

Steven D. Grierson

Sean ORTH # 96723

PO BOX 650

Jordan Springs, NEVADA

89070

PRO SE

Electronically Filed
Aug 26 2022 03:18 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

PLAINTIFF,

CASE NO. C-20-352701-1

VS

DEPT NO. X

SEAN RODNEY ORTH,

DEFENDANT.

NOTICE OF APPEAL

COMES NOW, SEAN RODNEY ORTH, DEFENDANT TO CLERK
NOTICE OF HIS INTENT TO APPEAL CONVICTION IN THE ABOVE -
ENTITLED CASE PRO SE.

Respectfully Submitted,

August 4, 2022

Sean Orth

RECEIVED

AUG 29 2022

CLERK OF THE COURT

Certificate of Service

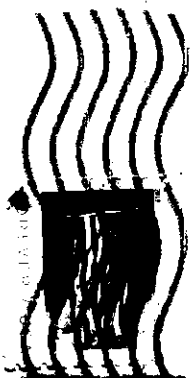
Pursuant to NRS Rule 5(b) I do hereby certify that on August 7, 2022 I mailed a true and correct copy of the foregoing notice of appeal to Terka Mueller, 200 Lewis Ave, LV, NV. 89155.

Signed Respectfully, August 7, 2022.

Jim O'J

Susan Orth 96723
PO Box 650
Luther Springs, AL 36070

LAS VEGAS NV 890
16 AUG 2022 PM 4 L



Clerk of the Court
For the 8th Judicial District Court
of Nevada
Zoe Lewis Ave, 3rd Floor

89101-530000 LV, Nevada 89101-530000



1 ASTA

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5
6 **IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE**
7 **STATE OF NEVADA IN AND FOR**
8 **THE COUNTY OF CLARK**
9

10 STATE OF NEVADA,

11 Plaintiff(s),

12 vs.

13 SEAN RODNEY ORTH,

14 Defendant(s),
15

Case No: C-20-352701-1

Dept No: X

16
17 **CASE APPEAL STATEMENT**
18

19 1. Appellant(s): Sean Orth

20 2. Judge: Tierra Jones

21 3. Appellant(s): Sean Orth

22 Counsel:

23 Sean Orth #96723
24 P.O. Box 650
Indian Springs, NV 89070

25 4. Respondent: The State of Nevada

26 Counsel:

27 Steven B. Wolfson, District Attorney
28 200 Lewis Ave.
Las Vegas, NV 89101

(702) 671-2700

5. Appellant(s)'s Attorney Licensed in Nevada: N/A
Permission Granted: N/A

Respondent(s)'s Attorney Licensed in Nevada: Yes
Permission Granted: N/A

6. Has Appellant Ever Been Represented by Appointed Counsel In District Court: Yes

7. Appellant Represented by Appointed Counsel On Appeal: N/A

8. Appellant Granted Leave to Proceed in Forma Pauperis: N/A

9. Date Commenced in District Court: December 15, 2020

10. Brief Description of the Nature of the Action: Criminal

Type of Judgment or Order Being Appealed: Judgment of Conviction

11. Previous Appeal: No

Supreme Court Docket Number(s): N/A

12. Child Custody or Visitation: N/A

Dated This 24 day of August 2022.

Steven D. Grierson, Clerk of the Court

/s/ Heather Ungermann

Heather Ungermann, Deputy Clerk
200 Lewis Ave
PO Box 551601
Las Vegas, Nevada 89155-1601
(702) 671-0512

cc: Sean Orth

CASE SUMMARY

CASE NO. C-20-352701-1

State of Nevada
vs
Sean Orth

§
§
§
§
§
§
§
§

Location: **Department 10**
Judicial Officer: **Jones, Tierra**
Filed on: **12/15/2020**
Case Number History:
Cross-Reference Case Number: **C352701**
Defendant's Scope ID #: **6111549**
96723
Lower Court Case Number: **20CRH001571**

CASE INFORMATION

Offense	Statute	Deg	Date	Case Type:	Felony/Gross Misdemeanor
1. STOP REQUIRED ON SIGNAL OF POLICE OFFICER	484B.550.3b	F	11/03/2020	Case Status:	08/08/2022 Closed
<i>Filed As:</i> OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON	F		12/16/2020		
2. STOP REQUIRED ON SIGNAL OF POLICE OFFICER	484B.550.3b	F	11/03/2020		

Statistical Closures

08/08/2022 Guilty Plea with Sentence (before trial) (CR)

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number	C-20-352701-1
Court	Department 10
Date Assigned	01/18/2022
Judicial Officer	Jones, Tierra

PARTY INFORMATION





		Lead Attorneys
Defendant	Orth, Sean Rodney	Pro Se
Plaintiff	State of Nevada	Wolfson, Steven B 702-671-2700(W)

DATE

EVENTS & ORDERS OF THE COURT















INDEX

EVENTS

12/15/2020	 Criminal Bindover - Confidential [1]	In #1
12/15/2020	 Criminal Bindover [2]	In #2
12/16/2020	 Information [3] Information	In #3
12/16/2020	 Order for Production of Inmate [4] Order for Production of Inmate	In #4

CASE SUMMARY

CASE NO. C-20-352701-1

12/30/2020	 Notice of Witnesses and/or Expert Witnesses <i>[5] State's Notice of Expert Witnesses</i>	In #4
01/04/2021	Case Reassigned to Department 18 <i>Judicial Reassignment to Judge Mary Kay Holthus</i>	
01/06/2021	 Reporters Transcript <i>[6] Reporter's Transcript of Continuation of Preliminary Hearing</i>	In #6
01/06/2021	 Reporters Transcript <i>[7] Reporter's Transcript of Preliminary Hearing</i>	In #7
01/19/2021	 Receipt of Copy <i>[8] Receipt of Copy</i>	In #8
02/03/2021	 Amended Filed By: Defendant Orth, Sean Rodney <i>[9] Defendant's Amended Writ Of Habeas Corpus (Pre-Trial)</i>	In #9
02/19/2021	 Supplemental Witness List <i>[10] State's Supplemental Notice of Expert Witnesses</i>	In #1
02/19/2021	 Return to Writ of Habeas Corpus <i>[11] State's Return to Writ of Habeas Corpus</i>	In #1
02/19/2021	 Notice <i>[12] State's Notice of Intent to Seek Punishment as a Habitual Criminal</i>	In #1
02/24/2021	 Addendum Filed By: Defendant Orth, Sean Rodney <i>[13] Petitioner's Addendum of Exhibits 7 and 15 in Support of Writ Habeas Corpus (Pre Trial)</i>	In #1
02/25/2021	 Receipt of Copy <i>[14] Receipt of Copy</i>	In #1
03/10/2021	 Receipt of Copy <i>[15] Receipt of Copy</i>	In #1
03/23/2021	 Receipt of Copy Filed by: Plaintiff State of Nevada <i>[16] Receipt of Copy</i>	In #1
03/29/2021	 Response Filed by: Defendant Orth, Sean Rodney <i>[17] Response to State's Return to Defendant's Writ of Habeas Corpus</i>	In #1
04/06/2021	 Supplemental Witness List Filed by: Plaintiff State of Nevada	In #1

CASE SUMMARY
CASE NO. C-20-352701-1

	<i>[18] State's Second Supplemental Notice of Expert Witnesses</i>	
04/20/2021	 Petition for Writ of Habeas Corpus Filed by: Defendant Orth, Sean Rodney <i>[19] Petition For Writ Of Habeas Corpus</i>	<i>In #1</i>
04/22/2021	 Order <i>[20] Order for Writ of Habeas Corpus</i>	<i>In #2</i>
04/26/2021	 Writ Electronically Issued Party: Defendant Orth, Sean Rodney <i>[21] Writ Of Habeas Corpus</i>	<i>In #2</i>
04/29/2021	 Writ of Habeas Corpus Party: Defendant Orth, Sean Rodney <i>[22] Writ Of Habeas Corpus</i>	<i>In #2</i>
05/10/2021	 Return <i>[23] State's Return to Writ of Habeas Corpus</i>	<i>In #2</i>
05/11/2021	 Return <i>[24] State's Return to Writ of Habeas Corpus</i>	<i>In #2</i>
07/19/2021	 Motion Filed By: Defendant Orth, Sean Rodney <i>[25] Defendant's Request to Remove the Office of the Public Defender and Represent Himself</i>	<i>In #2</i>
08/05/2021	 Ex Parte Order <i>[26] Ex Parte Order for Transport</i>	<i>In #2</i>
08/10/2021	 Order <i>[27] Order to Appear Via Audiovisual Technology</i>	<i>In #2</i>
08/18/2021	 Brief Filed By: Defendant Orth, Sean Rodney <i>[28] Public Defender's Brief on Whether Standby Counsel is Required</i>	<i>In #2</i>
08/19/2021	 Response <i>[29] State's Response to Defendant's Brief on Whether Standby Counsel is Required</i>	<i>In #2</i>
08/31/2021	 Supplemental Filed by: Defendant Orth, Sean Rodney <i>[30] Supplemental Brief on Issue of Standby Counsel</i>	<i>In #2</i>
09/02/2021	 Notice of Change of Hearing <i>[31] Notice of Change of Hearing</i>	<i>In #2</i>
09/07/2021	Case Reassigned to Department 6 <i>From Judge Mary Kay Holthus to Judge Jacqueline Bluth</i>	














CASE SUMMARY

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09/13/2021	 Motion to Dismiss Filed By: Defendant Orth, Sean Rodney <i>[32] Motion to Dismiss Charges or in the Alternative Motion for Order of the Court</i>	In #2
09/21/2021	 Petition for Writ of Habeas Corpus Filed by: Defendant Orth, Sean Rodney <i>[33]</i>	In #2
09/21/2021	 Exhibits Filed By: Defendant Orth, Sean Rodney <i>[34] Exhibits in Support of Petition for Writ of Habeas Corpus</i>	In #2
09/21/2021	 Motion to Dismiss Filed By: Defendant Orth, Sean Rodney <i>[35] Motion to Dismiss Charges for Violation to Double Jeopardy Clauses of the Constitution of Nevada and the United States</i>	In #2
09/21/2021	 Motion to Suppress Filed By: Defendant Orth, Sean Rodney <i>[36] Motion Suppress Evidence Obtain in Violation of U.S. Const. Amends IV and XIV and Nev. Const. Art. 1 & 18 /Request for Evidentiary Hearing</i>	In #2
09/21/2021	 Declaration Filed By: Defendant Orth, Sean Rodney <i>[37] Declaration of Discovery Mailed to Defendant</i>	In #2
10/01/2021	 Opposition <i>[38] State's Opposition to Defendant's Motion to Dismiss or in the Alternative Motion for Order of the Court</i>	In #2
10/01/2021	 Opposition <i>[39] State's Opposition to Defendant's Motion to Dismiss Charges for Violation of the Double Jeopardy Clauses of the Constitutions of Nevada and the United States</i>	In #2
10/01/2021	 Response <i>[40] State's Response to Defendant's Petition for Writ of Habeas Corpus</i>	In #4
10/01/2021	 Opposition <i>[41] State's Opposition to Defendant's Motion to Suppress</i>	In #4
10/18/2021	 Certification <i>[42] Certification of Providing Documents to Defendant</i>	In #4
10/18/2021	 Reply to Opposition Filed by: Defendant Orth, Sean Rodney <i>[43] Defendant's Reply to State's Opposition to Motion to Suppress Evidence</i>	In #4
10/18/2021	 Reply to Opposition Filed by: Defendant Orth, Sean Rodney	In #4








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CASE NO. C-20-352701-1

[44] Reply to State's Opposition to Defendant's Motion to Dismiss Charges for Violation of the Double Jeopardy Clauses of the Constitutions of Nevada and the United States

10/18/2021	 Reply Filed by: Defendant Orth, Sean Rodney <i>[45] Defendant's Reply to State's Response to Defendant's Petition for a Writ of Habeas Corpus</i>	In #4
11/04/2021	 Guilty Plea Agreement Party: Defendant Orth, Sean Rodney <i>[46] Guilty Plea Agreement</i>	In #4
11/04/2021	 Amended Information <i>[47] Amended Information</i>	In #4
12/01/2021	 PSI <i>[48]</i>	In #4
01/05/2022	 Order for Production of Inmate <i>[49] Order for Production of Inmate, Sean Rodney Orth, BAC #96723</i>	In #4
01/14/2022	 Notice of Change of Hearing <i>[50] Notice of Change of Hearing</i>	In #4
01/18/2022	Case Reassigned to Department 10 <i>From Judge Jacqueline Bluth to Judge Tierra Jones</i>	
02/14/2022	 Order for Production of Inmate <i>[51] Order for Production of Inmate</i>	In #4
02/24/2022	 Motion Filed By: Defendant Orth, Sean Rodney <i>[52] Motion to Withdraw Due to Conflict</i>	In #4
03/09/2022	 Motion to Withdraw Plea <i>[53] Motion to Withdraw Plea of Guilty/Motion to Dismiss Charges as Violative of Brown V. Ohio, 432 U.S. 161 (1977)</i>	In #4
03/16/2022	 Order <i>[54] Order for Transcript</i>	In #4
03/16/2022	 Opposition <i>[55] State's Opposition to Defendant's Motion to Withdraw Plea Motion to Dismiss Charges as Violative of</i>	In #4
03/24/2022	 Recorders Transcript of Hearing <i>[56] Recorders Transcript of Hearing Re: Entry of Plea, November 4, 2021</i>	In #4
04/02/2022	 Reply to Opposition <i>[57] Defendant's Reply to State's Opposition to Defendant's Motion to Withdrawal Plea and Motion to Dismiss Charges</i>	In #4

CASE SUMMARY

CASE NO. C-20-352701-1

04/27/2022	 Supplement Filed by: Defendant Orth, Sean Rodney <i>[58] Supplement to Motion to Withdraw Plea/Motion to Dismiss Charges for Violation to Double Jeopardy Prohibition</i>	In #2
06/01/2022	 Motion to Dismiss Filed By: Defendant Orth, Sean Rodney <i>[59] Motion to Dismiss Charges</i>	In #2
06/23/2022	 Opposition to Motion Filed By: Plaintiff State of Nevada <i>[60] State's Opposition to Defendant's Motion to Dismiss Charges</i>	In #2
07/29/2022	 Reply to Opposition Filed by: Defendant Orth, Sean Rodney <i>[61] Reply to State's Opposition to Defendant's Motion to Dismiss Charges for Violation of Double Jeopardy</i>	In #2
08/08/2022	 Judgment of Conviction <i>[62] Judgment of Conviction</i>	In #2
08/22/2022	 Notice of Appeal (Criminal) <i>[63] Notice of Appeal</i>	In #2
08/24/2022	 Case Appeal Statement <i>Case Appeal Statement</i>	In #2
<u>DISPOSITIONS</u>		
11/04/2021	Disposition (Judicial Officer: Bluth, Jacqueline M.) 2. STOP REQUIRED ON SIGNAL OF POLICE OFFICER Amended Information Filed/Charges Not Addressed PCN: Sequence:	
11/04/2021	Plea (Judicial Officer: Jones, Tierra) 1. STOP REQUIRED ON SIGNAL OF POLICE OFFICER Guilty PCN: Sequence:	
08/01/2022	Disposition (Judicial Officer: Jones, Tierra) 1. STOP REQUIRED ON SIGNAL OF POLICE OFFICER Guilty PCN: Sequence:	
08/01/2022	Adult Adjudication (Judicial Officer: Jones, Tierra) 1. STOP REQUIRED ON SIGNAL OF POLICE OFFICER 11/03/2020 (F) 484B.550.3b (DC53833) PCN: Sequence:	
<hr/>		
Sentenced to Nevada Dept. of Corrections Term: Minimum:12 Months, Maximum:30 Months Concurrent: Case Number CR051459 Fee Totals:		

CASE SUMMARY
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Administrative	
Assessment Fee	25.00
\$25	
Genetic Marker	
Analysis AA Fee	3.00
\$3	
Fee Totals \$	28.00
Comment (\$150 DNA fee WAIVED)	

HEARINGS

12/18/2020



Initial Arraignment (8:00 AM) (Judicial Officer: Bell, Linda Marie)

Events: 12/15/2020 Criminal Bindover

MINUTES

Trial Date Set;

Journal Entry Details:

Deputized Law Clerk, Ron Evans, present via Bluejeans on behalf of the State. DEFT. ORTH ARRAIGNED, PLED NOT GUILTY, and INVOKED the 60-DAY RULE. COURT ORDERED, matter SET for trial. CUSTODY 02/04/21 8:30 AM CALENDAR CALL (DEPT 15) 02/08/21 9:00 AM JURY TRIAL (DEPT 15);

SCHEDULED HEARINGS

Calendar Call (03/16/2021 at 11:00 AM) (Judicial Officer: Holthus, Mary Kay)

CANCELED Jury Trial (03/22/2021 at 1:00 PM) (Judicial Officer: Hardy, Joe)

Vacated

CANCELED Central Trial Readiness Conference (01/20/2021 at 11:30 AM) (Judicial Officer: Jones, Tierra)

Vacated - per Judge

01/20/2021

CANCELED Central Trial Readiness Conference (11:30 AM) (Judicial Officer: Jones, Tierra)

Vacated - per Judge

02/23/2021



Petition for Writ of Habeas Corpus (11:00 AM) (Judicial Officer: Holthus, Mary Kay)

02/23/2021, 03/11/2021, 03/16/2021, 03/30/2021

Defendant's Amended Writ Of Habeas Corpus (Pre-Trial)

Matter Continued;

Matter Continued;

Matter Continued;

Briefing Schedule Set;

Journal Entry Details:

Erika Mendoza, Esq. present via Bluejeans video conference; Deft. present in-custody via Bluejeans video conference. Upon Court's inquiry, Ms. Simmons indicated she was hoping to get a response filed, which she just received the Writ that morning. Further statements by Deft. Court indicated to Deft. when he represented himself, he wasn't entitled to special privileges; however, the Court was contemplating to let Deft. proceed since he was no longer representing himself, the Court was inclined to give Ms. Simmons an opportunity to file something. Ms. Mendoza indicated it would be proper to deny the Pro Per Writ and then re-file Ms. Simmons' Writ. Colloquy between parties. Following colloquy, Court FINDS there was good cause and Deft. was only a few days late and due to COVID-19 and Pro Per status, it would not require the State to respond to the Pro Per Motion; therefore, ORDERED, Defendant's Amended Writ of Habeas Corpus (Pre-trial) was hereby DENIED. Court noted it would give Ms. Simmons and opportunity to file something. Following colloquy, ORDERED the following Briefing Schedule: Ms. Simmons to file Opening Brief by April 20, 2021, State to file Response by May 4, 2021, Ms. Simmons to file Reply by May 18, 2021, and matter CONTINUED for Argument. Court inquired as to Deft. waiving his 60 day trial right. Ms. Simmons noted if the Writ could be heard prior to May 24, there wouldn't be a problem as to Deft.'s status. Colloquy between parties. Following colloquy, Court inquired if Deft. was withdrawing his Writ. Deft. requested for the instant matter to be trailed. MATTER TRAILED. MATTER RECALLED. Same parties present. Ms. Simmons indicated she spoke with Deft. and he still wanted to proceed with the Writ; therefore, all dates previously set for briefing schedule could stand. COURT FURTHER ORDERED, trial VACATED and RESET. CUSTODY 6/1/21 11:00 AM ARGUMENT 10/19/21 9:00 AM CALENDAR CALL 10/25/21 1:00 PM JURY TRIAL;

Matter Continued;

Matter Continued;



Matter Continued;

Briefing Schedule Set;

Matter Continued;

Matter Continued;

CASE SUMMARY
CASE NO. C-20-352701-1

	<p>Matter Continued; Briefing Schedule Set; Journal Entry Details: <i>Erika Mendoza, Esq. present via Bluejeans video conference. Deft. not present. Due to technical issues with Bluejeans throughout District Court, the in-custody Defs. were not present. COURT ORDERED, matter CONTINUED to Tuesday, March 16, 2021. CUSTODY 3/16/21 11:00 AM CONTINUED: DEFENDANT'S AMENDED WRIT OF HABEAS CORPUS (PRE-TRIAL) ;</i> Matter Continued; Matter Continued; Matter Continued; Briefing Schedule Set; Journal Entry Details: <i>Erika Mendoza, Esq. and Benjamin Saxe, Esq. present via Bluejeans video conference; Deft. present in-custody via Bluejeans video conference. Mr. Saxe noted Deft. was representing himself; however, Ms. Simmons requested that Mr. Saxe handle the instant matter. Mr. Saxe indicated Deft. didn't have an opportunity to reply. Statements by Ms. Mendoza. Court advised Ms. Mendoza that Deft. had the right to review the Opposition. Statements by Deft. indicating he would like to speak with an attorney. Court noted it would give Deft. time to read the State's Opposition. Mr. Saxe noted Deft. was Pro Per. COURT ORDERED, Deft. had three weeks to file the reply. Colloquy between parties. Following colloquy, Court advised it would make sure Odyssey was updated to indicate Deft. was Pro Se. COURT ORDERED, Motion CONTINUED. CUSTODY 3/11/21 11:00 AM CONTINUED: DEFENDANT'S AMENDED WRIT OF HABEAS CORPUS (PRE-TRIAL);</i></p>
03/16/2021	<p>Calendar Call (11:00 AM) (Judicial Officer: Holthus, Mary Kay) Vacated and Reset;</p>
03/16/2021	<p> All Pending Motions (11:00 AM) (Judicial Officer: Holthus, Mary Kay) Matter Heard; Journal Entry Details: <i>Erick Mendoza, Esq. and Kara Simmons, Esq. present via Bluejeans video conference; Deft. present in-custody via Bluejeans video conference. DEFENDANT'S AMENDED WRIT OF HABEAS CORPUS (PRE-TRIAL)...CALENDAR CALL Ms. Simmons not present. Upon Court's inquiry, Ms. Mendoza noted the Writ was continued. Court advised it didn't receive a reply from Deft. Statements by Deft. noting the reply was returned. Ms. Mendoza noted she didn't receive the reply; however, Deft. indicated he sent it on March 9, 2021. Colloquy between parties. Following colloquy, Ms. Mendoza indicated she spoke with Ms. Simmons. Court advised it would continue the matter out one week, ORDERED, trial date VACATED and RESET. Court inquired if Deft. waived, which Ms. Mendoza noted Deft. did waive and that was the issue with the Petition. Statements by Deft. Court advised at the moment Deft. appeared to be in waived status; however, it would reset the trial in 60 days, and status check the Writ to make sure parties have it, in one to two weeks. COURT DIRECTED the State to get a hold of Ms. Simmons. Ms. Simmons present. Statements by Deft. Colloquy between parties. Following colloquy, Deft. indicated he would go ahead and invoke his right to a speedy trial. Ms. Mendoza inquired if Deft. wanted Ms. Simmons to represent him, which Deft. concurred; additionally, Deft. indicated it was making everything hard, and he wanted Ms. Simmons to take over his case. COURT FURTHER ORDERED, Ms. Simmons REAPPOINTED to the instant case and Petition CONTINUED. Upon Court's inquiry, Ms. Simmons requested two weeks to get the reply from Deft. or to file her own. Court noted it wasn't saying Deft. was in an invoked status; however, for now he would be. CUSTODY (COC-NDC) 3/30/21 11:00 AM CONTINUED: DEFENDANT'S AMENDED WRIT OF HABEAS CORPUS (PRE-TRIAL) 5/18/21 9:00 AM CALENDAR CALL 5/24/21 1:00 PM JURY TRIAL (WAIVED 9 DAYS);</i></p>
03/22/2021	<p>CANCELED Jury Trial (1:00 PM) (Judicial Officer: Hardy, Joe) Vacated</p>
03/31/2021	<p>CANCELED Central Trial Readiness Conference (11:30 AM) (Judicial Officer: Jones, Tierra) Vacated</p>
05/18/2021	<p>CANCELED Calendar Call (11:00 AM) (Judicial Officer: Holthus, Mary Kay) Vacated</p>
05/24/2021	<p>CANCELED Jury Trial (1:00 PM) (Judicial Officer: Holthus, Mary Kay) Vacated</p>
06/01/2021	<p> Argument (11:00 AM) (Judicial Officer: Holthus, Mary Kay) <i>ARGUMENT: WRIT OF HABEAS CORPUS</i> Denied;</p>

CASE SUMMARY**CASE NO. C-20-352701-1**

Journal Entry Details:

Argument by counsel. COURT ORDERED, WRIT DENIED for reason set forth in the State's opposition. CUSTODY;

07/29/2021

**Motion** (11:00 AM) (Judicial Officer: Cherry, Michael A.)**07/29/2021, 08/17/2021***Defendant's Request to Remove the Office of the Public Defender and Represent Himself***MINUTES**

Matter Continued;

Granted;

Journal Entry Details:

Deft. present via Bluejeans. Extensive statement by Deft. regarding their inability to proceed with their defense during the Covid-19 pandemic and desire to represent themselves. Colloquy regarding Deft's. Motion, their previous Fareta Canvas in Justice Court, if there is a need for stand-by counsel and what their role would be. COURT ORDERED, a Briefing Schedule and Status Check SET. Deft's. Brief DUE by 8/23/2021, State's Reply DUE by 8/30/2021, Deft's. Final Reply DUE by 9/2/2021. Deft's. Request to Remove the Office of the Public Defender and Represent Himself GRANTED; the Public Defender REMOVED as counsel of record. CUSTODY (COC-NDC) STATUS CHECK: ARGUMENTS TO DETERMINE IF STAND-BY COUNSEL NEEDS APPOINTING;

MINUTES

Matter Continued;

Granted;

Journal Entry Details:

Deft. not present, Mr. Giles present via Bluejeans. Ms. Simmons stated Deft. was not transported; she has already spoken with the State and is requesting a CONTINUANCE of three weeks. She will explore remote appearance options. With there being no objection from the State, COURT SO ORDERED. CUSTODY (COC CONTINUED TO: 08/17/21 11:00 A.M. ;

SCHEDULED HEARINGS**SCHEDULED HEARINGS****Status Check** (09/07/2021 at 11:00 AM) (Judicial Officer: Holthus, Mary Kay)*Status Check: Arguments to Determine if Standby Counsel Needs Appointing*

09/07/2021

**Status Check** (11:00 AM) (Judicial Officer: Holthus, Mary Kay)*Status Check: Arguments to Determine if Standby Counsel Needs Appointing*

Matter Heard;

Journal Entry Details:

Deft. not present, not transported. Counsel present via Bluejeans. Ms. Simmons-Gaston noted Deft. is in custody in the Nevada Department of Corrections; Deft. was sentenced on another case while the instant matter is pending. Court allowed Deft. to proceed Pro Se. Ms. Demonte argued nobody is required to be appointed as Stand-by Counsel. COURT ADVISED, It will rely on the Briefs. COURT STATED, Stand-by Counsel will be APPOINTED. They are strictly there to stay informed of the case in the event Deft. chooses to abandons their self representation. Stand-by Counsel will not sit at the defense table, they don't advise Deft; they may be called upon to facilitate discovery or deliberations. There are no legal obligations. They will not advise Deft. Colloquy regarding Deft. potentially filing an Ineffective Assistance of Counsel Motion. COURT STATED It is just ruling on what is in front of It, the Motion regarding Stand-by Counsel. CUSTODY (COC-NDC);

10/05/2021

**Motion to Dismiss** (11:00 AM) (Judicial Officer: Ballou, Erika)**10/05/2021, 10/12/2021***Motion to Dismiss Charges or in the Alternative Motion for Order of the Court*

Matter Continued;

Denied;

Matter Continued;

Denied;

Journal Entry Details:





Defendant not present; incarcerated in the Nevada Department of Corrections (NDC) COURT NOTED the Defendant was having issues accessing the Prison Law Library. Further, there were motions scheduled for October 12th. COURT ORDERED, Motion To Dismiss Charges Or In The Alternative Motion For Order Of The Court CONTINUED to October 12, 2021 at 11:00 a.m. and for Defendant's presence. IN CUSTODY (COC-NDC) CONT: 10/12/21 11:00 AM;

10/12/2021

Petition for Writ of Habeas Corpus (11:00 AM) (Judicial Officer: Ballou, Erika)

CASE SUMMARY

CASE NO. C-20-352701-1

	Denied;
10/12/2021	Motion (11:00 AM) (Judicial Officer: Ballou, Erika) <i>Motion to Dismiss Charges for Violation to Double Jeopardy Clauses of the Constitution of Nevada and the United States</i> Denied;
10/12/2021	Motion to Suppress (11:00 AM) (Judicial Officer: Ballou, Erika) <i>Motion Suppress Evidence Obtain in Violation of U.S. Const. Amends IV and XIV and Nev. Const. Art. 1 & 18 /Request for Evidentiary Hearing</i> Denied;
10/12/2021	 All Pending Motions (11:00 AM) (Judicial Officer: Ballou, Erika) <i>Petition for Writ Of Habeas Corpus...Motion Suppress Evidence Obtain in Violation of U.S. Const. Amends IV and XIV and Nev. Const. ART. 1 & 18 Request for Evidentiary Hearing...Motion to Dismiss Charges or in the Alternative Motion fro Order of the Court...Motion to Dismiss Charges for Violation to Double Jeopardy Clauses of the Constitution of Nevada and The Untied States...</i> Matter Heard; Journal Entry Details: <i>Petition for Writ Of Habeas Corpus...Motion Suppress Evidence Obtain in Violation of U.S. Const. Amends IV and XIV and Nev. Const. ART. 1 & 18 Request for Evidentiary Hearing...Motion to Dismiss Charges or in the Alternative Motion fro Order of the Court...Motion to Dismiss Charges for Violation to Double Jeopardy Clauses of the Constitution of Nevada and The Untied States... As to: Petition for Writ Of Habeas Corpus: Arguments by Deft. in good faith. Following arguments, COURT ORDERED, Petition for Writ Of Habeas Corpus DENIED. As to: Motion Suppress Evidence Obtain in Violation of U.S. Const. Amends IV and XIV and Nev. Const. ART. 1 & 18 Request for Evidentiary Hearing; Motion to Dismiss Charges or in the Alternative Motion fro Order of the Court: Arguments by Deft. Following arguments, COURT ORDERED, Motion to Dismiss Charges or in the Alternative Motion fro Order of the Court DENIED; Motion Suppress Evidence Obtain in Violation of U.S. Const. Amends IV and XIV and Nev. Const. ART. 1 & 18 Request for Evidentiary Hearing DENIED; advised Ms. Mendoza to prepare order. As to: Motion to Dismiss Charges for Violation to Double Jeopardy Clauses of the Constitution of Nevada and The Untied States: COURT ORDERED, Motion to Dismiss Charges for Violation to Double Jeopardy Clauses of the Constitution of Nevada and The Untied States DENIED; advised Ms. Mendoza to prepare order. NCD ;</i>
10/19/2021	 Calendar Call (11:00 AM) (Judicial Officer: Hardy, Joe) Matter Heard; Journal Entry Details: <i>The State and Defendant present via Blue Jeans. The Defendant requested time to speak to stand-by counsel, Kara Gaston (nee Simmons), DPD, prior to moving forward with the instant hearing. Matter trailed. Matter recalled. Ms. Gaston stated that the Defendant would be accepting the State's offer, and she would visit him in the Nevada Department of Corrections (NDC), in order to facilitate the signing of the Guilty Plea Agreement (GPA). The State inquired as to whether the Defendant understood the sentence in the instant would be running consecutive to the Defendant's term of parole in another case. The Defendant stated that he understood. Ms. Gaston suggested that she sign the GPA on the Defendant's behalf, and the Defendant stated that he was amenable to Ms. Gaston signing the GPA on his behalf. COURT ORDERED the trial date was VACATED, and an entry of plea hearing was SET. CUSTODY (COC) 11/4/21 11:00 AM ENTRY OF PLEA;</i>
10/25/2021	CANCELED Jury Trial (10:00 AM) (Judicial Officer: Bluth, Jacqueline M.) <i>Vacated</i>
11/04/2021	 Entry of Plea (11:00 AM) (Judicial Officer: Bluth, Jacqueline M.) Plea Entered; Journal Entry Details: <i>Ms. Gaston present as stand-by counsel for the Deft. NEGOTIATIONS are as contained in the Guilty Plea Agreement FILED on November 4, 2021. DEFT. ORTH ARRAIGNED AND PLED GUILTY TO STOP REQUIRED ON SIGNAL OF POLICE OFFICER (F). Court ACCEPTED plea, and, ORDERED, matter REFERRED to the Division of Parole and Probation (P & P) and SET for sentencing. CUSTODY (COC-NDC) 12/16/21 11:00 AM SENTENCING;</i>
12/16/2021	 Sentencing (11:00 AM) (Judicial Officer: Jones, Tierra) 12/16/2021, 01/06/2022, 01/24/2022, 02/14/2022 Matter Continued; Continued;

CASE SUMMARY

CASE NO. C-20-352701-1

Continued;

Matter Heard;

Journal Entry Details:

APPEARANCES CONTINUED: Deft. present via video from the Jail. Ms. Mendoza present on behalf of the state through bluejeans technology. Ms. Dunn Standing in for Ms. Gaston as standby counsel for deft. Upon Court's inquiry, Deft. stated he would like to withdraw his plea. Court noted it has not received anything and there's nothing in Odyssey. COURT ORDERED, matter CONTINUED to the date given. State to prepare an order to transport.A.M 03/07/22 8:30 A.M. MOTION TO WITHDRAW PLEA ;

Matter Continued;

Continued;

Continued;

Matter Heard;

Journal Entry Details:

APPEARANCES CONTINUED: Parties present via video through bluejeans technology. Ms. Gaston present as stand-by Counsel for deft. - APPEARANCES CONTINUED: Parties present via video through bluejeans technology. Ms. Gaston present as stand-by Counsel for deft. Deft. not present and in the Nevada Department of Corrections. Court noted deft. was on calendar on January 6, 2022 and the state sent over an order to produce on January 4, 2022 and it was signed on January 5, 2022, so they didn't bring him. Further, the matter was re-set for this date, however, a new order was not done. Further, Court noted none of this is deft's fault, so the Court is giving deft. credit from January 6, 2022. FURTHER COURT ORDERED, matter CONTINUED to the date given. State to do an order to transport. CUSTODY (COC-NDC) 02/14/22 8:30 A.M. SENTENCING;

Matter Continued;

Continued;

Continued;

Matter Heard;

Journal Entry Details:

APPEARANCES CONTINUED: Counsel present via video though bluejeans technology. Ms. Simmons present as stand-by counsel for deft. Deft. not present and in the Nevada Department of Corrections. Court noted the paperwork was not submitted timely, so the prison did not transport deft. COURT ORDERED, matter CONTINUED to the date given for defendant presence. State to prepare an order to transport. CUSTODY - COC-NDC 01/20/22 11:00 AM SENTENCING;

Matter Continued;

Continued;

Continued;

Matter Heard;

Journal Entry Details:

Deputy Public Defender Kara Simmons-Gaston, Esq. present as Stand-by counsel on behalf of Deft. Deft. stated he did not received a copy of his Pre-Sentence Investigation (PSI) Report. Colloquy regarding Court's receipt of the PSI Report, provision of a copy to Deft. and his stand-by counsel, and Deft's. stipulated sentence. Deft. stated he has also not received the body camera footage and dash-camera footage. COURT ORDERED, matter CONTINUED for review of the PSI Report and discussions with Judge Bluth regarding Deft's. stipulated sentence. Deft. is to file any Motions he thinks are necessary before the next hearing date. State to prepare the Transport Order. CUSTODY (COC-NDC) CONTINUED TO: 1.06.22 11:00 A.M.;

03/07/2022 **Status Check (8:30 AM)** (Judicial Officer: Jones, Tierra)

03/07/2022, 03/14/2022, 03/30/2022

Status Check: Decision

Matter Continued;

Matter Heard;

Matter Heard;

On in error

Matter Continued;

Matter Heard;

Matter Heard;

On in error

Matter Continued;

Matter Heard;

Matter Heard;

On in error

03/07/2022 **Motion (8:30 AM)** (Judicial Officer: Jones, Tierra)

03/07/2022, 03/14/2022

Defendant's Motion to Withdraw Due to Conflict

CASE SUMMARY
CASE NO. C-20-352701-1

Matter Continued;
Granted;
Matter Continued;
Granted;

03/07/2022



All Pending Motions (8:30 AM) (Judicial Officer: Jones, Tierra)

Matter Continued;

Journal Entry Details:

APPEARANCE CONTINUED: Deft. present via video from the Jail. Ms. Gaston present as Stand-by counsel on behalf of deft. through bluejeans technology DEFENDANT'S MOTION TO WITHDRAW DUE TO CONFLICT.....STATUS CHECK: MOTION TO WITHDRAW PLEA Statements by deft. advising he never that he never received the motion. Ms. Gaston advised It was mailed and counsel mailed it again last week. Statements by deft. regarding the motion to withdraw plea he filed with the Clerk s office. Court noted that has not been filed yet. Ms. Gaston to follow up . COURT ORDERED, Matter CONTINUED to the given gate. 3/14/22 8:30 A.M. STATUS CHECK: MOTION TO WITHDRAW PLEA CUSTODY (COC - NDC);

03/14/2022



All Pending Motions (8:30 AM) (Judicial Officer: Jones, Tierra)

Matter Heard;

Journal Entry Details:

APPEARANCES CONTINUED: Ms. Mendoza present via video through bluejeans technology. Ms. Gaston present as stand by counsel for deft. MOTION TO WITHDRAW PLEA...STATUS CHECK Upon Court's inquiry, deft. advised he has not received the motion to withdraw, however he's not opposed to the motion. COURT ORDERED, Motion to Withdraw Due to Conflict, GRANTED. Ms. Gaston advised she reached out to Mr. Christensen's office and was directed to inquire whether or not deft would like standby counsel. Upon Court's inquiry, deft. stated he would like standby counsel. Court so noted and ORDERED, matter CONTINUED to the date given. Court noted the Court will reach out to the Office of appointed counsel and have someone here to accept the appointment as stand by counsel for deft. CUSTODY 03/30/22 8:30 A.M. COC - OFFICE APPOINTED COUNSEL ;

03/30/2022



Motion (8:30 AM) (Judicial Officer: Jones, Tierra)

03/30/2022, 04/13/2022

Defendant's Pro Se Motion to Withdraw Plea of Guilty/Motion to Dismiss Charges as Violative of Brown v. Ohio, 432 U.S. 161 (1977)

Continued;

Denied;

Journal Entry Details:

APPEARANCES CONTINUED: Deft present via video from the jail. Ms. Mendoza present via video on behalf of the State through bluejeans technology. Mr. Kozal present as stand by counsel for deft. Statements by deft. Matter submitted. COURT ORDERED, Matter CONTINUED to the date given. CUSTDY (COC-NDC) 05/02/22 8:30 A.M. STATUS CHECK: DECISION;

Continued;

Denied;

03/30/2022



All Pending Motions (8:30 AM) (Judicial Officer: Jones, Tierra)

Matter Heard;

Journal Entry Details:

APPEARANCES CONTINUED: Deft present via video through bluejeans technology. COURT ORDERED, Mr. Kozal appointed as Stand-by counsel. FURTHER COURT ORDERED, State to prepare Transport Order. Matter CONTINUED to the date given. Court directed Mr. Kozal to call deft. CUSTODY (COC-NDC) 4/13/22 8:30 A.M. DEFENDANT'S PRO SE MOTION TO WITHDRAW PLEA OF GUILTY/MOTION TO DISMISS CHARGES AS VIOLATIVE OF BROWN V. OHIO, 432 U.S. 161 (1977) ;

04/21/2022



Minute Order (4:01 PM) (Judicial Officer: Jones, Tierra)

Minute Order - No Hearing Held;

Journal Entry Details:

Following review of the papers and pleadings on file herein, COURT ORDERS, Defendant s Motion to Withdraw Plea and Motion to Dismiss is DENIED. A guilty plea is not invalid as long as the totality of the circumstances, as shown by the record, demonstrates that the plea was knowingly and voluntarily made and that the defendant understood the nature of the offense and the consequences of the plea. See Hurd v. State, 114 Nev. 182 (1998). A district court may grant a Defendant s motion to withdraw guilty plea at any time prior to sentencing if doing so would be fair and just. Stevenson v. State, 131 Nev. 598 (2015). In determining whether withdrawal is appropriate, the court should consider the totality of the circumstances. Id. In this case, the totality of the circumstances, as shown by the record, demonstrate


CASE SUMMARY**CASE NO. C-20-352701-1**

that the plea was knowingly and voluntarily made. The record, including the plea canvass and the defendant's responses, indicates that the plea was knowingly and voluntarily made. Defendant argues that he was denied access to law library and legal research materials, preventing him from knowingly and voluntarily entering his plea. This claim is belied by the record. The totality of the circumstances and the record indicates that the defendant's plea was knowingly and voluntarily made. Defendant also argues that he was denied access to body camera footage, thereby preventing him from knowingly and voluntarily entering his plea. Again this claim is belied by the record. The totality of the circumstances and the record indicates that the defendant's plea was knowingly and voluntarily made. As such, the Defendant's Motion to Withdraw Plea is DENIED. In Defendant's Motion to Dismiss, Defendant argues that double jeopardy prevents him from being charged in this case because he plead guilty to Resisting a Public Officer in Henderson Municipal Court for a charge arising out of the same event. This claim fails. As the acts charged in Henderson Municipal Court are not lesser included offenses of the acts of the instant case, the analysis in Brown v. Ohio, 432 U.S. 161 (1977) is not applicable here. As such, Defendant's Motion to Dismiss is DENIED. CLERK S NOTE: A copy of this minute order was distributed via Odyssey File and Serve and mailed to the Defendant: Sean Rodney Orth PO Box 650 Indian Springs, NV 89070 / mj (4-21-22);

05/02/2022 **CANCELED Status Check** (8:30 AM) (Judicial Officer: Jones, Tierra)

Vacated - per Law Clerk

DECISION: Defendant's Pro Se Motion to Withdraw Plea of Guilty/Motion to Dismiss Charges as Violative of Brown v. Ohio, 432 U.S. 161 (1977)

06/22/2022  **Motion to Dismiss** (8:30 AM) (Judicial Officer: Jones, Tierra)

06/22/2022, 06/27/2022, 07/18/2022, 08/01/2022

Motion to Dismiss Charges

Continued;

Continued;

Continued;

Denied;

Continued;

Continued;

Continued;

Denied;

Continued;

Continued;

Continued;

Denied;

Continued;

Continued;

Continued;

Denied;

Journal Entry Details:

Defendant not present and in custody in the Nevada Department of Corrections. COURT STATED they have not received an opposition. Ms. Mendoza stated she did not receive a copy of the Motion, and did not have time to transport the Defendant, and requested the matter be continued, adding there is an order to transport. Mr. Kozal stated he did not receive a Pre-Sentence Investigation (PSI) Report. COURT STATED there was a previous PSI when the Defendant was originally set for sentencing, before all the motion practice, adding there is a PSI in the file. COURT ORDERED, matter CONTINUED. CUSTODY (COC-NDC) 06/27/2022 8:30 A.M. MOTION TO DISMISS CHARGES 06/27/2022 8:30 A.M. . SENTENCING CLERK S NOTE: This Minute Order has been completed by listening to the JAVs recording. (7-25-2022 ks);

06/27/2022 **Sentencing** (8:30 AM) (Judicial Officer: Jones, Tierra)

06/27/2022, 07/18/2022, 08/01/2022

Continued;

Continued;

Defendant Sentenced;

Continued;


Continued;

Defendant Sentenced;

Continued;

Continued;



Defendant Sentenced;

06/27/2022  **All Pending Motions** (8:30 AM) (Judicial Officer: Jones, Tierra)

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. C-20-352701-1

	<p>Matter Heard; Journal Entry Details: <i>Mr. Kozal present as stand by counsel for deft. in pro se. Statements by deft. advising he just recieved the opposition this morning. Colloquy regarding issues with the PSI. Court noted the Court is not going order a new PSI. COURT ORDERED, matter CONTINUED for deft to submit an Reply by 7-12-22. FURTHER COURT ORDERED, State to do an order to transport. CUSTODY (COC-NDC) 07/18/22 8:30 A.M.;</i></p>
07/18/2022	<p> All Pending Motions (8:30 AM) (Judicial Officer: Jones, Tierra)</p> <p>Matter Heard; Journal Entry Details: <i>Stand By Counsel, Marcus Kozal, also present. MOTION TO DISMISS CHARGES...SENTENCING Court noted it received the Motion to Dismiss Charges and the opposition and inquired where the matter stood. Pro Se Defendant stated he filed a reply, mailed nine days ago but Mr. Kozal stated it was not in Odyssey as of yesterday. Colloquy regarding the reply, Ms. Mendoza stated no one has seen the reply. COURT stated it wants to read the reply so the matter would be continued; however, it advised if the motion was denied this case would be proceeding with sentencing. COURT ORDERED, matter CONTINUED. Pro Se Defendant stated he filed a writ of habeas corpus to the Supreme Court with regard to double jeopardy and argued to invoke jurisdiction, requested the Court review double jeopardy and objected to proceeding with sentencing. COURT STATED, it would stay the matter if a stay was in place by higher court otherwise the matter would be going forward. CUSTODY (NDC) CONTINUED TO: 08/01/2022 8:30 AM;</i></p>
08/01/2022	<p> All Pending Motions (8:30 AM) (Judicial Officer: Jones, Tierra)</p> <p>Matter Heard; Journal Entry Details: <i>MOTION TO DISMISS CHARGES . . . SENTENCING Mr. Marcus Kent Kozal, Esq., as standby counsel, also present. Arguments made by Mr. Orth and Ms. Mendoza regarding Defendant's Motion to Dismiss Charges and double jeopardy challenge. COURT STATED its FINDINGS and ORDERED Motion to Dismiss Charges DENIED and going forward with Sentencing. Defendant indicated filing an Appeal. COURT SO NOTED. Statement made by Defendant. DEFT. ORTH ADJUDGED GUILTY of STOP REQUIRED ON SIGNAL OF POLICE OFFICER (F). COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, \$150.00 DNA Analysis fee, including testing to determine genetic markers, WAIVED as previously taken, and \$3.00 DNA Collection fee, Deft. SENTENCED to a MINIMUM of TWELVE (12) MONTHS and a MAXIMUM of THIRTY (30) MONTHS in the Nevada Department of Corrections (NDC); CONCURRENT to CR051459; with ZERO (0) DAYS credit for time served. BOND, if any, EXONERATED. NDC;</i></p>

DATE

FINANCIAL INFORMATION

Defendant Orth, Sean Rodney	
Total Charges	38.00
Total Payments and Credits	10.00
Balance Due as of 8/24/2022	28.00

Heather S. Smith

CLERK OF THE COURT

JOCP

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

SEAN RODNEY ORTH
#6111549; #96723

Defendant.

CASE NO. C-20-352701-1

DEPT. NO. X

JUDGMENT OF CONVICTION

(PLEA OF GUILTY)

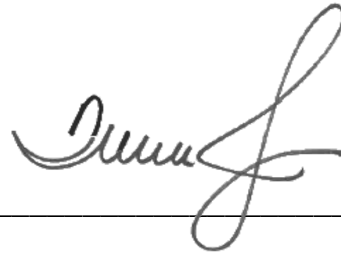
The Defendant previously appeared before the Court with counsel and entered a plea of guilty to the crime of STOP REQUIRED ON SIGNAL OF POLICE OFFICER (Category B Felony) in violation of NRS 484B.550.3b; thereafter, on the 1st day of August, 2022, Pro Se Defendant was present in court for sentencing with standby counsel, MARCUS KENT KOZAL, Esq., and good cause appearing,

THE DEFENDANT IS HEREBY ADJUDGED guilty of said offense and, in addition to the \$25.00 Administrative Assessment Fee plus \$3.00 DNA Collection Fee, the Defendant is sentenced as follows: a MAXIMUM of THIRTY (30) MONTHS with a

1 MINIMUM parole eligibility of TWELVE (12) MONTHS in the Nevada Department of
2 Corrections (NDC); CONCURRENT to CR051459; with ZERO (0) DAYS time served
3 credits. As the \$150.00 DNA Analysis Fee and Genetic Testing has been previously
4 imposed, the Fee and Testing in the current case are WAIVED.
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8 Dated this 8th day of August, 2022

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A handwritten signature in black ink, appearing to read 'Tierra Jones', is written over a horizontal line.

DFB 19B 618F 5960
Tierra Jones
District Court Judge

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 State of Nevada

CASE NO: C-20-352701-1

7 vs

DEPT. NO. Department 10

8 Sean Orth
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 8/8/2022

15 Public Defender

pdclerk@clarkcountynv.gov

16 DA Motions

Motions@clarkcountyda.com

17 Dept Law Clerk

dept17lc@clarkcountycourts.us

18 Dept10 Law Clerk

dept10lc@clarkcountycourts.us

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 18, 2020

C-20-352701-1 State of Nevada
vs
Sean Orth

December 18, 2020 8:00 AM Initial Arraignment

HEARD BY: Bell, Linda Marie

COURTROOM: RJC Lower Level Arraignment

COURT CLERK: Kimberly Estala

RECORDER:

REPORTER:

PARTIES

PRESENT: Cox, Bryan A Attorney
Orth, Sean Rodney Defendant

JOURNAL ENTRIES

- Deputized Law Clerk, Ron Evans, present via Bluejeans on behalf of the State.

DEFT. ORTH ARRAIGNED, PLED NOT GUILTY, and INVOKED the 60-DAY RULE. COURT ORDERED, matter SET for trial.

CUSTODY

02/04/21 8:30 AM CALENDAR CALL (DEPT 15)

02/08/21 9:00 AM JURY TRIAL (DEPT 15)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 23, 2021

C-20-352701-1 State of Nevada
vs
Sean Orth

**February 23, 2021 11:00 AM Petition for Writ of Habeas
Corpus**

HEARD BY: Holthus, Mary Kay

COURTROOM: RJC Courtroom 03D

COURT CLERK: Dara Yorke

RECORDER: Yvette G. Sison

REPORTER:

PARTIES

PRESENT:	Mendoza, Erika	Attorney
	Orth, Sean Rodney	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Erika Mendoza, Esq. and Benjamin Saxe, Esq. present via Bluejeans video conference; Deft. present in-custody via Bluejeans video conference.

Mr. Saxe noted Deft. was representing himself; however, Ms. Simmons requested that Mr. Saxe handle the instant matter. Mr. Saxe indicated Deft. didn't have an opportunity to reply. Statements by Ms. Mendoza. Court advised Ms. Mendoza that Deft. had the right to review the Opposition. Statements by Deft. indicating he would like to speak with an attorney. Court noted it would give Deft. time to read the State's Opposition. Mr. Saxe noted Deft. was Pro Per. COURT ORDERED, Deft. had three weeks to file the reply. Colloquy between parties. Following colloquy, Court advised it would make sure Odyssey was updated to indicate Deft. was Pro Se. COURT ORDERED, Motion CONTINUED.

CUSTODY

3/11/21 11:00 AM CONTINUED: DEFENDANT'S AMENDED WRIT OF HABEAS CORPUS (PRE-

TRIAL)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 11, 2021

C-20-352701-1 State of Nevada
vs
Sean Orth

**March 11, 2021 11:00 AM Petition for Writ of Habeas
Corpus**

HEARD BY: Holthus, Mary Kay

COURTROOM: RJC Courtroom 03E

COURT CLERK: Dara Yorke

RECORDER: Yvette G. Sison

REPORTER:

PARTIES

PRESENT: Mendoza, Erika Attorney
State of Nevada Plaintiff

JOURNAL ENTRIES

- Erika Mendoza, Esq. present via Bluejeans video conference.

Deft. not present. Due to technical issues with Bluejeans throughout District Court, the in-custody Defts. were not present. COURT ORDERED, matter CONTINUED to Tuesday, March 16, 2021.

CUSTODY

3/16/21 11:00 AM CONTINUED: DEFENDANT'S AMENDED WRIT OF HABEAS CORPUS (PRE-TRIAL)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 16, 2021**

C-20-352701-1 State of Nevada
vs
Sean Orth

March 16, 2021 11:00 AM All Pending Motions

HEARD BY: Holthus, Mary Kay**COURTROOM:** RJC Courtroom 03F**COURT CLERK:** Dara Yorke**RECORDER:** Yvette G. Sison**REPORTER:****PARTIES**

PRESENT:	Mendoza, Erika	Attorney
	Orth, Sean Rodney	Defendant
	Simmons, Kara M.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Erick Mendoza, Esq. and Kara Simmons, Esq. present via Bluejeans video conference; Deft. present in-custody via Bluejeans video conference.

DEFENDANT'S AMENDED WRIT OF HABEAS CORPUS (PRE-TRIAL)...CALENDAR CALL

Ms. Simmons not present. Upon Court's inquiry, Ms. Mendoza noted the Writ was continued. Court advised it didn't receive a reply from Deft. Statements by Deft. noting the reply was returned. Ms. Mendoza noted she didn't receive the reply; however, Deft. indicated he sent it on March 9, 2021. Colloquy between parties. Following colloquy, Ms. Mendoza indicated she spoke with Ms. Simmons. Court advised it would continue the matter out one week, ORDERED, trial date VACATED and RESET. Court inquired if Deft. waived, which Ms. Mendoza noted Deft. did waive and that was the issue with the Petition. Statements by Deft. Court advised at the moment Deft. appeared to be in waived status; however, it would reset the trial in 60 days, and status check the Writ to make sure parties have it, in one to two weeks. COURT DIRECTED the State to get a hold of Ms. Simmons. Ms. Simmons present. Statements by Deft. Colloquy between parties. Following colloquy, Deft. indicated

he would go ahead and invoke his right to a speedy trial. Ms. Mendoza inquired if Deft. wanted Ms. Simmons to represent him, which Deft. concurred; additionally, Deft. indicated it was making everything hard, and he wanted Ms. Simmons to take over his case. COURT FURTHER ORDERED, Ms. Simmons REAPPOINTED to the instant case and Petition CONTINUED. Upon Court's inquiry, Ms. Simmons requested two weeks to get the reply from Deft. or to file her own. Court noted it wasn't saying Deft. was in an invoked status; however, for now he would be.

CUSTODY (COC-NDC)

3/30/21 11:00 AM CONTINUED: DEFENDANT'S AMENDED WRIT OF HABEAS CORPUS (PRE-TRIAL)

5/18/21 9:00 AM CALENDAR CALL

5/24/21 1:00 PM JURY TRIAL (WAIVED 9 DAYS)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 30, 2021**

C-20-352701-1 State of Nevada
vs
Sean Orth

**March 30, 2021 11:00 AM Petition for Writ of Habeas
Corpus**

HEARD BY: Holthus, Mary Kay**COURTROOM:** RJC Courtroom 03C**COURT CLERK:** Dara Yorke**RECORDER:** Yvette G. Sison**REPORTER:****PARTIES**

PRESENT:	Mendoza, Erika	Attorney
	Orth, Sean Rodney	Defendant
	Simmons, Kara M.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Erika Mendoza, Esq. present via Bluejeans video conference; Deft. present in-custody via Bluejeans video conference.

Upon Court's inquiry, Ms. Simmons indicated she was hoping to get a response filed, which she just received the Writ that morning. Further statements by Deft. Court indicated to Deft. when he represented himself, he wasn't entitled to special privileges; however, the Court was contemplating to let Deft. proceed since he was no longer representing himself, the Court was inclined to give Ms. Simmons an opportunity to file something. Ms. Mendoza indicated it would be proper to deny the Pro Per Writ and then re-file Ms. Simmons' Writ. Colloquy between parties. Following colloquy, Court FINDS there was good cause and Deft. was only a few days late and due to COVID-19 and Pro Per status, it would not require the State to respond to the Pro Per Motion; therefore, ORDERED, Defendant's Amended Writ of Habeas Corpus (Pre-trial) was hereby DENIED. Court noted it would give Ms. Simmons and opportunity to file something. Following colloquy, ORDERED the following Briefing Schedule: Ms. Simmons to file Opening Brief by April 20, 2021, State to file Response by

May 4, 2021, Ms. Simmons to file Reply by May 18, 2021, and matter CONTINUED for Argument. Court inquired as to Deft. waiving his 60 day trial right. Ms. Simmons noted if the Writ could be heard prior to May 24, there wouldn't be a problem as to Deft.'s status. Colloquy between parties. Following colloquy, Court inquired if Deft. was withdrawing his Writ. Deft. requested for the instant matter to be trailed. MATTER TRAILED.

MATTER RECALLED. Same parties present. Ms. Simmons indicated she spoke with Deft. and he still wanted to proceed with the Writ; therefore, all dates previously set for briefing schedule could stand. COURT FURTHER ORDERED, trial VACATED and RESET.

CUSTODY

6/1/21 11:00 AM ARGUMENT

10/19/21 9:00 AM CALENDAR CALL

10/25/21 1:00 PM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 01, 2021

C-20-352701-1 State of Nevada
 vs
 Sean Orth

June 01, 2021 11:00 AM Argument

HEARD BY: Holthus, Mary Kay

COURTROOM: RJC Courtroom 03F

COURT CLERK: Jill Chambers

RECORDER: Yvette G. Sison

REPORTER:

PARTIES

PRESENT:	Demonte, Noreen C.	Attorney
	Orth, Sean Rodney	Defendant
	Simmons, Kara M.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Argument by counsel.

COURT ORDERED, WRIT DENIED for reason set forth in the State's opposition.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 29, 2021

C-20-352701-1 State of Nevada
 vs
 Sean Orth

July 29, 2021 11:00 AM Motion

HEARD BY: Holthus, Mary Kay **COURTROOM:** RJC Courtroom 03F

COURT CLERK: Susan Burdette
 Shelley Boyle

RECORDER: Yvette G. Sison

REPORTER:

PARTIES

PRESENT: Giles, Michael G Attorney
 Simmons, Kara M. Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- Deft. not present, Mr. Giles present via Bluejeans.

Ms. Simmons stated Deft. was not transported; she has already spoken with the State and is requesting a CONTINUANCE of three weeks. She will explore remote appearance options. With there being no objection from the State, COURT SO ORDERED.

CUSTODY (COC

CONTINUED TO: 08/17/21 11:00 A.M.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 17, 2021

C-20-352701-1 State of Nevada
vs
Sean Orth

August 17, 2021 11:00 AM Motion

HEARD BY: Cherry, Michael A. **COURTROOM:** RJC Courtroom 03F

COURT CLERK: Erin Burnett

RECORDER: Yvette G. Sison

REPORTER:

PARTIES

PRESENT:	Orth, Sean Rodney	Defendant
	Simmons, Kara M.	Attorney
	State of Nevada	Plaintiff
	Thoman, Charles W.	Attorney

JOURNAL ENTRIES

- Deft. present via Bluejeans.

Extensive statement by Deft. regarding their inability to proceed with their defense during the Covid-19 pandemic and desire to represent themselves. Colloquy regarding Deft's. Motion, their previous Fareta Canvas in Justice Court, if there is a need for stand-by counsel and what their role would be. COURT ORDERED, a Briefing Schedule and Status Check SET. Deft's. Brief DUE by 8/23/2021, State's Reply DUE by 8/30/2021, Deft's. Final Reply DUE by 9/2/2021. Deft's. Request to Remove the Office of the Public Defender and Represent Himself GRANTED; the Public Defender REMOVED as counsel of record.

CUSTODY (COC-NDC)

STATUS CHECK: ARGUMENTS TO DETERMINE IF STAND-BY COUNSEL NEEDS APPOINTING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****September 07, 2021**

C-20-352701-1 State of Nevada
vs
Sean Orth

September 07, 2021 11:00 AM Status Check

HEARD BY: Holthus, Mary Kay**COURTROOM:** RJC Courtroom 03F

COURT CLERK: Erin Burnett
Valeria Guerra
Jessica Quamina
Shelley Boyle

RECORDER: Yvette G. Sison**REPORTER:****PARTIES**

PRESENT:	Demonte, Noreen C.	Attorney
	Simmons, Kara M.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Deft. not present, not transported. Counsel present via Bluejeans.

Ms. Simmons-Gaston noted Deft. is in custody in the Nevada Department of Corrections; Deft. was sentenced on another case while the instant matter is pending. Court allowed Deft. to proceed Pro Se. Ms. Demonte argued nobody is required to be appointed as Stand-by Counsel. COURT ADVISED, It will rely on the Briefs. COURT STATED, Stand-by Counsel will be APPOINTED. They are strictly there to stay informed of the case in the event Deft. chooses to abandon their self representation. Stand-by Counsel will not sit at the defense table, they don't advise Deft; they may be called upon to facilitate discovery or deliberations. There are no legal obligations. They will not advise Deft.

Colloquy regarding Deft. potentially filing an Ineffective Assistance of Counsel Motion. COURT STATED It is just ruling on what is in front of It, the Motion regarding Stand-by Counsel.

CUSTODY (COC-NDC)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 05, 2021

C-20-352701-1 State of Nevada
 vs
 Sean Orth

October 05, 2021 11:00 AM Motion to Dismiss

HEARD BY: Bell, Linda Marie

COURTROOM: RJC Courtroom 14B

COURT CLERK: Natalie Ortega

RECORDER: Vanessa Medina

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Defendant not present; incarcerated in the Nevada Department of Corrections (NDC)

COURT NOTED the Defendant was having issues accessing the Prison Law Library. Further, there were motions scheduled for October 12th. COURT ORDERED, Motion To Dismiss Charges Or In The Alternative Motion For Order Of The Court CONTINUED to October 12, 2021 at 11:00 a.m. and for Defendant's presence.

IN CUSTODY (COC-NDC)

CONT: 10/12/21 11:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 12, 2021

C-20-352701-1 State of Nevada
 vs
 Sean Orth

October 12, 2021 11:00 AM All Pending Motions

HEARD BY: Ballou, Erika; Bonaventure, Joseph T. **COURTROOM:** RJC Courtroom 10C

COURT CLERK: Ro'Shell Hurtado

RECORDER: Susan Schofield

REPORTER:

PARTIES

PRESENT:	Mendoza, Erika	Attorney
	Orth, Sean Rodney	Defendant
	Simmons, Kara M.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Petition for Writ Of Habeas Corpus...Motion Suppress Evidence Obtain in Violation of U.S. Const. Amends IV and XIV and Nev. Const. ART. 1 & 18 Request for Evidentiary Hearing...Motion to Dismiss Charges or in the Alternative Motion fro Order of the Court...Motion to Dismiss Charges for Violation to Double Jeopardy Clauses of the Constitution of Nevada and The Untied States...

As to: Petition for Writ Of Habeas Corpus: Arguments by Deft. in good faith. Following arguments, COURT ORDERED, Petition for Writ Of Habeas Corpus DENIED.

As to: Motion Suppress Evidence Obtain in Violation of U.S. Const. Amends IV and XIV and Nev. Const. ART. 1 & 18 Request for Evidentiary Hearing; Motion to Dismiss Charges or in the Alternative Motion fro Order of the Court: Arguments by Deft. Following arguments, COURT ORDERED, Motion to Dismiss Charges or in the Alternative Motion fro Order of the Court DENIED; Motion Suppress Evidence Obtain in Violation of U.S. Const. Amends IV and XIV and Nev. Const. ART. 1 & 18 Request for Evidentiary Hearing DENIED; advised Ms. Mendoza to prepare order.

As to: Motion to Dismiss Charges for Violation to Double Jeopardy Clauses of the Constitution of Nevada and The Untied States: COURT ORDERED, Motion to Dismiss Charges for Violation to Double Jeopardy Clauses of the Constitution of Nevada and The Untied States DENIED; advised Ms. Mendoza to prepare order.

NCD

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 19, 2021

C-20-352701-1 State of Nevada
 vs
 Sean Orth

October 19, 2021 11:00 AM Calendar Call

HEARD BY: Hardy, Joe

COURTROOM: RJC Courtroom 11D

COURT CLERK: Kristin Duncan
 Jessica Mason

RECORDER: Matt Yarbrough

REPORTER:

PARTIES

PRESENT:	Mendoza, Erika	Attorney
	Orth, Sean Rodney	Defendant
	Simmons, Kara M.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- The State and Defendant present via Blue Jeans.

The Defendant requested time to speak to stand-by counsel, Kara Gaston (nee Simmons), DPD, prior to moving forward with the instant hearing. Matter trailed.

Matter recalled. Ms. Gaston stated that the Defendant would be accepting the State's offer, and she would visit him in the Nevada Department of Corrections (NDC), in order to facilitate the signing of the Guilty Plea Agreement (GPA). The State inquired as to whether the Defendant understood the sentence in the instant would be running consecutive to the Defendant's term of parole in another case. The Defendant stated that he understood. Ms. Gaston suggested that she sign the GPA on the Defendant's behalf, and the Defendant stated that he was amenable to Ms. Gaston signing the GPA on his behalf. COURT ORDERED the trial date was VACATED, and an entry of plea hearing was SET.

CUSTODY (COC)

11/4/21 11:00 AM ENTRY OF PLEA

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 04, 2021

C-20-352701-1 State of Nevada
 vs
 Sean Orth

November 04, 2021 11:00 AM Entry of Plea

HEARD BY: Bluth, Jacqueline M.

COURTROOM: RJC Courtroom 10C

COURT CLERK: Kristen Brown

RECORDER: De'Awna Takas

REPORTER:

PARTIES

PRESENT:	Mendoza, Erika	Attorney
	Orth, Sean Rodney	Defendant
	Simmons, Kara M.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Ms. Gaston present as stand-by counsel for the Deft.

NEGOTIATIONS are as contained in the Guilty Plea Agreement FILED on November 4, 2021. DEFT. ORTH ARRAIGNED AND PLED GUILTY TO STOP REQUIRED ON SIGNAL OF POLICE OFFICER (F). Court ACCEPTED plea, and, ORDERED, matter REFERRED to the Division of Parole and Probation (P & P) and SET for sentencing.

CUSTODY (COC-NDC)

12/16/21 11:00 AM SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 16, 2021

C-20-352701-1 State of Nevada
 vs
 Sean Orth

December 16, 2021 11:00 AM Sentencing

HEARD BY: Holthus, Mary Kay

COURTROOM: RJC Courtroom 03F

COURT CLERK: Stephanie Squyres
 Shelley Boyle

RECORDER: Yvette G. Sison

REPORTER:

PARTIES

PRESENT:	Mendoza, Erika	Attorney
	Orth, Sean Rodney	Defendant
	Simmons, Kara M.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Deputy Public Defender Kara Simmons-Gaston, Esq. present as Stand-by counsel on behalf of Deft.

Deft. stated he did not received a copy of his Pre-Sentence Investigation (PSI) Report. Colloquy regarding Court's receipt of the PSI Report, provision of a copy to Deft. and his stand-by counsel, and Deft's. stipulated sentence. Deft. stated he has also not received the body camera footage and dash-camera footage. COURT ORDERED, matter CONTINUED for review of the PSI Report and discussions with Judge Bluth regarding Deft's. stipulated sentence. Deft. is to file any Motions he thinks are necessary before the next hearing date. State to prepare the Transport Order.

CUSTODY (COC-NDC)

CONTINUED TO: 1.06.22 11:00 A.M.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 06, 2022

C-20-352701-1 State of Nevada
vs
Sean Orth

January 06, 2022 11:00 AM Sentencing

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

COURT CLERK: Teri Berkshire

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT: Mendoza, Erika Attorney
Simmons, Kara M. Attorney
State of Nevada Plaintiff

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Counsel present via video though bluejeans technology. Ms. Simmons present as stand-by counsel for deft.

Deft. not present and in the Nevada Department of Corrections. Court noted the paperwork was not submitted timely, so the prison did not transport deft. COURT ORDERED, matter CONTINUED to the date given for defendant presence. State to prepare an order to transport.

CUSTODY - COC-NDC

01/20/22 11:00 AM SENTENCING

January 24, 2022

Minutes Date: December 18, 2020

02/14/22 8:30 A.M. SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 14, 2022

C-20-352701-1 State of Nevada
 vs
 Sean Orth

February 14, 2022 8:30 AM Sentencing

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

COURT CLERK: Teri Berkshire

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT:	Mendoza, Erika	Attorney
	Orth, Sean Rodney	Defendant
	State of Nevada	Plaintiff
	Stone, Anna Lee	Attorney

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Deft. present via video from the Jail. Ms. Mendoza present on behalf of the state through bluejeans technology. Ms. Dunn Standing in for Ms. Gaston as standby counsel for deft.

Upon Court's inquiry, Deft. stated he would like to withdraw his plea. Court noted it has not received anything and there's nothing in Odyssey. COURT ORDERED, matter CONTINUED to the date given. State to prepare an order to transport.A.M

03/07/22 8:30 A.M. MOTION TO WITHDRAW PLEA

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 07, 2022

C-20-352701-1 State of Nevada
 vs
 Sean Orth

March 07, 2022 8:30 AM All Pending Motions

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

COURT CLERK: Teri Berkshire
Deriontae Green

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT:	Chen, Alexander G.	Attorney
	Orth, Sean Rodney	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- APPEARANCE CONTINUED: Deft. present via video from the Jail. Ms. Gaston present as Stand-by counsel on behalf of deft. through bluejeans technology

DEFENDANT'S MOTION TO WITHDRAW DUE TO CONFLICT.....STATUS CHECK: MOTION TO WITHDRAW PLEA

Statements by deft. advising he never that he never received the motion. Ms. Gaston advised It was mailed and counsel mailed it again last week. Statements by deft. regarding the motion to withdraw plea he filed with the Clerk s office. Court noted that has not been filed yet. Ms. Gaston to follow up .

COURT ORDERED, Matter CONTINUED to the given gate.

3/14/22 8:30 A.M. STATUS CHECK: MOTION TO WITHDRAW PLEA

CUSTODY (COC - NDC)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 14, 2022

C-20-352701-1 State of Nevada
 vs
 Sean Orth

March 14, 2022 8:30 AM All Pending Motions

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

COURT CLERK: Teri Berkshire
Deriontae Green

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT:	Mendoza, Erika	Attorney
	Orth, Sean Rodney	Defendant
	Simmons, Kara M.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Ms. Mendoza present via video through bluejeans technology. Ms. Gaston present as stand by counsel for deft.

MOTION TO WITHDRAW PLEA...STATUS CHECK

Upon Court's inquiry, deft. advised he has not received the motion to withdraw, however he's not opposed to the motion. COURT ORDERED, Motion to Withdraw Due to Conflict, GRANTED. Ms. Gaston advised she reached out to Mr. Christensen's office and was directed to inquire whether or not deft would like standby counsel. Upon Court's inquiry, deft. stated he would like standby counsel. Court so noted and ORDERED, matter CONTINUED to the date given. Court noted the Court will reach out to the Office of appointed counsel and have someone here to accept the appointment as stand by counsel for deft.

C-20-352701-1

CUSTODY

03/30/22 8:30 A.M. COC - OFFICE APPOINTED COUNSEL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 30, 2022

C-20-352701-1 State of Nevada
vs
Sean Orth

March 30, 2022 8:30 AM All Pending Motions

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

COURT CLERK: Teri Berkshire
Deriontae Green

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT: Mendoza, Erika Attorney
Orth, Sean Rodney Defendant
State of Nevada Plaintiff

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Deft present via video through bluejeans technology.

COURT ORDERED, Mr. Kozal appointed as Stand-by counsel. FURTHER COURT ORDERED, State to prepare Transport Order. Matter CONTINUED to the date given. Court directed Mr. Kozal to call deft.

CUSTODY (COC-NDC)

4/13/22 8:30 A.M. DEFENDANT'S PRO SE MOTION TO WITHDRAW PLEA OF
GUILTY/MOTION TO DISMISS CHARGES AS VIOLATIVE OF BROWN V. OHIO, 432 U.S. 161
(1977)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 13, 2022

C-20-352701-1 State of Nevada
 vs
 Sean Orth

April 13, 2022

8:30 AM

Motion

HEARD BY: Jones, Tierra

COURTROOM: RJC Courtroom 14B

COURT CLERK: Teri Berkshire
Deriontae Green

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT: Mendoza, Erika Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- APPEARANCES CONTINIUED: Deft present via video from the jail. Ms. Mendoza present via video on behalf of the State through bluejeans technology. Mr. Kozal present as stand by counsel for deft.

Statements by deft. Matter submitted. COURT ORDERED, Matter CONTINUED to the date given.

CUSTDY (COC-NDC)

05/02/22 8:30 A.M. STATUS CHECK: DECISION

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

C-20-352701-1 State of Nevada
vs
Sean Orth

April 21, 2022**4:01 PM****Minute Order****HEARD BY:** Jones, Tierra**COURTROOM:** Chambers**COURT CLERK:** Michelle Jones**RECORDER:****REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- Following review of the papers and pleadings on file herein, COURT ORDERS, Defendant s Motion to Withdraw Plea and Motion to Dismiss is DENIED.

A guilty plea is not invalid as long as the totality of the circumstances, as shown by the record, demonstrates that the plea was knowingly and voluntarily made and that the defendant understood the nature of the offense and the consequences of the plea. See *Hurd v. State*, 114 Nev. 182 (1998). A district court may grant a Defendant s motion to withdraw guilty plea at any time prior to sentencing if doing so would be fair and just. *Stevenson v. State*, 131 Nev. 598 (2015). In determining whether withdrawal is appropriate, the court should consider the totality of the circumstances. *Id.*

In this case, the totality of the circumstances, as shown by the record, demonstrate that the plea was knowingly and voluntarily made. The record, including the plea canvass and the defendant s responses, indicates that the plea was knowingly and voluntarily made. Defendant argues that he was denied access to law library and legal research materials, preventing him from knowingly and voluntarily entering his plea. This claim is belied by the record. The totality of the circumstances and the record indicates that the defendant s plea was knowingly and voluntarily made. Defendant also argues that he was denied access to body camera footage, thereby preventing him from knowingly and voluntarily netering his plea. Again this claim is belied by the record. The totality of the circumstances and the record indicates that the defendant s plea was knowingly and voluntarily made. As such, the Defendant s Motion to Withdraw Plea is DENIED.

In Defendant s Motion to Dismiss, Defendant argues that double jeopardy prevents him from being charged in this case because he plead guilty to Resisting a Public Officer in Henderson Municipal Court for a charge arising out of the same event. This claim fails. As the acts charged in Henderson Municipal Court are not lesser included offenses of the acts of the instant case, the analysis in *Brown v. Ohio*, 432 U.S. 161 (1977) is not applicable here. As such, Defendant s Motion to Dismiss is DENIED.

CLERK S NOTE: A copy of this minute order was distributed via Odyssey File and Serve and mailed to the Defendant: Sean Rodney Orth

PO Box 650

Indian Springs, NV 89070

/ mj (4-21-22)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 22, 2022

C-20-352701-1 State of Nevada
 vs
 Sean Orth

June 22, 2022

8:30 AM

Motion to Dismiss

HEARD BY: Jones, Tierra

COURTROOM: RJC Courtroom 14B

COURT CLERK: Teri Berkshire
 LaCarol Kelley

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT: Kozal, Marcus Kent Attorney
 Mendoza, Erika Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- Defendant not present and in custody in the Nevada Department of Corrections.

COURT STATED they have not received an opposition. Ms. Mendoza stated she did not receive a copy of the Motion, and did not have time to transport the Defendant, and requested the matter be continued, adding there is an order to transport. Mr. Kozal stated he did not receive a Pre-Sentence Investigation (PSI) Report. COURT STATED there was a previous PSI when the Defendant was originally set for sentencing, before all the motion practice, adding there is a PSI in the file. COURT ORDERED, matter CONTINUED.

CUSTODY (COC-NDC)

06/27/2022 8:30 A.M. MOTION TO DISMISS CHARGES

06/27/2022 8:30 A.M. . SENTENCING

CLERK S NOTE: This Minute Order has been completed by listening to the JAVs recording. (7-25-2022 ks)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 27, 2022

C-20-352701-1 State of Nevada
 vs
 Sean Orth

June 27, 2022

8:30 AM

All Pending Motions

HEARD BY: Jones, Tierra

COURTROOM: RJC Courtroom 14B

COURT CLERK: Teri Berkshire

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT:	Kozal, Marcus Kent	Attorney
	Mendoza, Erika	Attorney
	Orth, Sean Rodney	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Mr. Kozal present as stand by counsel for deft. in pro se. Statements by deft. advising he just recieved the opposition this morning. Colloquy regarding issues with the PSI. Court noted the Court is not going order a new PSI. COURT ORDERED, matter CONTINUED for deft to submit an Reply by 7-12-22. FURTHER COURT ORDERED, State to do an order to transport.

CUSTODY (COC-NDC)

07/18/22 8:30 A.M.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 18, 2022

C-20-352701-1 State of Nevada
vs
Sean Orth

July 18, 2022

8:30 AM

All Pending Motions

HEARD BY: Jones, Tierra

COURTROOM: RJC Courtroom 14B

COURT CLERK: Kathryn Hansen-McDowell

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT:	Mendoza, Erika	Attorney
	Orth, Sean Rodney	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Stand By Counsel, Marcus Kozal, also present.

MOTION TO DISMISS CHARGES...SENTENCING

Court noted it received the Motion to Dismiss Charges and the opposition and inquired where the matter stood. Pro Se Defendant stated he filed a reply, mailed nine days ago but Mr. Kozal stated it was not in Odyssey as of yesterday. Colloquy regarding the reply, Ms. Mendoza stated no one has seen the reply. COURT stated it wants to read the reply so the matter would be continued; however, it advised if the motion was denied this case would be proceeding with sentencing. COURT ORDERED, matter CONTINUED. Pro Se Defendant stated he filed a writ of habeas corpus to the Supreme Court with regard to double jeopardy and argued to invoke jurisdiction, requested the Court review double jeopardy and objected to proceeding with sentencing. COURT STATED, it would stay the matter if a stay was in place by higher court otherwise the matter would be going forward.

CUSTODY (NDC)

CONTINUED TO: 08/01/2022 8:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

C-20-352701-1 State of Nevada
vs
Sean Orth

August 01, 2022**8:30 AM****All Pending Motions****HEARD BY:** Jones, Tierra**COURTROOM:** RJC Courtroom 14B**COURT CLERK:** Pharan Burchfield**RECORDER:** Victoria Boyd**REPORTER:****PARTIES**

PRESENT:	Orth, Sean Rodney	Defendant
	State of Nevada	Plaintiff
	Thoman, Charles W.	Attorney

JOURNAL ENTRIES**- MOTION TO DISMISS CHARGES . . . SENTENCING**

Mr. Marcus Kent Kozal, Esq., as standby counsel, also present. Arguments made by Mr. Orth and Ms. Mendoza regarding Defendant's Motion to Dismiss Charges and double jeopardy challenge. COURT STATED its FINDINGS and ORDERED Motion to Dismiss Charges DENIED and going forward with Sentencing. Defendant indicated filing an Appeal. COURT SO NOTED.

Statement made by Defendant. DEFT. ORTH ADJUDGED GUILTY of STOP REQUIRED ON SIGNAL OF POLICE OFFICER (F). COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, \$150.00 DNA Analysis fee, including testing to determine genetic markers, WAIVED as previously taken, and \$3.00 DNA Collection fee, Deft. SENTENCED to a MINIMUM of TWELVE (12) MONTHS and a MAXIMUM of THIRTY (30) MONTHS in the Nevada Department of Corrections (NDC); CONCURRENT to CR051459; with ZERO (0) DAYS credit for time served. BOND, if any, EXONERATED.

NDC

Certification of Copy

State of Nevada }
County of Clark } SS:

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

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT
DOCKET ENTRIES; JUDGMENT OF CONVICTION (PLEA OF GUILTY); DISTRICT COURT
MINUTES

STATE OF NEVADA,

Plaintiff(s),

vs.

SEAN RODNEY ORTH,

Defendant(s).

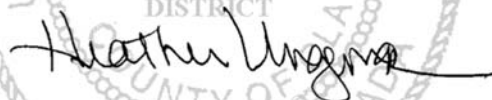
Case No: C-20-352701-1

Dept No: X

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 24 day of August 2022.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk

