2009**

08C241003

The State of Nevada vs Edward M Adams

November 03, 2009**10:00 AM****Jury Trial****TRIAL BY JURY****Court Clerk: Sharon****Chun Heard By:****Barker, David****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Adams, Edward M
Hendricks, Craig L.
Maningo, Jeffrey S.
Public Defender
Scow, Richard H.Defendant
Attorney
Attorney
Attorney
Attorney**JOURNAL ENTRIES**

- TRIAL RECONVENED at 10:08 A.M. with JURY SEATED. State called forth witnesses who were placed under oath, testified, and identified Deft Adams; exhibits presented. (Please see Witness and Exhibit Lists.)

OUTSIDE PRESENCE OF JURY: Court advised Deft of his Fifth Amendment right not to testify; Carter Instruction.

JURY SEATED. State called additional witnesses. COURT ORDERED, JURY RECESSED; to return tomorrow at 10:00 A.M.

OUTSIDE PRESENCE OF JURY: Mr. Hendricks stated the black witness was found and the State plans to call him tomorrow, although not on the Witness list. Mr. Maningo had no objection. Mr. Hendricks advised he will make the witness available to Defense.

COURT ORDERED, EVENING RECESS.

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****November 04, 2009**

08C241003

The State of Nevada vs Edward M Adams

November 04, 2009**10:00 AM****Jury Trial****TRIAL BY JURY****Court Clerk: Sharon****Chun @ 11 AM/sc****Relief Clerk: Damedia****Scott @ 10:00 AM/ds****Reporter/Recorder:****Richard Kangas****Heard By: David****Barker****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Adams, Edward M

Defendant

Hendricks, Craig L.

Attorney

Maningo, Jeffrey S.

Attorney

Public Defender

Attorney

Scow, Richard H.

Attorney

JOURNAL ENTRIES

- TRIAL RECONVENED with JURY PRESENT. State called forth additional witnesses; exhibits presented. (Please see Witness and Exhibit Lists.) Photographs were published in open court. JURY RECESSED.

OUTSIDE PRESENCE OF JURY: Jury Instructions settled on the record. Counsel argued re allowing in Deft's prior arrests. COURT ORDERED, MUST BE CONVICTIONS with Certified Copies, otherwise not allowed. Discussion also held regarding "alibi witnesses being introduced", but, Mr. Maningo stated he is not going to present alibi witnesses. Mr. Maningo raised issue of a "consensual" theory, and Mr. Hendricks argued. OUTSIDE PRESENCE OF THE STATE: Discussion between the

Court and Deft re consensual conduct.

JURY INSTRUCTIONS settled on the record.

JURY SEATED. STATE RESTED its case in chief. Defense called forth witnesses who were sworn and testified. DEFENSE RESTED. No rebuttal arguments made by the state. JURY RECESSED.

JURY INSTRUCTIONS FINALIZED.

JURY SEATED and COURT READ Jury Instructions to Jury.

Closing arguments presented.

COURT ANNOUNCED Alternate Jurors to be #13 and 14. The Marshal and Judicial Executive Assistant were sworn to take charge of Jurors and ORDERED, JURORS TO DELIBERATION at 4:35 P.M.

VERDICT REACHED. All counsel, Deft Adams, and jurors returned to the court room and the TRIAL RECONVENED AT 6:35 P.M. COURT ANNOUNCED the Foreperson to be Juror #7.

VERDICT READ by the Clerk, as follows: "We, the jury in the above entitled case, find the Defendant EDWARD MICHAEL ADAMS, as follows: COUNT 1 - GUILTY OF FIRST DEGREE KIDNAPPING; COUNT 2 - GUILTY OF BATTERY WITH INTENT TO COMMIT SEXUAL ASSAULT; COUNT 3-8, & 11 - GUILTY OF SEXUAL ASSAULT; COUNT 9 - NOT GUILTY; COUNT 10 - NOT GUILTY; and COUNT 12 - GUILTY OF OPEN OR GROSS LEWDNESS".

COURT POLLED JURORS at request of Defense; all twelve jurors responded that was their verdict, as read.

COURT THANKED and EXCUSED JURORS.

OUTSIDE PRESENCE OF JURORS: COURT ORDERED, matter referred to the Division of Parole and Probation (P&P) and set for sentencing.

COURT FURTHER ORDERED, DEFT ADAMS REMANDED TO CUSTODY; WITHOUT BAIL. CUSTODY

1/13/10 8:15 AM SENTENCING (COUNTS 1-8 AND 11-12)...STATUS CHECK: DISMISSAL OF COUNTS 9 AND 10

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 09, 2009

08C241003

The State of Nevada vs Edward M Adams

November 09, 2009

9:00 AM

Minute Order

**MINUTE ORDER
RE: SEALING OF
STATE'S TRIAL
EXHIBITS 86-92
Court Clerk: Sharon
Chun Heard By:
David Barker**

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT ORDERED, State's Exhibits 86-92, as admitted during the Jury Trial of 11/2/09 are to be SEALED, and, not to be released unless by Court Order.

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****January 13, 2010**

08C241003

The State of Nevada vs Edward M Adams

January 13, 2010**8:15 AM****All Pending Motions****ALL PENDING
MOTIONS OF
1/13/10 Court Clerk:
Sharon Chun/SC
Relief Clerk: Shelly
Landwehr
Reporter/Recorder:
Richard Kangas
Heard By: David
Barker****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Adams, Edward M
Hendricks, Craig L.
Maningo, Jeffrey S.
Public DefenderDefendant
Attorney
Attorney
Attorney**JOURNAL ENTRIES**

- PURSUANT TO JURY VERDICT OF 11/4/09, COURT ADJUDGED DEFT ADAMS GUILTY of COUNT 1 - FIRST DEGREE KIDNAPPING (F); COUNT 2 - BATTERY WITH INTENT TO COMMIT SEXUAL ASSAULT (F); COUNTS 3-8 AND 11 - SEXUAL ASSAULT (F); COUNT 12 - OPEN OR GROSS LEWDNESS (GM). COURT FURTHER ORDERED, COUNTS 9 AND 10 DISMISSED PURSUANT TO JURY VERDICT OF NOT GUILTY.

Mr. Hendricks noted that no victim impact statements will be presented today because the State did not provide them with notice, but, it was agreed to go forward with sentencing today. COURT NOTED Deft Adams prior criminal history. Mr. Maningo presented argument in support of Deft. Mr.

Hendricks argued in support of life sentence because Deft is a threat to the community. COURT STATED IT FINDS DEFT ADAMS A THREAT TO THE COMMUNITY.

COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, a \$150.00 DNA Analysis fee including testing to determine genetic markers, and \$500.00 Indigent Defense Fund fee, Deft. SENTENCED, as follows: COUNT 1 - a MINIMUM TERM of SIXTY (60) MONTHS and a MAXIMUM TERM OF LIFE in the Nevada Department of Corrections (NDC), and TO PAY RESTITUTION IN THE AMOUNT OF \$2,932.00; COUNT 2 - a MINIMUM TERM of SIXTY (60) MONTHS and a MAXIMUM TERM OF LIFE in the Nevada Department of Corrections (NDC), CONSECUTIVE TO COUNT 1; COUNT 3 - a MINIMUM TERM of ONE-HUNDRED-TWENTY MONTHS (120) and a MAXIMUM TERM OF LIFE in the Nevada Department of Corrections (NDC), CONSECUTIVE TO COUNT 2; COUNT 4 - a MINIMUM TERM of ONE-HUNDRED-TWENTY MONTHS (120) and a MAXIMUM TERM OF LIFE in the Nevada Department of Corrections (NDC), CONSECUTIVE TO COUNT 3; COUNT 5 - a MINIMUM TERM of ONE-HUNDRED-TWENTY MONTHS (120) and a MAXIMUM TERM OF LIFE in the Nevada Department of Corrections (NDC), CONSECUTIVE TO COUNT 4; COUNT 6 - a MINIMUM TERM of ONE-HUNDRED-TWENTY MONTHS (120) and a MAXIMUM TERM OF LIFE in the Nevada Department of Corrections (NDC), CONSECUTIVE TO COUNT 5; COUNT 7 - a MINIMUM TERM of ONE-HUNDRED-TWENTY MONTHS (120) and a MAXIMUM TERM OF LIFE in the Nevada Department of Corrections (NDC), CONSECUTIVE TO COUNT 6; COUNT 8 - a MINIMUM TERM of ONE-HUNDRED-TWENTY MONTHS (120) and a MAXIMUM TERM OF LIFE in the Nevada Department of Corrections (NDC), CONSECUTIVE TO COUNT 7; COUNT 11 - a MINIMUM TERM of ONE-HUNDRED-TWENTY MONTHS (120) and a MAXIMUM TERM OF LIFE in the Nevada Department of Corrections (NDC), CONSECUTIVE TO COUNT 8; COUNT 12 - TWELVE (12) MONTHS IN THE CLARK COUNTY DETENTION CENTER, CONCURRENT WITH BALANCE OF COUNTS.

COURT FURTHER ORDERED, Deft to receive 731 DAYS CREDIT for time served.

COURT FURTHER ORDERED, pursuant to NRS 179D.460, DEFT SHALL REGISTER AS A SEX OFFENDER WITHIN 48 HOURS OF SENTENCING OR RELEASE FROM CUSTODY.

COURT FURTHER ORDERED, A SPECIAL SENTENCE OF LIFETIME SUPERVISION TO COMMENCE UPON RELEASE FROM ANY TERM OF PROBATION, PAROLE OR IMPRISONMENT.

COURT NOTED, BEFORE DEFT IS ELIGIBLE FOR PAROLE, a panel consisting of the Administer of the Mental Health and Development Services of the Dept of Human Resources or his designee; the Director of the Dept of Corrections or his designee; and a psychologist licensed to practice in this State; or a psychiatrist licensed to practice medicine in NV must certify that the Deft does not represent a high risk to re-offend based on current accepted standards of assessment. If bond, exonerated.

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****January 30, 2012**

08C241003

The State of Nevada vs Edward M Adams

January 30, 2012**8:15 AM****Motion****Deft's Pro Per Motion
for Modification of
Sentence****HEARD BY:** Barker, David**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** April Watkins**RECORDER:** Cheryl Carpenter**REPORTER:****PARTIES****PRESENT:**Graham, Stephanie
Maningo, Jeffrey S.
State of NevadaAttorney
Attorney
Plaintiff**JOURNAL ENTRIES**

- Mr. Maningo advised he was trial counsel for Deft. at time of trial and Mr. Westbrook is handling appeal. Court noted notice of appeal still pending in front of the Supreme Court, this Court lacks jurisdiction and ORDERED, motion DENIED.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 29, 2012

08C241003

The State of Nevada vs Edward M Adams

August 29, 2012

8:15 AM

Motion

Deft's Pro Per
Motions for
Modification of
Sentence

HEARD BY: Barker, David

COURTROOM: RJC Courtroom 11B

COURT CLERK: April Watkins

RECORDER: Cheryl Carpenter

REPORTER:

PARTIES**PRESENT:**

Botelho, Agnes M.
State of Nevada

Attorney
Plaintiff

JOURNAL ENTRIES

- Court noted Deft. filed appeal of conviction as a result of jury verdict, Supreme Court affirmed conviction, Deft. requesting original sentence be modified, Court FINDS no jurisdiction to modify once the Judgment of Conviction (JOC) has been filed, nothing to support request and ORDERED, motion DENIED.

NDC

CLERK'S NOTE: The above minute order has been distributed to: Edward Adams, BAC #1046775, High Desert State Prison, P.O. Box 650, Indian Springs, NV 89070. aw

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****October 15, 2012**

08C241003

The State of Nevada vs Edward M Adams

October 15, 2012 8:15 AM Request**HEARD BY:** Barker, David**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** Tia Everett**RECORDER:** Cheryl Carpenter**REPORTER:****PARTIES****PRESENT:****JOURNAL ENTRIES**

- Kelly Williams, Deputy District Attorney, present on behalf of the State. Defendant not present in custody with Nevada Department of Corrections.

Ms. Williams advised the State is seeking to have the Court appoint counsel based on the fact that the Supreme Court continues to remand cases in which Defendants are serving lengthy sentences. Court noted on 8/30/2012 the Supreme Court affirmed the conviction and Defendant filed his post conviction writ on 9/12/2012. COURT ORDERED, State's Request GRANTED and matter SET for Appointment of Counsel. FURTHER ORDERED, all upcoming hearings set for 11/21/2012 VACATED and will be addressed with new counsel.

NDC

10/22/2012 8:15 AM APPOINTMENT OF COUNSEL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 22, 2012

08C241003

The State of Nevada vs Edward M Adams

October 22, 2012

8:15 AM

Appointment of Counsel

HEARD BY: Barker, David

COURTROOM: RJC Courtroom 11B

COURT CLERK: April Watkins

RECORDER: Cheryl Carpenter

REPORTER:

PARTIES

PRESENT:

Gaffney, Lucas

Attorney

JOURNAL ENTRIES

- Kelly Williams, Esq. present on behalf of the State of Nevada.

Mr. Gaffney CONFIRMED as counsel on behalf of Mr. Oronoz. Further, Mr. Gaffney requested matter be set for status check. COURT ORDERED, matter SET for status check.

NDC

11/19/12 8:15 AM STATUS CHECK: RECEIPT OF FILE

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****November 19, 2012**

08C241003

The State of Nevada vs Edward M Adams

November 19, 2012 8:15 AM**Status Check****Status Check:
Receipt of File****HEARD BY:** Barker, David**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** April Watkins**RECORDER:** Cheryl Carpenter**REPORTER:****PARTIES****PRESENT:**Burns, J Patrick
Gaffney, Lucas
State of NevadaAttorney
Attorney
Plaintiff**JOURNAL ENTRIES**

- Mr. Gaffney advised file has been received from prior counsel. COURT ORDERED, matter OFF CALENDAR.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****May 16, 2016**

08C241003

The State of Nevada vs Edward M Adams

May 16, 2016**8:30 AM****Motion****HEARD BY:** Kephart, William D.**COURTROOM:** RJC Courtroom 03E**COURT CLERK:** Tia Everett
Kory Schlitz**RECORDER:** Christine Erickson**REPORTER:****PARTIES**

PRESENT:	Demonte, Noreen C.	Attorney
	Gaffney, Lucas	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Court noted in order to grant the motion counsel needs to show good cause why the information needs to be produced. COURT ORDERED, Motion DENIED. Mr. Gaffney argued the SANE photographs were provided to previous counsel; however, the photographs were unable to be provided as part of the file based on the law. Further, Mr. Gaffney advised these photographs were admitted as exhibits at the time of trial. Upon Court's inquiry, Mr. Gaffney advised he has not viewed the photographs contained in the evidence vault which were admitted at the time of trial. Further discussion regarding the photographs. Court stated ruling stands.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 12, 2016

08C241003

The State of Nevada vs Edward M Adams

September 12, 2016 8:30 AM Motion

HEARD BY: Kephart, William D.

COURTROOM: RJC Courtroom 03E

COURT CLERK: Tia Everett

RECORDER: Christine Erickson

REPORTER:

PARTIES

PRESENT:	Dickerson, Michael	Attorney
	Gaffney, Lucas	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Following arguments by counsel and discussions regarding the photographs, COURT ORDERED, Motion GRANTED IN PART; State to provide the photographs is in their possession.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****July 24, 2019**

08C241003

The State of Nevada vs Edward M Adams

July 24, 2019**8:30 AM****Status Check****HEARD BY:** Kephart, William D.**COURTROOM:** RJC Courtroom 16B**COURT CLERK:** Tia Everett**RECORDER:** Christine Erickson**REPORTER:****PARTIES****PRESENT:**

State of Nevada

Plaintiff

Stewart, Rachael E.

Attorney

Thoman, Charles W.

Attorney

JOURNAL ENTRIES

- Court noted matter has not been on calendar since 2016 and a supplemental petition was recently filed in June of 2019. Mr. Thoman requested 60 days to file a response. COURT ORDERED, response shall be due on or before 9/25/2019; reply shall be due on or before 10/30/2019 and matter SET for hearing.

NDC

11/13/2019 8:30 AM PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 13, 2019

08C241003

The State of Nevada vs Edward M Adams

November 13, 2019 8:30 AM

**Petition for Writ of Habeas
Corpus**

HEARD BY: Kephart, William D.

COURTROOM: RJC Courtroom 16B

COURT CLERK: Tia Everett

RECORDER: Christine Erickson

REPORTER:

PARTIES

PRESENT:

State of Nevada

Plaintiff

Stewart, Rachael E.

Attorney

Thoman, Charles W.

Attorney

JOURNAL ENTRIES

- Court noted Defendant not present and in custody with the Nevada Department of Corrections. Ms. Stewart advised she is requesting to continue the argument on the Petition until after the first of the year. Mr. Thoman stated no objection. COURT ORDERED, matter CONTINUED.

NDC

CONTINUED TO: 1/15/2020 8:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 29, 2020

08C241003

The State of Nevada vs Edward M Adams

July 29, 2020

10:15 AM

**Petition for Writ of Habeas
Corpus**

HEARD BY: Kephart, William D.

COURTROOM: RJC Courtroom 16B

COURT CLERK: Tia Everett

RECORDER: Christine Erickson

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- COURT ORDERED, matter CONTINUED to 12/07/2020 at 8:30 AM pursuant to Stipulation and Order.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 11, 2021

08C241003

The State of Nevada vs Edward M Adams

January 11, 2021

8:30 AM

**Petition for Writ of Habeas
Corpus**

HEARD BY: Trujillo, Monica

COURTROOM: RJC Courtroom 11C

COURT CLERK: Kathryn Hansen-McDowell

RECORDER: Rebeca Gomez

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- No parties present. COURT NOTED it received a stipulation and order agreement between the parties requesting a continuance. COURT ORDERED, matter CONTINUED.

NDC

CONTINUED TO: 4/21/2021 8:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 21, 2021

08C241003

The State of Nevada vs Edward M Adams

April 21, 2021

8:30 AM

**Petition for Writ of Habeas
Corpus**

HEARD BY: Bonaventure, Joseph T.

COURTROOM: RJC Courtroom 11C

COURT CLERK: Louisa Garcia

RECORDER: Gail Reiger

REPORTER:

PARTIES

PRESENT:

Adams, Edward M
Oronoz, James A.
Scow, Richard H.
State of Nevada

Defendant
Attorney
Attorney
Plaintiff

JOURNAL ENTRIES

- At the request of counsel and there being no opposition, COURT ORDERED, matter CONTINUED.

NDC

CONTINUED TO 5/12/21 8:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****May 12, 2021**

08C241003

The State of Nevada vs Edward M Adams

May 12, 2021**8:30 AM****Petition for Writ of Habeas
Corpus****HEARD BY:** Trujillo, Monica**COURTROOM:** RJC Courtroom 11C**COURT CLERK:** Nylasia Packer**RECORDER:** Rebeca Gomez**REPORTER:****PARTIES****PRESENT:**Oronoz, James A.
Scow, Richard H.
State of NevadaAttorney
Attorney
Plaintiff**JOURNAL ENTRIES**

- Following arguments by counsel, Court noted the Court adopts states response for reasons stated in States briefings. COURT ORDERED, petition DENIED and State to prepare Findings of Facts and Conclusions of Law.

State of Nevada v. Edward Adams

EXHIBIT LIST

TRIAL OR HEARING DATE 11-2-09

Case No. C241003	Clerk: Sharon Chun
Dept. XVIII Judge: DAVID BARKER	Recorder: Richard Kangas
Pltf(s):	Pltf's Counsel:
State of Nevada	Craig Hendricks
	Richard Scow
Def't(s):	Def't's Counsel:
Edward Adams	Jeff Maningo

Exhibit No.	Description	Date Offered	Obj.	Adm.	Date Admitted
1	LVMPD Evidence Package <i>1-A white pants</i>	11-3-09	-	✓	11-3-09 <i>all</i>
2	LVMPD Evidence Package <i>1-B white/pink T-Shirt</i>	11-3-09	-	✓	11-3-09 <i>all</i>
3	LVMPD Evidence Package <i>2A-Blue masking Tape (Both)</i>	11-4-09	-	✓	11-4-09
4	LVMPD Evidence Package <i>3A-Sexual Assault Kit</i>	11-3-09	-	✓	11-3-09 <i>all</i>
5	LVMPD Evidence Package <i>(A)-Latent Print Card etc. (4-B)</i>	11-3-09	-	✓	11-3-09 <i>all</i>
6	LVMPD Evidence Package <i>5A-Sweatshirt 5-C-Pink/White Tank Top</i>	11-3-09	-	✓	11-3-09 <i>all</i>
7	LVMPD Evidence Package <i>5B-White Bra</i>	11-3-09	-	✓	11-3-09 <i>all</i>
8	LVMPD Evidence Package <i>6A-Towel 6C-Towel + Shirt</i>	11-3-09	-	✓	11-3-09 <i>all</i>
9	LVMPD Evidence Package <i>6B-Wash Cloth</i>	11-3-09	-	✓	11-3-09 <i>all</i>
10	LVMPD Evidence Package <i>[Seat cushion Sections A-H]</i>	11-3-09	-	✓	11-3-09 <i>all</i>
11	Photo - <i>Victim Amber Valles</i>	11-3-09	-	✓	11-3-09
12	Photo - <i>Unit 204</i>	↓	-	✓	11-3-09
13	Photo	↓	-	✓	11-3-09
14	Photo	↓	-	✓	11-3-09
15	Photo	↓	-	✓	11-3-09
16	Photo	↓	-	✓	11-3-09
17	Photo	↓	-	✓	11-3-09
18	Photo	↓	-	✓	11-3-09
19	Photo	↓	-	✓	11-3-09

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State

'S EXHIBIT LIST

CASE NO. C 241003TRIAL OR HEARING DATE 11-2-09

Exhibit No.	Description	Date Offered	Obj.	Adm.	Date Admitted
20	Photo	11-3-09	-	✓	11-3-09
21	Photo		-	✓	11-3-09
22	Photo		-	✓	11-3-09
23	Photo		-	✓	11-3-09
24	Photo		-	✓	11-3-09
25	Photo		-	✓	11-3-09
26	Photo		-	✓	11-3-09
27	Photo		-	✓	11-3-09
28	Photo		-	✓	11-3-09
29	Photo		-	✓	11-3-09
30	Photo		-	✓	11-3-09
31	Photo		-	✓	11-3-09
32	Photo		-	✓	11-3-09
33	Photo		-	✓	11-3-09
34	Photo		-	✓	11-3-09
35	Photo		-	✓	11-3-09
36	Photo		-	✓	11-3-09
37	- Damage in Unit # 204, 12-14-07	11-3-09	-	✓	11-3-09
38			-	✓	11-3-09
39			-	✓	11-3-09
40			-	✓	11-3-09
41			-	✓	11-3-09
42			-	✓	11-3-09
43			-	✓	11-3-09
44			-	✓	11-3-09
45			-	✓	11-3-09
46			-	✓	11-3-09

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CASE NO.

C 241003

TRIAL OR HEARING DATE

11-2-09

Exhibit No.	Description	Date Offered	Obj.	Adm.	Date Admitted
47	Photo	11-3-09	-	✓	11-3-09
48			-	✓	11-3-09
49			-	✓	11-3-09
50			-	✓	11-3-09
51			-	✓	11-3-09
52		11-4-09	NO	✓	11-4-09
53					
54					
55					
56		11-4-09	NO	✓	11-4-09
57	Photo	11-4-09	-	✓	11-4-09
58			-	✓	11-4-09
59			-	✓	11-4-09
60			-	✓	11-4-09
61			-	✓	11-4-09
62	- Victim's Pants	11-3-09	-	✓	11-3-09
63	- Victim's Shirt	11-3-09	-	✓	11-3-09
64		11-4-09	-	✓	11-4-09
65			-	✓	11-4-09
66			-	✓	11-4-09
67	Aerial View	11-3-09	-	✓	11-3-09
68	Photo Line-up Witness Instructions + Six photos from line-up	11-3-09	-	✓	11-3-09
69	Photo- A	11-3-09	y	✓	11-3-09
70	A	11-03-09	y	✓	11-3-09
71	A	11-03-09	y	✓	11-3-09
72	A	11-03-09	y	✓	11-3-09

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States

EXHIBIT LIST

CASE NO. C 241003

TRIAL OR HEARING DATE 10-2-09

Exhibit No.	Description	Date Offered	Obj.	Adm.	Date Admitted
73	Photo - A	11-3-09	✓	11-3-	11-3-09
74	911-CD	11-3-09	-	✓	11-3-09
75	Photo Line-up with Instruction and Six photos from line-up	11-3-09	-	✓	11-3-09
76	Aerial - layout of Apt. Complex	11-3-09	-	✓	11-3-09
77	Envelope w/ latent fingerprints 1-21	11-3-09	-	✓	11-3-09
78	" " " 1-14	11-3-09	-	✓	11-3-09
	78-1, 78-2		-	✓	11-3-09
	Rest are tape lifts from Apt.		-	✓	11-3-09
79	Major Case prints - Amber Valles	11-4-09	-	✓	11-4-09
80	" " A Edward Adams	11-4-09	-	✓	11-4-09
81	Fingerprint photo - A Adams	11-4-09	-	✓	11-4-09
82	AFIS prints - A Adams	11-4-09	-	✓	11-4-09
83	Photo - front door of 204	11-4-09	-	✓	11-4-09
84	Photo - Victim Amber Valles 12-14-07	11-4-09	-	✓	11-4-09
85	-	11-4-09	-	✓	11-4-09
86		11-4-09	-	✓	11-4-09
87		11-4-09	-	✓	11-4-09
88		11-4-09	-	✓	11-4-09
89		11-4-09	-	✓	11-4-09
90		11-4-09	-	✓	11-4-09
91		11-4-09	-	✓	11-4-09
92		11-4-09	-	✓	11-4-09
93	Drawing of vaginal area				Demonstrative only

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EXHIBIT LIST

TRIAL OR HEARING DATE 11-2-09

[illegible]

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; REQUEST FOR
TRANSCRIPTS OF PROCEEDINGS; DISTRICT COURT DOCKET ENTRIES; FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER; NOTICE OF ENTRY OF FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER; DISTRICT COURT MINUTES; EXHIBITS LIST

STATE OF NEVADA,

Plaintiff(s),

vs.

EDWARD MICHAEL ADAMS,

Defendant(s).

Case No: 08C241003

Dept No: III

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 10 day of December 2021.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk

