

*Steven D. Grierson*

Erin Ware  
(Name)  
1019483  
(I.D. No.)  
Northern Nevada Correctional Center  
Post Office Box 7000  
Carson City, Nevada 89702

Electronically Filed  
Sep 15 2022 04:06 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

IN THE 8th JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF Clark

Erin Ware  
Petitioner/Plaintiff,  
vs.  
The State of Nevada  
Respondent/Defendant

Case No.: C-15-310099-1  
Dept. No. 21

**NOTICE OF APPEAL**

NOTICE IS HEREBY GIVEN that I, Erin Ware appeal the  
Judgment / Order entered on the 8/16 day of August, 2022 by this  
court.

Dated this 23 day of August, 2022.

*[Signature]*

(Signature)

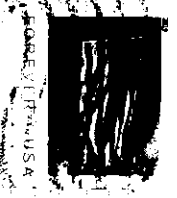
RECEIVED

SEP 01 2022

CLERK OF THE COURT

Erin Ware #1017483  
NINEC  
PO Box 7000  
Carson City NV 89702

30 AUG 2023 PM 12 11



LEGAL MAIL  
CONFIDENTIAL

"LEGAL"

9510136300

Clerk of the Court  
200 Lewis Ave  
Las Vegas NV 89155

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NORTHERN NEVADA CORRECTIONAL CENTER  
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1 ASTA

2  
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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 ERIN DESHAUN WARE,

14 Defendant(s),  
15

Case No: C-15-310099-1

Dept No: XXI

16  
17 **CASE APPEAL STATEMENT**  
18

- 19 1. Appellant(s): Erin Ware  
20 2. Judge: Tara Clark Newberry  
21 3. Appellant(s): Erin Ware

22 Counsel:

23 Erin Ware #1017483  
24 P.O. Box 7000  
Carson City, NV 89702

- 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: October 15, 2015

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

Type of Judgment or Order Being Appealed: Unknown

11. Previous Appeal: Yes

Supreme Court Docket Number(s): 84262

12. Child Custody or Visitation: N/A

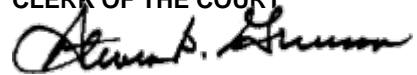
Dated This 9 day of September 2022.

Steven D. Grierson, Clerk of the Court

/s/ Amanda Hampton

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

cc: Erin Ware



Erin Ware, 1017483  
Northern Nevada Correctional Center  
P.O. Box 7000  
Carson City, Nevada 89702  
Appellant, In Proper Person

IN THE 8th JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF CLARK

Erin Ware  
Appellant,  
Vs.  
State of Nevada  
Respondent.

CASE No. C-15-310099-1  
DEPT. No. 21  
Dkt. No. 2

**DESIGNATION OF RECORD ON APPEAL**

Please take notice that Erin Ware, Appellant, and in his proper person, hereby files this Designation of Record on Appeal in the above entitled action, pursuant to NRAP 10(b); and respectfully herein asks this Honorable Court to designate the record on appeal, to be certified by the Clerk of the District Court and transcribed to the Clerk of the Nevada Court of Appeals: All motions, pleadings, judgments and transcripts.

DATED this 23 day of August, 2022

RESPECTFULLY SUBMITTED,

  
Appellant, In Propria Persona

**CERTIFICATE OF SERVICE BY MAIL**

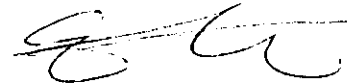
Pursuant to NRCp Rule 5(b), I hereby certify that I am the Defendant named

herein and that on this 23 day of August, 2023 I mailed a

true and correct copy of the foregoing NOTICE OF APPEAL to the following:

Clark County District Attorney

~~\_\_\_\_\_~~  
Clerk of the Court

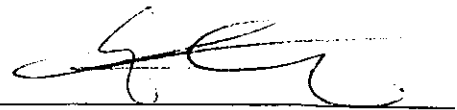


(Signature)

**AFFIRMATION PURSUANT TO NRS 239B.030**

\*\* I certify that the foregoing document DOES NOT contain the social security number of any persons.

8/23/2022  
(Date)

  
(Signature)

**CASE SUMMARY**  
**CASE NO. C-15-310099-1**

\$	Location:	<b>Department 21</b>
\$	Judicial Officer:	<b>Clark Newberry, Tara</b>
\$	Filed on:	<b>10/15/2015</b>
\$	Case Number History:	
\$	Cross-Reference Case	<b>C310099</b>
\$	Number:	
\$	Defendant's Scope ID #:	<b>2652033</b>
\$	ITAG Booking Number:	<b>0</b>
\$	ITAG Case ID:	<b>1713717</b>
\$	Lower Court Case # Root:	<b>15F10849</b>
\$	Lower Court Case Number:	<b>15F10849X</b>
\$	Metro Event Number:	<b>1506102629</b>
\$	Supreme Court No.:	<b>84262</b>

Offense	Statute	Deg	Date	Case Type:	Felony/Gross Misdemeanor
Jurisdiction: <b>District Court</b>					
1. ROBBERY WITH USE OF A DEADLY WEAPON PCN: 0029612068 ACN: 1506102629 <i>Filed As:</i> BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON Arrest: 06/10/2015 MET - Metro	200.380	F	06/10/2015	Case Status:	<b>04/11/2018 Closed</b>
2. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON <i>Filed As:</i> ROBBERY WITH USE OF A DEADLY WEAPON	200.010	F	06/10/2015		
3. SOLICITATION TO COMMIT MURDER <i>Filed As:</i> ROBBERY WITH USE OF A DEADLY WEAPON	199.500.2	F	06/10/2015		
4. BATTERY WITH INTENT TO COMMIT A CRIME	200.400.2	F	06/10/2015		
5. BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM	200.481.2e2	F	06/10/2015		
6. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON	200.010	F	06/10/2015		
7. ASSAULT WITH USE OF A DEADLY WEAPON	200.471.2b	F	06/10/2015		
8. DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE OR VEHICLE	202.287.1b	F	06/10/2015		
9. DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE OR VEHICLE	202.287.1b	F	06/10/2015		
10. DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE OR VEHICLE	202.287.1b	F	06/10/2015		
11. OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON	202.360.1	F	06/10/2015		
12. SOLICITATION TO COMMIT MURDER	199.500.2	F	06/10/2015		

A-21-842235-W (Writ Related Case)  
C-16-311782-1 (Consolidated)

04/11/2018 Guilty Plea with Sentence (before trial) (CR)

Printed on 09/09/2022 at 3:45 PM

**CASE SUMMARY****CASE NO. C-15-310099-1**Date Assigned  
Judicial Officer01/04/2021  
Clark Newberry, Tara**PARTY INFORMATION**
















<b>Defendant</b>	<b>Ware, Erin Deshaun</b>	<i>Lead Attorneys</i>
<b>Plaintiff</b>	<b>State of Nevada</b>	<b>Wolfson, Steven B</b> 702-671-2700(W)

DATE	EVENTS & ORDERS OF THE COURT	INDEX
<b><u>EVENTS</u></b>		
10/15/2015	 Criminal Bindover - Confidential <i>[1] Criminal Bindover (Confidential)</i>	<i>In #1</i>
10/16/2015	 Information <i>[2] Information</i>	<i>In #2</i>
10/20/2015	 Amended Information <i>[3] Amended Information</i>	<i>In #3</i>
10/27/2015	 Amended Information <i>[4] Second Amended Information</i>	<i>In #4</i>
11/06/2015	 Notice of Witnesses and/or Expert Witnesses <i>[5] Notice of Witnesses and/or Expert Witnesses [NRS 174.234]</i>	<i>In #5</i>
11/12/2015	 Supplemental Witness List <i>[6] Supplemental Notice of Witnesses and/or Expert Witnesses [NRS 174.234]</i>	<i>In #6</i>
11/14/2015	 Transcript of Proceedings <i>[7] Transcript of Hearing Held on October 15, 2015</i>	<i>In #7</i>
02/01/2016	 Notice of Motion <i>[8] Notice of Motion and Motion to Consolidate, or in the Alternative, Motion to Admit Evidence of Other Acts Pursuant to NRS 48.045(2)</i>	<i>In #8</i>
02/04/2016	 Notice of Motion <i>[9] Notice of Motion and Motion to Permit the State to Introduce Res Gestae Evidence and Evidence of Flight</i>	<i>In #9</i>
02/10/2016	 Supplemental Witness List <i>[10] Second Supplemental Notice of Witnesses and/or Expert Witnesses [NRS 174.234]</i>	<i>In #10</i>
02/18/2016	 Order to Release Medical Records <i>[11] Ex Parte Motion and Order Releasing all Medical Records</i>	<i>In #11</i>
02/19/2016	 Opposition to Motion	<i>In #12</i>



# CASE SUMMARY

CASE NO. C-15-310099-1

	<i>[12] Defendant's Opposition to State's Motion to Consolidate, or in the Alternative, Motion to Admit Evidence of Other Acts Pursuant to NRS 48.045(2)</i>	
02/22/2016	 Opposition to Motion <i>[13] Defendant's Opposition to State's Motion to Permit the State to Introduce Res Gestae Evidence and Evidence of Flight</i>	In #1
05/11/2016	 Decision and Order <i>[14] Decision and Order</i>	In #1
05/12/2016	 Decision and Order <i>[15] Decision and Order</i>	In #1
06/27/2016	 Motion to Reduce <i>[16] Defendant's Motion for Bail Reduction</i>	In #1
06/29/2016	 Opposition to Motion <i>[17] State's Opposition to Defendant's Motion to Reduce Bail</i>	In #1
07/06/2016	 Amended Information <i>[18] Third Amended Information</i>	In #1
08/04/2016	 Motion to Continue Trial <i>[19] Motion to Continue Trial</i>	In #1
08/05/2016	 Opposition to Motion <i>[20] State's Opposition to Defendant's Motion to Continue Trial</i>	In #2
08/12/2016	 Motion for Discovery <i>[21] Motion for Discovery</i>	In #2
08/12/2016	 Order to Release Medical Records <i>[22] Order Releasing Medical Records</i>	In #2
08/18/2016	 Opposition to Motion <i>[23] Opposition to Defendant's Motion for Discovery</i>	In #2
12/07/2016	 Supplemental Witness List <i>[24] Third Supplemental Notice of Witnesses and/or Expert Witnesses [NRS 174.234]</i>	In #2
12/08/2016	 Supplemental Witness List <i>[25] Fourth Supplemental Notice of Witnesses and/or Expert Witnesses [NRS 174.234]</i>	In #2
12/21/2016	 Motion to Dismiss <i>[26] Motion to Dismiss Due to Failure to Preserve Exculpatory Evidence</i>	In #2
12/27/2016	 Opposition to Motion	In #2

# CASE SUMMARY







CASE NO. C-15-310099-1

	<i>[27] State's Opposition to Defendant's Motion to Dismiss Due to Failure to Preserve Exculpatory Evidence</i>	
12/30/2016	 Motion to Dismiss <i>[28] Motion to Dismiss Due to Continued State Misconduct and Violations of Defendant's Fifth, Sixth and Fourteenth Amendment Rights, or in the Alternative, Motion to Suppress</i>	In #2
12/30/2016	 Supplement <i>[29] Supplement to Defendant's Motion to Dismiss Due to Continued State Misconduct and Violations of Defendant's Fifth, Sixth and Fourteenth Amendment Rights, or in the Alternative, Motion to Suppress</i>	In #2
01/06/2017	 Motion to Withdraw As Counsel <i>[30] Motion to Withdraw Due to Conflict</i>	In #3
07/21/2017	 Motion Filed By: Defendant Ware, Erin Deshaun <i>[31] Motion to Authorize Clark County Detention Center to Procure Prescription Eyewear for Defendant</i>	In #3
07/27/2017	 Opposition to Motion Filed By: Plaintiff State of Nevada <i>[32] Specially Appearing Interested Party Sheriff Lombardo's Opposition to Motion to Authorize Clark County Detention Center to Procure Prescription Eyewear for Defendant</i>	In #3
08/15/2017	 Motion to Continue Trial Filed By: Defendant Ware, Erin Deshaun <i>[33] Motion to Continue Trial Date</i>	In #3
10/25/2017	 Order to Transport Defendant <i>[34] Order for Transport</i>	In #3
01/30/2018	 Notice of Witnesses Party: Defendant Ware, Erin Deshaun <i>[35] Notice of Alibi Witnesses and Notice of Witnesses [NRS 174.233 and 174.234]</i>	In #3
02/06/2018	 Opposition to Motion <i>[36] State's Opposition to Defendant's Motion to Dismiss Due to Continued State Misconduct and Violations of Defendant's Fifth, Sixth, and Fourteenth Amendment Rights, or in the Alternative, Motion to Suppress</i>	In #3
02/07/2018	 Guilty Plea Agreement <i>[37] Guilty Plea Agreement</i>	In #3
02/07/2018	 Amended Information <i>[38] Fourth Amended Information</i>	In #3
03/15/2018	 PSI <i>[39] Presentence Investigation Report (Unfiled) Confidential</i>	In #3
04/11/2018	 Criminal Order to Statistically Close Case <i>[40] Criminal Order to Statistically Close Case</i>	In #4

**CASE SUMMARY****CASE NO. C-15-310099-1**

04/19/2018	 Judgment of Conviction <i>[41] Judgment of Conviction (Plea of Guilty)</i>	In #4
01/07/2019	Case Reassigned to Department 18 <i>Judicial Reassignment - From Judge Togliatti to Judge Holthus</i>	
01/04/2021	Case Reassigned to Department 21 <i>Judicial Reassignment to Judge Tara Clark Newberry</i>	
03/22/2021	 Motion to Modify Sentence Filed By: Defendant Ware, Erin Deshaun <i>[42] Motion for Modification of Sentence and/or Correct Illegal Sentence</i>	In #4
04/06/2021	 Opposition to Motion Filed By: Plaintiff State of Nevada <i>[43] State's Opposition to Defendant's Motion for Modification of Sentence and/or Correct Illegal Sentence</i>	In #4
04/21/2021	 Motion Filed By: Defendant Ware, Erin Deshaun <i>[44] Motion for Mercy/Compassionate Release</i>	In #4
05/10/2021	 Response <i>[45] State's Response to Defendant's Motion for Compassionate Release</i>	In #4
05/24/2021	 Order Denying Motion Filed By: Plaintiff State of Nevada <i>[46] Order Denying Defendant's Motion for Modification of Sentence and/or Correct Illegal Sentence</i>	In #4
01/04/2022	 Findings of Fact, Conclusions of Law and Order <i>[47] Findings of Fact, Conclusions of Law and Order</i>	In #4
01/06/2022	 Notice of Entry Filed By: Defendant Ware, Erin Deshaun <i>[48] Notice of Entry of Findings of Fact, Conclusions of Law and Order</i>	In #4
02/07/2022	 Notice of Appeal (Criminal) <i>[49] Motion for Appeal of Findings and Facts, Conclusions of Law and Order (Habeas Corpus)</i>	In #4
02/18/2022	 Case Appeal Statement <i>[50] Case Appeal Statement</i>	In #5
03/04/2022	 Motion <i>[51] Motion for Compassionate/Mercy Release</i>	In #5
04/13/2022	 Order Denying Motion <i>[52] Order Denying Defendant's Pro Se Motion for Compassionate/Mercy Release</i>	In #5
06/29/2022	 Motion for Appointment of Attorney Filed By: Defendant Ware, Erin Deshaun	In #5

**CASE SUMMARY**  
**CASE NO. C-15-310099-1**

	<i>[53] Motion for Appointment of Attorney</i>	
06/29/2022	 Application to Proceed in Forma Pauperis Filed By: Defendant Ware, Erin Deshaun <i>[54] Application to Proceed in Forma Pauperis</i>	In #2
07/20/2022	 Opposition <i>[55] State's Opposition to Defendant's Motion for Appointment of Counsel</i>	In #2
07/28/2022	 Order Denying Motion <i>[56] ORDER DENYING DEFENDANT'S MOTION FOR APPOINTMENT OF COUNSEL</i>	In #2
09/08/2022	 Notice of Appeal (Criminal) <i>[57] Notice of Appeal</i>	In #2
09/08/2022	 Designation of Record on Appeal <i>[58] Designation of Record on Appeal</i>	In #2
09/09/2022	 Case Appeal Statement <i>Case Appeal Statement</i>	In #2
	<b><u>DISPOSITIONS</u></b>	
02/07/2018	<b>Disposition</b> (Judicial Officer: Togliatti, Jennifer) 4. BATTERY WITH INTENT TO COMMIT A CRIME Amended Information Filed/Charges Not Addressed PCN: Sequence:  5. BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM Amended Information Filed/Charges Not Addressed PCN: Sequence:  6. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON Amended Information Filed/Charges Not Addressed PCN: Sequence:  7. ASSAULT WITH USE OF A DEADLY WEAPON Amended Information Filed/Charges Not Addressed PCN: Sequence:  8. DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE OR VEHICLE Amended Information Filed/Charges Not Addressed PCN: Sequence:  9. DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE OR VEHICLE Amended Information Filed/Charges Not Addressed PCN: Sequence:  10. DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE OR VEHICLE Amended Information Filed/Charges Not Addressed PCN: Sequence:  11. OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON Amended Information Filed/Charges Not Addressed PCN: Sequence:  12. SOLICITATION TO COMMIT MURDER	

# CASE SUMMARY

CASE NO. C-15-310099-1

Amended Information Filed/Charges Not Addressed

PCN: Sequence:

02/07/2018 **Plea** (Judicial Officer: Togliatti, Jennifer)

1. ROBBERY WITH USE OF A DEADLY WEAPON  
Guilty  
PCN: 0029612068 Sequence:
2. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON  
Guilty  
PCN: Sequence:
3. SOLICITATION TO COMMIT MURDER  
Guilty  
PCN: Sequence:

04/10/2018 **Disposition** (Judicial Officer: Togliatti, Jennifer)

1. ROBBERY WITH USE OF A DEADLY WEAPON  
Guilty  
PCN: 0029612068 Sequence:
2. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON  
Guilty  
PCN: Sequence:
3. SOLICITATION TO COMMIT MURDER  
Guilty  
PCN: Sequence:

04/10/2018 **Adult Adjudication** (Judicial Officer: Togliatti, Jennifer)

1. ROBBERY WITH USE OF A DEADLY WEAPON  
06/10/2015 (F) 200.380 (DC50138)  
PCN: 0029612068 Sequence:

---

Sentenced to Nevada Dept. of Corrections  
Term: Minimum:72 Months, Maximum:180 Months  
Consecutive Enhancement:Use of a Deadly Weapon, Minimum:12 Months, Maximum:120 Months

04/10/2018 **Adult Adjudication** (Judicial Officer: Togliatti, Jennifer)

2. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON  
06/10/2015 (F) 200.010 (DC50031)  
PCN: Sequence:

---

Sentenced to Nevada Dept. of Corrections  
Term: Minimum:72 Months, Maximum:180 Months  
Consecutive Enhancement:Use of a Deadly Weapon, Minimum:48 Months, Maximum:120 Months  
Consecutive: Charge 1

04/10/2018 **Adult Adjudication** (Judicial Officer: Togliatti, Jennifer)

3. SOLICITATION TO COMMIT MURDER  
06/10/2015 (F) 199.500.2 (DC50037)  
PCN: Sequence:

---


Sentenced to Nevada Dept. of Corrections  
Term: Minimum:48 Months, Maximum:180 Months  
Concurrent: Charge 1 & 2  
Credit for Time Served: 971 Days  
Other Fees  
1. , \$48,823.79 To Victim's of Crime


**CASE SUMMARY****CASE NO. C-15-310099-1**


## Fee Totals:

Administrative Assessment Fee	25.00
\$25	
Fee Totals \$	25.00
\$150 Taken	


**HEARINGS**


10/19/2015  **Initial Arraignment** (10:00 AM) (Judicial Officer: De La Garza, Melisa)  
 Matter Continued;  
 Journal Entry Details:  
*Court noted the lack of appearance made by the defendant today. Attorney Waldo states the defendant was taken to the hospital today. Therefore, COURT ORDERED, matter CONTINUED as requested by defense. There was no opposition made by the state. CUSTODY 10/27/15 10:00 A.M. ARRAIGNMENT CONTINUED (LLA) ;*

10/27/2015  **Arraignment Continued** (10:00 AM) (Judicial Officer: De La Garza, Melisa)  
 Trial Date Set;  
 Journal Entry Details:  
*DEFT. WARE ARRAIGNED, PLED NOT GUILTY, and INVOKED the 60-DAY RULE. COURT ORDERED, matter set for trial. As the available trial dates within the 60-day limit will not allow his/her attorney adequate preparation time, Deft. WAIVED ELEVEN (11) DAYS to the next criminal trial stack. COURT ORDERED, pursuant to Statute, Counsel has 21 days from today for the filing of any Writs; if the Preliminary Hearing Transcript has not been filed as of today, Counsel has 21 days from the filing of the Transcript. CUSTODY 12/17/15 9:00 AM CALENDAR CALL (DEPT. 9) 1/04/16 10:30 AM JURY TRIAL (DEPT. 9);*

12/17/2015  **Calendar Call** (9:00 AM) (Judicial Officer: Barker, David)  
 Vacated and Reset;  
 Journal Entry Details:  
*Ms. Waldo advised she is not ready for trial and made an oral request to continue, noting the Defendant is willing to waive her speedy trial rights. Further, Ms. Waldo advised there is a lot of discovery, additional investigation must be done, and she will need to retain an expert. Upon Court's inquiry, Defendant WAIVED her speedy trial rights. State advised it was ready for trial and noted all forensic testing was done before the preliminary hearing. Further, State advised a detective file review has been completed and all discovery has been provided. State requested a quick trial setting and advised it is not opposed to the continuance. COURT ORDERED, oral request to continue GRANTED; trial date VACATED and RESET. CUSTODY 03/17/16 9:00 AM CALENDAR CALL 03/28/16 10:30 AM JURY TRIAL;*

01/04/2016 **CANCELED Jury Trial** (10:30 AM) (Judicial Officer: Togliatti, Jennifer)  
*Vacated - per Judge*

02/25/2016  **Motion to Consolidate** (9:00 AM) (Judicial Officer: Togliatti, Jennifer)  
**02/25/2016, 03/01/2016, 03/09/2016**  
*State's Motion to Consolidate, or in the Alternative, Motion to Admit Evidence of Other Acts Pursuant to NRS 48.045 (2)*  
 Continued;  
 Continued;  
 Matter Heard;  
 Journal Entry Details:  
*See written decision filed 5/11/16.;*  
 Continued;  
 Continued;  
 Matter Heard;  
 Continued;  
 Continued;  
 Matter Heard;

02/25/2016  **Motion** (9:00 AM) (Judicial Officer: Togliatti, Jennifer)  
**02/25/2016, 03/01/2016, 03/09/2016**  
*State's Motion to Permit the State to Introduce Res Gestae Evidence and Evidence of Flight*  
 Continued;

# CASE SUMMARY

CASE NO. C-15-310099-1

Continued;  
Matter Heard;  
Journal Entry Details:  
*See written decision filed 5/11/16.;*  
Continued;  
Continued;  
Matter Heard;  
Continued;  
Continued;  
Matter Heard;

02/25/2016



**All Pending Motions (9:00 AM)** (Judicial Officer: Togliatti, Jennifer)

Matter Heard;  
Journal Entry Details:  
*STATE'S MOTION TO CONSOLIDATE, OR IN THE ALTERNATIVE, MOTION TO ADMIT EVIDENCE OF OTHER ACTS PURSUANT TO NRS 48.045(2) ... STATE'S MOTION TO PERMIT THE STATE TO INTRODUCE RES GESTAE EVIDENCE AND EVIDENCE OF FLIGHT CONFERENCE AT THE BENCH. COURT advised that based on it's schedule it has not had enough time to review the motions and ORDERED, matter CONTINUED. Further, COURT noted Ms. Gregory advised at the bench she does not anticipate being ready for trial and at her request ORDERED, calendar call and trial date VACATED and matter SET for status check. Upon Court's inquiry, Defendant advised he understands. State objected to resetting the trial noting all discovery, including the DNA testing, has been provided and they are ready for trial. Ms. Gregory argued it takes time to review the DNA. COURT ORDERED, oral request to vacate the trial date GRANTED; matter SET for status check. COURT FURTHER ORDERED, motions CONTINUED. CUSTODY (COC) 3/1/16 9:00 AM STATUS CHECK: RESET TRIAL DATE / STATE'S MOTION TO CONSOLIDATE, OR IN THE ALTERNATIVE, MOTION TO ADMIT EVIDENCE OF OTHER ACTS PURSUANT TO NRS 48.045(2) / STATE'S MOTION TO PERMIT THE STATE TO INTRODUCE RES GESTAE EVIDENCE AND EVIDENCE OF FLIGHT ;*

03/01/2016

**Status Check: Reset Trial Date (9:00 AM)** (Judicial Officer: Togliatti, Jennifer)

Matter Heard;

03/01/2016



**All Pending Motions (9:00 AM)** (Judicial Officer: Togliatti, Jennifer)

Matter Heard;  
Journal Entry Details:  
*STATUS CHECK: RESET TRIAL DATE ... STATE'S MOTION TO CONSOLIDATE, OR IN THE ALTERNATIVE, MOTION TO ADMIT EVIDENCE OF OTHER ACTS PURSUANT TO NRS 48.045(2) ... STATE'S MOTION TO PERMIT THE STATE TO INTRODUCE RES GESTAE EVIDENCE AND EVIDENCE OF FLIGHT STATE'S MOTION TO CONSOLIDATE, OR IN THE ALTERNATIVE, MOTION TO ADMIT EVIDENCE OF OTHER ACTS PURSUANT TO NRS 48.045(2) Argument in support of the motion by State, noting the evidence is cross admissible. Argument against the motion by Ms. Gregory, noting they are separate case and not relevant to identity or cross admissibility. COURT ORDERED, matter CONTINUED to the Court's chamber calendar for decision. STATE'S MOTION TO PERMIT THE STATE TO INTRODUCE RES GESTAE EVIDENCE AND EVIDENCE OF FLIGHT Argument in support of their respective positions by counsel. COURT ORDERED, matter CONTINUED to the Court's chamber calendar for decision. STATUS CHECK: RESET TRIAL DATE Colloquy regarding trial date. COURT ORDERED, matter SET for trial. CUSTODY (COC) 3/9/16 (CHAMBERS) STATE'S MOTION TO CONSOLIDATE, OR IN THE ALTERNATIVE, MOTION TO ADMIT EVIDENCE OF OTHER ACTS PURSUANT TO NRS 48.045(2) / STATE'S MOTION TO PERMIT THE STATE TO INTRODUCE RES GESTAE EVIDENCE AND EVIDENCE OF FLIGHT 8/11/16 9:00 AM CALENDAR CALL 8/22/16 10:30 AM JURY TRIAL;*

03/17/2016

**CANCELED Calendar Call (9:00 AM)** (Judicial Officer: Togliatti, Jennifer)

*Vacated - per Judge*

03/28/2016

**CANCELED Jury Trial (10:30 AM)** (Judicial Officer: Togliatti, Jennifer)

*Vacated - per Judge*

06/30/2016



**Motion to Reduce (9:00 AM)** (Judicial Officer: Bixler, James)

*Defendant's Motion for Bail Reduction*




Denied;

Journal Entry Details:

*Upon Court's inquiry, counsel advised this case has already been consolidated. Ms. Waldo provided a letter from the Defendant to the Court. Argument in support of the motion by Ms. Waldo. Statement by Defendant. COURT ORDERED, motion DENIED. CUSTODY (COC);*

# CASE SUMMARY

CASE NO. C-15-310099-1

08/11/2016	 <b>Calendar Call</b> (9:00 AM) (Judicial Officer: Togliatti, Jennifer) <b>08/11/2016, 08/16/2016</b> Continued; Trial Date Set; Journal Entry Details: <i>COURT STATED it already GRANTED the Defense Motion to Continue, however, continued the Calendar Call for resetting of the Trial. CONFERENCE AT BENCH. COURT ORDERED, Trial VACATED and RESET to the dates selected at the bench. CUSTODY (COC) 11/8/16 9:00 AM STATUS CHECK: TRIAL READINESS 1/12/17 9:00 AM CALENDAR CALL 1/23/17 10:30 AM JURY TRIAL ;</i> Continued; Trial Date Set;
08/11/2016	<b>Motion to Continue Trial</b> (9:00 AM) (Judicial Officer: Togliatti, Jennifer) <i>Defendant's Motion to Continue Trial</i> Granted;
08/11/2016	 <b>All Pending Motions</b> (9:00 AM) (Judicial Officer: Togliatti, Jennifer) <i>Calendar Call and Deft's Motion to Continue Trial</i> Continued; Journal Entry Details: <i>CALENDAR CALL...DEFT'S MOTION TO CONTINUE TRIAL COURT noted, the Deft. has a pending Motion to Continue Trial set for next week. COURT suggested it be addressed today. Ms. Gregory, Esq. advised there is new information just received that causes the Defense to need to do more investigation. Ms. Rhoades, Esq. advised the new cases have nothing to do with these charges and the State opposes a continuance. COURT FINDS, good cause shown on the consolidated case for additional discovery and because a part of this case is much older than the other part, and ORDERED, GRANTED the Deft's request to Continue over the State's opposition. BENCH CONFERENCE. Pursuant to the conference at the bench, counsel were not sure about their respective trial schedules, therefore the COURT ORDERED, Calendar Call is CONTINUED and the Trial will be reset next date. CUSTODY (COC) CONTINUED TO: 8/16/16 9:00 A.M. ;</i>
08/22/2016	<b>CANCELED Jury Trial</b> (10:30 AM) (Judicial Officer: Togliatti, Jennifer) <i>Vacated</i>
08/23/2016	 <b>Motion for Discovery</b> (9:00 AM) (Judicial Officer: Togliatti, Jennifer) <i>Defendant's Motion for Discovery</i> Granted in Part; Journal Entry Details: <i>Arguments by counsel regarding the merits of the motion. COURT ORDERED, Motion GRANTED IN PART/DENIED IN PART as follows: 1. As to A through H, DENIED, with the exception of all case detective notes, expert notes, including fingerprint and DNA filed. DA to inquiry as to patrol officers and notes. 2. As to audio, State advised audio has been provided. 3. As to compensation beyond witness fees, Ms. Mercer advised she is not aware of any. In camera production for victim and witness assistance, GRANTED. As to criminal history of all state witnesses court directed State to run NCIC. Court noted it does not require police personal and advised State to provide at status check trial readiness. 4. RESOLVED. 5. Request for detective secret witness or otherwise, GRANTED. 6. As to Statements, GRANTED; State required to provide known inconsistent statements. 7. Updated witness contact information, GRANTED as required by statute. 8. Search warrant report, DENIED WITHOUT PREJUDICE. 9. GRANTED IN PART; Granted for in-camera review - GPA and discovery required in any case Defendant has/DENIED IN PART as to PSI. 10. Motion GRANTED. Ms. Waldo to prepare the order. ;</i>
11/08/2016	 <b>Status Check</b> (9:00 AM) (Judicial Officer: Togliatti, Jennifer) <i>Status Check: Trial Readiness</i> Matter Heard; Journal Entry Details: <i>Ms. Waldo advised the State provided the detective's notes. State provided the Court with NCIC for review. Court noted Trudy Presutti has no discoverable convictions and Jaime Nourie, Rafeal Perez, and Ruth Garn have a date of birth and social security number and no other entry. Ms. Waldo advised there are additional motions to file but anticipates being ready for trial. State advised the police reports and underlying data for the fingerprint analysis have been requested. Further, State advised there are no victim payouts. CUSTODY(COC);</i>
01/03/2017	 <b>Motion to Dismiss</b> (9:00 AM) (Judicial Officer: Togliatti, Jennifer)



# CASE SUMMARY

CASE NO. C-15-310099-1

*Defendant's Motion to Dismiss for Failure to Preserve Exculpatory Evidence*

Denied;

Journal Entry Details:

*Ms. Gregory argued in support of the motion. State argued against the motion. Further argument by Ms. Gregory.*

*COURT FINDS that there was no bad faith or gross negligence and ORDERED, motion DENIED. State to prepare the order. CUSTODY (COC);*

01/10/2017 **Motion to Dismiss** (9:00 AM) (Judicial Officer: Togliatti, Jennifer)


*Motion to Dismiss for Violations of Defendant's Fifth, Sixth, and Fourteenth Amendment Rights, or in the Alternative, Motion to Suppress*

Off Calendar;

01/10/2017 **Motion to Withdraw as Counsel** (9:00 AM) (Judicial Officer: Togliatti, Jennifer)

*Jennifer M. Waldo, Esq. and Amanda S. Gregory, Esq.'s Motion to Withdraw Due to Conflict*

Granted;

01/10/2017  **All Pending Motions** (9:00 AM) (Judicial Officer: Togliatti, Jennifer)

Matter Heard;

Journal Entry Details:

*DEFENDANT'S MOTION TO DISMISS DUE TO CONTINUED STATE MISCONDUCT AND VIOLATIONS OF DEFENDANT'S FIFTH, SIXTH, AND FOURTEENTH AMENDMENT RIGHTS, OR IN THE ALTERNATIVE, MOTION TO SUPPRESS ... JENNIFER M. WALDO, ESQ. AND AMANDA S. GREGORY, ESQ.'S MOTION TO WITHDRAW DUE TO CONFLICT COURT ORDERED, hearing conducted UNDER SEAL. COURT ORDERED, no CD s or transcripts are to be released without a Court s order. Ms. Gregory advised there are several potential conflicts. Further, Ms. Gregory advised that a detective spoke to the Defendant while he was at the hospital about her and that she filed a report with internal affairs. Ms. Gregory advised the Defendant is not a witness in the internal affairs investigation. State advised its understanding was that the conversation was personal in nature and not about the case. Ms. Gregory advised the Defendant was interviewed by internal affairs after the meeting in chambers and he advised the case was discussed. COURT ORDERED, Motion to Withdraw GRANTED, Motion to Dismiss OFF CALENDAR. Statement by Defendant. Matter TRAILED. Matter RECALLED. COURT advised it spoke to the Office of Indigent Defense and ORDERED, matter SET for Status Check. COURT FURTHER ORDERED, calendar call VACATED and RESET. Court noted the trial date STANDS, however, it realizes the trial will not go forward. Ms. Gregory advised the Defendant gave his permission for her to speak to his new counsel. State advised Mr. Paulson of the Public Defender's office cannot accept the appointment due to conflict. CUSTODY (COC) 1/17/17 9:00 AM CALENDAR CALL / STATUS CHECK: APPOINTMENT OF COUNSEL;*

01/17/2017 **Calendar Call** (9:00 AM) (Judicial Officer: Togliatti, Jennifer)


01/17/2017 **All Pending Motions** (9:00 AM) (Judicial Officer: Togliatti, Jennifer)

*Appointment of New Counsel*

Matter Heard;

Journal Entry Details:

*CALENDAR CALL...STATUS CHECK: APPOINTMENT OF NEW COUNSEL CONFERENCE AT BENCH. COURT ORDERED, matter TRAILED. MATTER RECALLED. All parties present as before. Upon Court's inquiry, Mr. Tomsheck advised he would confirm as counsel. Mr. Tomsheck stated he was in trial, and discovery (in this case) was voluminous, therefore, he would not be ready for trial next week. COURT ORDERED, trial VACATED. COURT FURTHER ORDERED, Josh Tomsheck, Esq. CONFIRMED as counsel. COURT ADDITIONALLY ORDERED, Status Check SET regarding trial setting. CUSTODY (COC) 2/7/17 9:00 AM STATUS CHECK: TRIAL SETTING; CALENDAR CALL...STATUS CHECK: APPOINTMENT OF NEW COUNSEL CONFERENCE AT BENCH. COURT ORDERED, matter TRAILED. MATTER RECALLED. All parties present as before. Upon Court's inquiry, Mr. Tomsheck advised he would confirm as counsel. Mr. Tomsheck stated he was in trial, and discovery (in this case) was voluminous, therefore, he would not be ready for trial next week. COURT ORDERED, trial VACATED. COURT FURTHER ORDERED, Josh Tomsheck, Esq. CONFIRMED as counsel. COURT ADDITIONALLY ORDERED, Status Check SET regarding trial setting. CUSTODY (COC) 2/7/17 9:00 AM STATUS CHECK: TRIAL SETTING;*

01/17/2017  **All Pending Motions** (9:00 AM) (Judicial Officer: Togliatti, Jennifer)

Matter Heard;

Journal Entry Details:

*CALENDAR CALL...STATUS CHECK: APPOINTMENT OF NEW COUNSEL CONFERENCE AT BENCH. COURT ORDERED, matter TRAILED. MATTER RECALLED. All parties present as before. Upon Court's inquiry, Mr. Tomsheck advised he would confirm as counsel. Mr. Tomsheck stated he was in trial, and discovery (in this case) was voluminous, therefore, he would not be ready for trial next week. COURT ORDERED, trial VACATED. COURT FURTHER ORDERED, Josh Tomsheck, Esq. CONFIRMED as counsel. COURT ADDITIONALLY ORDERED, Status*


EIGHTH JUDICIAL DISTRICT COURT


**CASE SUMMARY**


**CASE NO. C-15-310099-1**

*Check SET regarding trial setting. CUSTODY (COC) 2/7/17 9:00 AM STATUS CHECK: TRIAL SETTING;*

01/23/2017 **CANCELED Jury Trial** (10:30 AM) (Judicial Officer: Togliatti, Jennifer)  
*Vacated - per Judge*

02/07/2017  **Status Check** (9:00 AM) (Judicial Officer: Togliatti, Jennifer)  
*Status Check: Reset Trial (consolidated with C311782)  
Trial Date Set;  
Journal Entry Details:  
Mr. Tomscheck advised he met with the Defendant and requested a trial date be set. COURT ORDERED, matter SET for trial. CUSTODY (COC) 8/17/17 9:00 AM CALENDAR CALL 8/28/17 10:30 AM JURY TRIAL ;*


08/01/2017  **Motion** (9:00 AM) (Judicial Officer: Togliatti, Jennifer)  
*Defendant's Motion to Authorize Clark County Detention Center to Procure Prescription Eyewear for Defendant  
Matter Heard;  
Journal Entry Details:  
Also present: Martina Geinzer, Esq. on behalf of LVMPD. Court noted the Office of Indigent Defense is normally responsible for approving these types of things. Court advised counsel to have Mr. Christensen approve it and to submit an order. Ms. Geinzer advised she will e-mail the order that must be used to counsel. Upon Court's inquiry, State advised it will be ready for trial. Mr. Tomscheck advised he will not be ready for trial and will file a motion. CUSTODY (COC);*

08/17/2017  **Calendar Call** (9:00 AM) (Judicial Officer: Togliatti, Jennifer)  
*Vacated and Reset;  
Journal Entry Details:  
Colloquy regarding Motion to Continue. State advised it would have been prepared for trial. COURT ORDERED, Motion to Continue GRANTED; trial date VACATED and RESET. CUSTODY (COC) 11/14/17 9:00 AM STATUS CHECK: TRIAL READINESS 1/25/18 9:00 AM CALENDAR CALL 2/5/18 10:30 AM JURY TRIAL ;*

08/28/2017 **CANCELED Jury Trial** (10:30 AM) (Judicial Officer: Togliatti, Jennifer)  
*Vacated - per Judge*

08/29/2017 **CANCELED Motion to Continue Trial** (9:00 AM) (Judicial Officer: Togliatti, Jennifer)  
*Vacated - Moot  
Defendant's Motion to Continue Trial Date*


11/14/2017 **Status Check: Trial Readiness** (9:00 AM) (Judicial Officer: Togliatti, Jennifer)  
*Matter Heard;  
Journal Entry Details:  
Mr. Tomscheck stated that barring some unforeseen circumstance, he anticipates being ready for the current trial setting in February. Court stated if something comes up, counsel is to file a written motion, otherwise it will count on the case being a significant priority on the Stack. Accordingly, COURT ORDERED, Trial Date STANDS. CUSTODY (COC);*


01/25/2018  **Calendar Call** (9:00 AM) (Judicial Officer: Togliatti, Jennifer)  
**01/25/2018, 01/30/2018**  
*Continued;  
Trial Date Set;  
Journal Entry Details:  
CONFERENCE AT THE BENCH. Court noted parties have advised there will be 15 - 20 witnesses and the Defense has reserved the right to call anyone on the State's witness list. Further, Court advised parties state trial will take 1 1/2 - 2 weeks. COURT ORDERED, matter SET for trial. Colloquy regarding schedule. Court noted a record of the offer will be made on the first day of trial. CUSTODY (COC) 2/7/18 9:30 AM JURY TRIAL;  
Continued;  
Trial Date Set;  
Journal Entry Details:  
Mr. Tomscheck announced ready for trial, however; Mr. Tomscheck advised the State extended an offer yesterday and indicated it would request the trial date stand with a status check next week on possible negotiations. COURT ORDERED, matter CONTINUED, noting it will make a record of the offer next week. CUSTODY (COC)  
CONTINUED TO: 1/30/18 9:00 AM;*


**CASE SUMMARY**  
**CASE NO. C-15-310099-1**

02/07/2018 **Jury Trial** (9:30 AM) (Judicial Officer: Togliatti, Jennifer)  
Plea Entered;

02/07/2018 **Motion** (9:30 AM) (Judicial Officer: Togliatti, Jennifer)  
*Motion to Dismiss Due to Continued State Misconduct and Violations of Defendant's Fifth, Sixth and Fourteenth Amendment Rights, or in the Alternative, Motion to Suppress*  
Denied;

02/07/2018  **All Pending Motions** (9:30 AM) (Judicial Officer: Togliatti, Jennifer)  
Matter Heard;  
Journal Entry Details:  
*JURY TRIAL ... DEFENDANT'S MOTION TO DISMISS DUE TO CONTINUED STATE MISCONDUCT AND VIOLATIONS OF DEFENDANT'S FIFTH, SIXTH, AND FOURTEENTH AMENDMENT RIGHTS, OR IN THE ALTERNATIVE, MOTION TO SUPPRESS Fourth Amended Information FILED IN OPEN COURT. OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL. Mr. Tomsheck advised he received approval from the Office of Indigent Defense for co - counsel. Further, Mr. Tomsheck advised Dan Hill will be co - counsel, but will not likely be here today. Court noted it will read an instruction. State made a record of the offer to the Defendant: plead to one count of attempt murder with use, robbery with use, and solicitation to commit murder with a stipulated 20 - 50 years and another case will be dismissed. Defendant canvassed as to offer and confirmed he rejected it. Mr. Tomsheck advised the State presented what it indicated would be their best and final offer. Additionally, Mr. Tomsheck advised the Defendant has a felony conviction in C240973 and if convicted he would be a mandatory habitual criminal with a possible sentence of life without the possibility of parole. Mr. Tomsheck advised he did make a counter offer which the State has rejected. Colloquy regarding motion. Counsel submitted. COURT stated its findings and ORDERED, motion DENIED; State to prepare the order. Colloquy regarding schedule and jury selection. PROSPECTIVE JURY PANEL PRESENT. Voir dire. OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL. NEGOTIATIONS are as contained in the Guilty Plea Agreement FILED IN OPEN COURT. DEFT. WARE ARRAIGNED AND PLED GUILTY TO COUNT 1 - ROBBERY WITH USE OF A DEADLY WEAPON (F), COUNT 2 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (F), and COUNT 3 - SOLICITATION TO COMMIT MURDER (F). Court ACCEPTED plea, and, ORDERED, matter referred to the Division of Parole and Probation (P & P) and SET for sentencing. PROSPECTIVE JURY PANEL PRESENT. Defendant not present. Prospective jury panel thanked and excused. OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL. Colloquy regarding sentencing date. COURT ORDERED, sentencing date VACATED and RESET; Mr. Tomsheck to notify Defendant of the new sentencing date. CUSTODY 4/10/18 9:00 AM SENTENCING;*

04/10/2018  **Sentencing** (9:00 AM) (Judicial Officer: Togliatti, Jennifer)  
Defendant Sentenced;  
Journal Entry Details:  
*Mr. Tomsheck advised there are errors in the PSI and detailed the errors for the Court. Court noted the District Attorney has records with respect the juvenile entry. Matter TRAILED. Matter RECALLED. COURT ORDERED, PSI AMENDED in the Judgment of Conviction (JOC) as follows: At page 6 under Institution / Supervision Adjustment, case C274352 is to be amended to reflect Attempt Burglary, not Attempt Robbery; at page 6 under Offense Synopsis redact "punched" and replace with "shot at least three times" not four times; and "fled with \$400.00" is to be redacted and replaced with "only fled the business with revolver". DEFT WARE ADJUDGED GUILTY of COUNT 1 - ROBBERY WITH USE OF A DEADLY WEAPON (F), COUNT 2 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (F), and COUNT 3 - SOLICITATION TO COMMIT MURDER (F). Argument by State. Statement by Defendant. Argument by Mr. Tomsheck. Ruth Garn and Jamie Nourie sworn and testified. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, credit for time served for DNA test and DNA fee taken 5/10/08, and \$49,823.79 in RESTITUTION to Victim's of Crime, Defendant SENTENCED as to COUNT 1 - to a MINIMUM of SEVENTY TWO (72) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS in the Nevada Department of Corrections (NDC) plus a CONSECUTIVE term of a MINIMUM of TWELVE (12) MONTHS and a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS in the Nevada Department of Corrections (NDC) for the use of a deadly weapon; COUNT 2 - to a MINIMUM of SEVENTY TWO (72) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS in the Nevada Department of Corrections (NDC) plus a CONSECUTIVE term of a MINIMUM of FORTY EIGHT (48) MONTHS and a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS in the Nevada Department of Corrections (NDC) for the use of a deadly weapon, Count 2 to run CONSECUTIVE to Count 1; COUNT 3 - to a MINIMUM of FORTY EIGHT (48) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS in the Nevada Department of Corrections (NDC), Count 3 to run CONCURRENT with Counts 1 and 2; for a TOTAL AGGREGATE SENTENCE OF to a MINIMUM of SEVENTEEN (17) YEARS and a MAXIMUM of FIFTY (50) YEARS in the Nevada Department of Corrections (NDC) with NINE HUNDRED SEVENTY ONE (971) DAYS credit for time served. CASE CLOSED. NDC;*

04/13/2021  **Motion to Modify Sentence** (1:30 PM) (Judicial Officer: Clark Newberry, Tara)

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. C-15-310099-1

04/13/2021, 04/20/2021

Matter Continued;

Denied;

Journal Entry Details:

*Defendant not present; incarcerated in the Nevada Department of Corrections (NDC). Mr. Tomsheck advised Defendant filed a motion. Mr. Tomsheck made an oral motion to withdraw. No objection from Ms. Thomson. COURT NOTED as to the Motion to Modify Sentence, the Court adopted the reasons of the State on page five. As to the health issues the Court did not have the jurisdiction, it was not properly brought, and it may be a civil matter. Therefore, COURT ORDERED, Motion to Modify Sentence DENIED it was not an illegal sentence. State to prepare the Order. COURT ADDITIONALLY ORDERED, Joshua L. Tomsheck's oral Motion to Withdraw GRANTED. CUSTODY (COC);*

Matter Continued;

Denied;

Journal Entry Details:

*Defendant not present; incarcerated in the Nevada Department of Corrections (NDOC). Joshua L. Tomsheck, Esq. also not present. Matter submitted by Ms. Thomas. COURT NOTED this matter may need to be continued for Mr. Tomsheck's presence so that he may withdraw in order for the Court to consider the motion. COURT ORDERED, matter CONTINUED. Ms. Thomas advised she would reach out to Mr. Tomsheck to file a motion to withdraw. CUSTODY (COC) CONTINUED TO: 04/20/21 3:00 PM;*

05/13/2021



**Motion** (1:30 PM) (Judicial Officer: Clark Newberry, Tara)

*Defendant's Motion for Mercy/Compassionate Release*

Motion Denied; Defendant's Motion for Mercy/Compassionate Release

Journal Entry Details:

*Court noted Deft. is already in custody and serving his sentence. Court stated Mr. Tomsheck was not present and had not withdrawn. Court FINDS Deft. is represented by counsel and did not serve motion on the Attorney General's office, therefore, ORDERED motion DENIED; Deft. may file for dismissal of counsel or counsel must withdraw. Court will prepare an order. CUSTODY (COC) CLERK'S NOTE: Subsequent to the May 13, 2021 Hearing, the Court having reviewed the April 20, 2021 minutes FINDS the Court had previously granted Mr. Tomsheck s Oral Motion to Withdraw as Counsel of Record for Defendant Erin Ware. COURT ORDERED the ruling as to Defendant s Motion for Mercy/Compassionate Release STANDS; State to prepare the Order. A copy of this minute order was distributed to all registered parties via Odyssey File and Serve and mailed to: Erin Ware, #1017483, Northern Nevada Correctional center, P.O. Box 7000, Carson City, Nevada 89702, 1721 E. Snyder Ave., Carson City, Nevada 89701. // cbm 06-28-2021;*

03/29/2022



**Motion** (1:30 PM) (Judicial Officer: Clark Newberry, Tara)

*Defendant's Pro Se Motion for Compassionate/Mercy Release*

Denied; Defendant's Pro Se Motion for Compassionate/Mercy Release

Journal Entry Details:

*Court noted the Deft. was in the custody of the Nevada Department of Corrections (NDC). Court Advised it had reviewed the Motion and the NDC Compassionate Release (298 Program) provisions dated April 20, 2021 pursuant to NRS 209.3925. Court Clarified it had previously denied the Deft's Motion for Mercy/Compassionate Release on May 13, 2021. Upon Court's inquiry, Mr. Evans stated if the Court wanted the District Attorney's Office to handle this matter they would be requesting some additional time to file a response, however, the State's position was that the Motion should be served on the Attorney General. COURT FINDS the Deft. failed to submit the supporting physician statement of health prognosis for the Deft., moreover, it was not properly served. Therefore, COURT FINDS it did not have jurisdiction to hear the Motion, and ORDERED, motion DENIED. state DIRECTED to prepare the order. NDC;*

07/21/2022



**Motion for Appointment of Attorney** (9:30 AM) (Judicial Officer: Clark Newberry, Tara)

*Motion for Appointment of Attorney*

Denied; Motion for Appointment of Attorney

Journal Entry Details:

*Upon Court's inquiry, Mr. Cobb submitted on the filed response. Court Advised no oral arguments would be received this at time as the Deft. was not transported. COURT STATED FINDINGS and ORDERED motion DENIED based on the Defendant's failure to properly comply with NRS 34.750. State DIRECTED to prepare the order. CUSTODY (COC);*

DATE

FINANCIAL INFORMATION

**Defendant** Ware, Erin Deshaun

Total Charges

47.50

Total Payments and Credits

22.50

**Balance Due as of 9/9/2022**

**25.00**

**CASE SUMMARY**

**CASE NO. C-15-310099-1**

|

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**October 19, 2015**

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C-15-310099-1      State of Nevada  
                                 vs  
                                 Erin Ware

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**October 19, 2015      10:00 AM      Initial Arraignment**

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

**COURT CLERK:** Roshonda Mayfield

**RECORDER:** Kiara Schmidt

**REPORTER:**

**PARTIES**

**PRESENT:**      Laurent, Christopher J      Attorney  
                                 State of Nevada      Plaintiff  
                                 Waldo, Jennifer M.      Attorney

**JOURNAL ENTRIES**

- Court noted the lack of appearance made by the defendant today. Attorney Waldo states the defendant was taken to the hospital today. Therefore, COURT ORDERED, matter CONTINUED as requested by defense. There was no opposition made by the state.

**CUSTODY**

10/27/15 10:00 A.M. ARRAIGNMENT CONTINUED (LLA)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**October 27, 2015**

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C-15-310099-1      State of Nevada  
                                 vs  
                                 Erin Ware

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**October 27, 2015      10:00 AM      Arraignment Continued**

**HEARD BY:** De La Garza, Melisa

**COURTROOM:** RJC Lower Level Arraignment

**COURT CLERK:** Kristen Brown

**RECORDER:** Kiara Schmidt

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Gregory, Amanda S., ESQ	Attorney
	State of Nevada	Plaintiff
	Ware, Erin Deshaun	Defendant
	Wiborg, Erika L.	Attorney

**JOURNAL ENTRIES**

- DEFT. WARE ARRAIGNED, PLED NOT GUILTY, and INVOKED the 60-DAY RULE. COURT ORDERED, matter set for trial. As the available trial dates within the 60-day limit will not allow his/her attorney adequate preparation time, Deft. WAIVED ELEVEN (11) DAYS to the next criminal trial stack. COURT ORDERED, pursuant to Statute, Counsel has 21 days from today for the filing of any Writs; if the Preliminary Hearing Transcript has not been filed as of today, Counsel has 21 days from the filing of the Transcript.

**CUSTODY**

12/17/15 9:00 AM CALENDAR CALL (DEPT. 9)

1/04/16 10:30 AM JURY TRIAL (DEPT. 9)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**December 17, 2015**

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C-15-310099-1      State of Nevada  
                                 vs  
                                 Erin Ware

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**December 17, 2015      9:00 AM      Calendar Call**

**HEARD BY:** Barker, David      **COURTROOM:** RJC Courtroom 10C

**COURT CLERK:** Athena Trujillo

**RECORDER:** Yvette G. Sison

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Mercer, Elizabeth A.	Attorney
	Rhoades, Kristina A.	Attorney
	State of Nevada	Plaintiff
	Waldo, Jennifer M.	Attorney
	Ware, Erin Deshaun	Defendant

**JOURNAL ENTRIES**

- Ms. Waldo advised she is not ready for trial and made an oral request to continue, noting the Defendant is willing to waive her speedy trial rights. Further, Ms. Waldo advised there is a lot of discovery, additional investigation must be done, and she will need to retain an expert. Upon Court's inquiry, Defendant WAIVED her speedy trial rights. State advised it was ready for trial and noted all forensic testing was done before the preliminary hearing. Further, State advised a detective file review has been completed and all discovery has been provided. State requested a quick trial setting and advised it is not opposed to the continuance. COURT ORDERED, oral request to continue GRANTED; trial date VACATED and RESET.

CUSTODY

03/17/16 9:00 AM CALENDAR CALL

PRINT DATE: 09/09/2022

Page 3 of 39

Minutes Date: October 19, 2015



03/28/16 10:30 AM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**February 25, 2016**

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C-15-310099-1      State of Nevada  
                                 vs  
                                 Erin Ware

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**February 25, 2016      9:00 AM      All Pending Motions**

**HEARD BY:** Togliatti, Jennifer

**COURTROOM:** RJC Courtroom 10C

**COURT CLERK:** Athena Trujillo  
Skye Endresen

**RECORDER:** Yvette G. Sison

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Gregory, Amanda S., ESQ	Attorney
	Rhoades, Kristina A.	Attorney
	State of Nevada	Plaintiff
	Ware, Erin Deshaun	Defendant

**JOURNAL ENTRIES**

- STATE'S MOTION TO CONSOLIDATE, OR IN THE ALTERNATIVE, MOTION TO ADMIT EVIDENCE OF OTHER ACTS PURSUANT TO NRS 48.045(2) ... STATE'S MOTION TO PERMIT THE STATE TO INTRODUCE RES GESTAE EVIDENCE AND EVIDENCE OF FLIGHT

CONFERENCE AT THE BENCH. COURT advised that based on it's schedule it has not had enough time to review the motions and ORDERED, matter CONTINUED. Further, COURT noted Ms. Gregory advised at the bench she does not anticipate being ready for trial and at her request ORDERED, calendar call and trial date VACATED and matter SET for status check. Upon Court's inquiry, Defendant advised he understands. State objected to resetting the trial noting all discovery, including the DNA testing, has been provided and they are ready for trial. Ms. Gregory argued it takes time to review the DNA. COURT ORDERED, oral request to vacate the trial date GRANTED; matter SET for status check. COURT FURTHER ORDERED, motions CONTINUED.

CUSTODY (COC)

3/1/16 9:00 AM STATUS CHECK: RESET TRIAL DATE / STATE'S MOTION TO CONSOLIDATE,  
OR IN THE ALTERNATIVE, MOTION TO ADMIT EVIDENCE OF OTHER ACTS PURSUANT TO  
NRS 48.045(2) / STATE'S MOTION TO PERMIT THE STATE TO INTRODUCE RES GESTAE  
EVIDENCE AND EVIDENCE OF FLIGHT

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**March 01, 2016**

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C-15-310099-1      State of Nevada  
                                 vs  
                                 Erin Ware

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**March 01, 2016      9:00 AM      All Pending Motions**

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

**COURT CLERK:** Athena Trujillo

**RECORDER:** Yvette G. Sison

**REPORTER:**

**PARTIES**

**PRESENT:**      Gregory, Amanda S., ESQ      Attorney  
                         Rhoades, Kristina A.      Attorney  
                         State of Nevada      Plaintiff  
                         Ware, Erin Deshaun      Defendant

**JOURNAL ENTRIES**

- STATUS CHECK: RESET TRIAL DATE ... STATE'S MOTION TO CONSOLIDATE, OR IN THE ALTERNATIVE, MOTION TO ADMIT EVIDENCE OF OTHER ACTS PURSUANT TO NRS 48.045(2) ... STATE'S MOTION TO PERMIT THE STATE TO INTRODUCE RES GESTAE EVIDENCE AND EVIDENCE OF FLIGHT

STATE'S MOTION TO CONSOLIDATE, OR IN THE ALTERNATIVE, MOTION TO ADMIT EVIDENCE OF OTHER ACTS PURSUANT TO NRS 48.045(2)

Argument in support of the motion by State, noting the evidence is cross admissible. Argument against the motion by Ms. Gregory, noting they are separate case and not relevant to identity or cross admissibility. COURT ORDERED, matter CONTINUED to the Court's chamber calendar for decision.

STATE'S MOTION TO PERMIT THE STATE TO INTRODUCE RES GESTAE EVIDENCE AND

**EVIDENCE OF FLIGHT**

Argument in support of their respective positions by counsel. COURT ORDERED, matter CONTINUED to the Court's chamber calendar for decision.

**STATUS CHECK: RESET TRIAL DATE**

Colloquy regarding trial date. COURT ORDERED, matter SET for trial.

**CUSTODY (COC)**

3/9/16 (CHAMBERS) STATE'S MOTION TO CONSOLIDATE, OR IN THE ALTERNATIVE, MOTION TO ADMIT EVIDENCE OF OTHER ACTS PURSUANT TO NRS 48.045(2) / STATE'S MOTION TO PERMIT THE STATE TO INTRODUCE RES GESTAE EVIDENCE AND EVIDENCE OF FLIGHT

8/11/16 9:00 AM CALENDAR CALL

8/22/16 10:30 AM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**March 09, 2016**

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C-15-310099-1      State of Nevada  
                                 vs  
                                 Erin Ware

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**March 09, 2016      3:00 AM      Motion to Consolidate**

**HEARD BY:** Togliatti, Jennifer      **COURTROOM:** No Location

**COURT CLERK:** Athena Trujillo

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- See written decision filed 5/11/16.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**March 09, 2016**

---

C-15-310099-1      State of Nevada  
                                 vs  
                                 Erin Ware

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**March 09, 2016      3:00 AM      Motion**

**HEARD BY:** Togliatti, Jennifer      **COURTROOM:** No Location

**COURT CLERK:** Athena Trujillo

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- See written decision filed 5/11/16.

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

### Felony/Gross Misdemeanor

## COURT MINUTES

**June 30, 2016**

C-15-310099-1                      State of Nevada  
vs  
Erin Ware

**June 30, 2016                      9:00 AM                      Motion to Reduce**

HEARD BY: Bixler, James

**COURTROOM:** RJC Courtroom 10C

**COURT CLERK:** Athena Trujillo

**RECORDER:** Yvette G. Sison

**REPORTER:**

## PARTIES

<b>PRESENT:</b>	Mercer, Elizabeth A.	Attorney
	State of Nevada	Plaintiff
	Waldo, Jennifer M.	Attorney
	Ware, Erin Deshaun	Defendant

## JOURNAL ENTRIES

- Upon Court's inquiry, counsel advised this case has already been consolidated. Ms. Waldo provided a letter from the Defendant to the Court. Argument in support of the motion by Ms. Waldo. Statement by Defendant. COURT ORDERED, motion DENIED.

CUSTODY (COC)



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****August 11, 2016**

C-15-310099-1      State of Nevada  
                                 vs  
                                 Erin Ware

**August 11, 2016      9:00 AM      All Pending Motions**

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

<b>PRESENT:</b>	Gregory, Amanda S.	Attorney
	Rhoades, Kristina A.	Attorney
	State of Nevada	Plaintiff
	Waldo, Jennifer M.	Attorney
	Ware, Erin Deshaun	Defendant

**JOURNAL ENTRIES**

- CALENDAR CALL...DEFT'S MOTION TO CONTINUE TRIAL

COURT noted, the Deft. has a pending Motion to Continue Trial set for next week. COURT suggested it be addressed today. Ms. Gregory, Esq. advised there is new information just received that causes the Defense to need to do more investigation. Ms. Rhoades, Esq. advised the new cases have nothing to do with these charges and the State opposes a continuance. COURT FINDS, good cause shown on the consolidated case for additional discovery and because a part of this case is much older than the other part, and ORDERED, GRANTED the Deft's request to Continue over the State's opposition.

BENCH CONFERENCE. Pursuant to the conference at the bench, counsel were not sure about their respective trial schedules, therefore the COURT ORDERED, Calendar Call is CONTINUED and the Trial will be reset next date.

CUSTODY (COC)

CONTINUED TO: 8/16/16 9:00 A.M.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**August 16, 2016**

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C-15-310099-1      State of Nevada  
                                 vs  
                                 Erin Ware

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**August 16, 2016      9:00 AM      Calendar Call**

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

**COURT CLERK:** Skye Endresen

**RECORDER:** Yvette G. Sison

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Mercer, Elizabeth A.	Attorney
	State of Nevada	Plaintiff
	Waldo, Jennifer M.	Attorney
	Ware, Erin Deshaun	Defendant

**JOURNAL ENTRIES**

- COURT STATED it already GRANTED the Defense Motion to Continue, however, continued the Calendar Call for resetting of the Trial. CONFERENCE AT BENCH. COURT ORDERED, Trial VACATED and RESET to the dates selected at the bench.

CUSTODY (COC)

11/8/16 9:00 AM STATUS CHECK: TRIAL READINESS

1/12/17 9:00 AM CALENDAR CALL

1/23/17 10:30 AM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**August 23, 2016**

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C-15-310099-1      State of Nevada  
                                 vs  
                                 Erin Ware

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**August 23, 2016      9:00 AM      Motion for Discovery**

**HEARD BY:** Togliatti, Jennifer

**COURTROOM:** RJC Courtroom 10C

**COURT CLERK:** Keri Cromer  
                         Olivia Black

**RECORDER:** Yvette G. Sison

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Mercer, Elizabeth A.	Attorney
	State of Nevada	Plaintiff
	Waldo, Jennifer M.	Attorney
	Ware, Erin Deshaun	Defendant

**JOURNAL ENTRIES**

- Arguments by counsel regarding the merits of the motion. COURT ORDERED, Motion GRANTED IN PART/DENIED IN PART as follows:

1. As to A through H, DENIED, with the exception of all case detective notes, expert notes, including fingerprint and DNA filed. DA to inquiry as to patrol officers and notes.
2. As to audio, State advised audio has been provided.
3. As to compensation beyond witness fees, Ms. Mercer advised she is not aware of any. In camera production for victim and witness assistance, GRANTED. As to criminal history of all state witnesses court directed State to run NCIC, Court noted it does not require police personal and advised State to provide at status check trial readiness.

4. RESOLVED.
5. Request for detective secret witness or otherwise, GRANTED.
6. As to Statements, GRANTED; State required to provide known inconsistent statements.
7. Updated witness contact information, GRANTED as required by statute.
8. Search warrant report, DENIED WITHOUT PREJUDICE.
9. GRANTED IN PART; Granted for in-camera review - GPA and discovery required in any case Defendant has/DENIED IN PART as to PSI.
10. Motion GRANTED.

Ms. Waldo to prepare the order.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**November 08, 2016**

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C-15-310099-1      State of Nevada  
                                 vs  
                                 Erin Ware

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**November 08, 2016      9:00 AM      Status Check**

**HEARD BY:**    Togliatti, Jennifer

**COURTROOM:**    RJC Courtroom 10C

**COURT CLERK:**    Athena Trujillo

**RECORDER:**    Yvette G. Sison

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Mercer, Elizabeth A.	Attorney
	State of Nevada	Plaintiff
	Waldo, Jennifer M.	Attorney
	Ware, Erin Deshaun	Defendant

**JOURNAL ENTRIES**

- Ms. Waldo advised the State provided the detective's notes. State provided the Court with NCIC for review. Court noted Trudy Presutti has no discoverable convictions and Jaime Nourie, Rafeal Perez, and Ruth Garn have a date of birth and social security number and no other entry. Ms. Waldo advised there are additional motions to file but anticipates being ready for trial. State advised the police reports and underlying data for the fingerprint analysis have been requested. Further, State advised there are no victim payouts.

CUSTODY(COC)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**January 03, 2017**

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C-15-310099-1      State of Nevada  
                                 vs  
                                 Erin Ware

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**January 03, 2017      9:00 AM      Motion to Dismiss**

**HEARD BY:** Togliatti, Jennifer

**COURTROOM:** RJC Courtroom 10C

**COURT CLERK:** Athena Trujillo

**RECORDER:** Patti Slattery

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Gregory, Amanda S.	Attorney
	Rhoades, Kristina A.	Attorney
	State of Nevada	Plaintiff
	Ware, Erin Deshaun	Defendant

**JOURNAL ENTRIES**

- Ms. Gregory argued in support of the motion. State argued against the motion. Further argument by Ms. Gregory. COURT FINDS that there was no bad faith or gross negligence and ORDERED, motion DENIED. State to prepare the order.

CUSTODY (COC)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****January 10, 2017**

C-15-310099-1      State of Nevada  
                                 vs  
                                 Erin Ware

**January 10, 2017      9:00 AM      All Pending Motions**

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

<b>PRESENT:</b>	Gregory, Amanda S.	Attorney
	Rhoades, Kristina A.	Attorney
	State of Nevada	Plaintiff
	Waldo, Jennifer M.	Attorney
	Ware, Erin Deshaun	Defendant

**JOURNAL ENTRIES**

- DEFENDANT'S MOTION TO DISMISS DUE TO CONTINUED STATE MISCONDUCT AND VIOLATIONS OF DEFENDANT'S FIFTH, SIXTH, AND FOURTEENTH AMENDMENT RIGHTS, OR IN THE ALTERNATIVE, MOTION TO SUPPRESS ... JENNIFER M. WALDO, ESQ. AND AMANDA S. GREGORY, ESQ.'S MOTION TO WITHDRAW DUE TO CONFLICT

COURT ORDERED, hearing conducted UNDER SEAL. COURT ORDERED, no CD s or transcripts are to be released without a Court s order. Ms. Gregory advised there are several potential conflicts. Further, Ms. Gregory advised that a detective spoke to the Defendant while he was at the hospital about her and that she filed a report with internal affairs. Ms. Gregory advised the Defendant is not a witness in the internal affairs investigation. State advised its understanding was that the conversation was personal in nature and not about the case. Ms. Gregory advised the Defendant was interviewed by internal affairs after the meeting in chambers and he advised the case was discussed.



COURT ORDERED, Motion to Withdraw GRANTED, Motion to Dismiss OFF CALENDAR. Statement by Defendant. Matter TRAILED. Matter RECALLED. COURT advised it spoke to the Office of Indigent Defense and ORDERED, matter SET for Status Check. COURT FURTHER ORDERED, calendar call VACATED and RESET. Court noted the trial date STANDS, however, it realizes the trial will not go forward. Ms. Gregory advised the Defendant gave his permission for her to speak to his new counsel. State advised Mr. Paulson of the Public Defender's office cannot accept the appointment due to conflict.

CUSTODY (COC)

1/17/17 9:00 AM CALENDAR CALL / STATUS CHECK: APPOINTMENT OF COUNSEL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**January 17, 2017**

---

C-15-310099-1      State of Nevada  
                                 vs  
                                 Erin Ware

---

**January 17, 2017      9:00 AM      All Pending Motions**

**HEARD BY:** Togliatti, Jennifer

**COURTROOM:** RJC Courtroom 10C

**COURT CLERK:** Natalie Ortega

**RECORDER:** Yvette G. Sison

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- CALENDAR CALL...STATUS CHECK: APPOINTMENT OF NEW COUNSEL

CONFERENCE AT BENCH. COURT ORDERED, matter TRAILED.

MATTER RECALLED. All parties present as before. Upon Court's inquiry, Mr. Tomsheck advised he would confirm as counsel. Mr. Tomsheck stated he was in trial, and discovery (in this case) was voluminous, therefore, he would not be ready for trial next week. COURT ORDERED, trial VACATED. COURT FURTHER ORDERED, Josh Tomsheck, Esq. CONFIRMED as counsel. COURT ADDITIONALLY ORDERED, Status Check SET regarding trial setting.

CUSTODY (COC)

2/7/17 9:00 AM STATUS CHECK: TRIAL SETTING

- CALENDAR CALL...STATUS CHECK: APPOINTMENT OF NEW COUNSEL

CONFERENCE AT BENCH. COURT ORDERED, matter TRAILED.

PRINT DATE: 09/09/2022

Page 21 of 39

Minutes Date: October 19, 2015

MATTER RECALLED. All parties present as before. Upon Court's inquiry, Mr. Tomsheck advised he would confirm as counsel. Mr. Tomsheck stated he was in trial, and discovery (in this case) was voluminous, therefore, he would not be ready for trial next week. COURT ORDERED, trial VACATED. COURT FURTHER ORDERED, Josh Tomsheck, Esq. CONFIRMED as counsel. COURT ADDITIONALLY ORDERED, Status Check SET regarding trial setting.

CUSTODY (COC)

2/7/17 9:00 AM STATUS CHECK: TRIAL SETTING

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**January 17, 2017**

---

C-15-310099-1      State of Nevada  
                                 vs  
                                 Erin Ware

---

**January 17, 2017      9:00 AM      All Pending Motions**

**HEARD BY:** Togliatti, Jennifer

**COURTROOM:** RJC Courtroom 10C

**COURT CLERK:** Natalie Ortega

**RECORDER:** Yvette G. Sison

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Rhoades, Kristina A.	Attorney
	State of Nevada	Plaintiff
	Tomsheck, Joshua L.	Attorney
	Ware, Erin Deshaun	Defendant

**JOURNAL ENTRIES**

- CALENDAR CALL...STATUS CHECK: APPOINTMENT OF NEW COUNSEL

CONFERENCE AT BENCH. COURT ORDERED, matter TRAILED.

MATTER RECALLED. All parties present as before. Upon Court's inquiry, Mr. Tomsheck advised he would confirm as counsel. Mr. Tomsheck stated he was in trial, and discovery (in this case) was voluminous, therefore, he would not be ready for trial next week. COURT ORDERED, trial VACATED. COURT FURTHER ORDERED, Josh Tomsheck, Esq. CONFIRMED as counsel. COURT ADDITIONALLY ORDERED, Status Check SET regarding trial setting.

CUSTODY (COC)

2/7/17 9:00 AM STATUS CHECK: TRIAL SETTING

PRINT DATE: 09/09/2022

Page 23 of 39

Minutes Date: October 19, 2015

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**February 07, 2017**

---

C-15-310099-1      State of Nevada  
                                 vs  
                                 Erin Ware

---

**February 07, 2017      9:00 AM      Status Check**

**HEARD BY:**    Togliatti, Jennifer

**COURTROOM:**    RJC Courtroom 10C

**COURT CLERK:**    Athena Trujillo

**RECORDER:**    Yvette G. Sison

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Rhoades, Kristina A.	Attorney
	State of Nevada	Plaintiff
	Tomsheck, Joshua L.	Attorney
	Ware, Erin Deshaun	Defendant

**JOURNAL ENTRIES**

- Mr. Tomsheck advised he met with the Defendant and requested a trial date be set. COURT ORDERED, matter SET for trial.

CUSTODY (COC)

8/17/17 9:00 AM CALENDAR CALL

8/28/17 10:30 AM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**August 01, 2017**

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C-15-310099-1      State of Nevada  
                                 vs  
                                 Erin Ware

---

**August 01, 2017      9:00 AM      Motion**

**HEARD BY:** Togliatti, Jennifer

**COURTROOM:** RJC Courtroom 10C

**COURT CLERK:** Athena Trujillo

**RECORDER:** Yvette G. Sison

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Rhoades, Kristina A.	Attorney
	State of Nevada	Plaintiff
	Tomsheck, Joshua L.	Attorney
	Ware, Erin Deshaun	Defendant

**JOURNAL ENTRIES**

- Also present: Martina Geinzer, Esq. on behalf of LVMPD.

Court noted the Office of Indigent Defense is normally responsible for approving these types of things. Court advised counsel to have Mr. Christensen approve it and to submit an order. Ms. Geinzer advised she will e-mail the order that must be used to counsel. Upon Court's inquiry, State advised it will be ready for trial. Mr. Tomsheck advised he will not be ready for trial and will file a motion.

CUSTODY (COC)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**August 17, 2017**

---

C-15-310099-1      State of Nevada  
                                 vs  
                                 Erin Ware

---

**August 17, 2017      9:00 AM      Calendar Call**

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

**COURT CLERK:** Athena Trujillo

**RECORDER:** Yvette G. Sison

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Mercer, Elizabeth A.	Attorney
	State of Nevada	Plaintiff
	Tomsheck, Joshua L.	Attorney
	Ware, Erin Deshaun	Defendant

**JOURNAL ENTRIES**

- Colloquy regarding Motion to Continue. State advised it would have been prepared for trial.  
COURT ORDERED, Motion to Continue GRANTED; trial date VACATED and RESET.

CUSTODY (COC)

11/14/17 9:00 AM STATUS CHECK: TRIAL READINESS

1/25/18 9:00 AM CALENDAR CALL

2/5/18 10:30 AM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**November 14, 2017**

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C-15-310099-1      State of Nevada  
                                 vs  
                                 Erin Ware

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**November 14, 2017      9:00 AM**

**Status Check: Trial  
Readiness**

**HEARD BY:**    Togliatti, Jennifer

**COURTROOM:**    RJC Courtroom 10C

**COURT CLERK:**    Tena Jolley

**RECORDER:**    Yvette G. Sison

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Albritton, Alicia A.	Attorney
	State of Nevada	Plaintiff
	Tomsheck, Joshua L.	Attorney
	Ware, Erin Deshaun	Defendant

**JOURNAL ENTRIES**

- Mr. Tomsheck stated that barring some unforeseen circumstance, he anticipates being ready for the current trial setting in February. Court stated if something comes up, counsel is to file a written motion, otherwise it will count on the case being a significant priority on the Stack. Accordingly, COURT ORDERED, Trial Date STANDS.

CUSTODY (COC)



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**January 25, 2018**

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C-15-310099-1      State of Nevada  
                                 vs  
                                 Erin Ware

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**January 25, 2018      9:00 AM      Calendar Call**

**HEARD BY:** Togliatti, Jennifer

**COURTROOM:** RJC Courtroom 10C

**COURT CLERK:** Athena Trujillo

**RECORDER:** Yvette G. Sison

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Rhoades, Kristina A.	Attorney
	State of Nevada	Plaintiff
	Tomsheck, Joshua L.	Attorney
	Ware, Erin Deshaun	Defendant

**JOURNAL ENTRIES**

- Mr. Tomsheck announced ready for trial, however; Mr. Tomsheck advised the State extended an offer yesterday and indicated it would request the trial date stand with a status check next week on possible negotiations. COURT ORDERED, matter CONTINUED, noting it will make a record of the offer next week.

CUSTODY (COC)

CONTINUED TO: 1/30/18 9:00 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**January 30, 2018**

---

C-15-310099-1      State of Nevada  
                                 vs  
                                 Erin Ware

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**January 30, 2018      9:00 AM      Calendar Call**

**HEARD BY:** Togliatti, Jennifer

**COURTROOM:** RJC Courtroom 10C

**COURT CLERK:** Athena Trujillo

**RECORDER:** Yvette G. Sison

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Mercer, Elizabeth A.	Attorney
	Rhoades, Kristina A.	Attorney
	State of Nevada	Plaintiff
	Tomsheck, Joshua L.	Attorney
	Ware, Erin Deshaun	Defendant

**JOURNAL ENTRIES**

- CONFERENCE AT THE BENCH. Court noted parties have advised there will be 15 - 20 witnesses and the Defense has reserved the right to call anyone on the State's witness list. Further, Court advised parties state trial will take 1 1/2 - 2 weeks. COURT ORDERED, matter SET for trial. Colloquy regarding schedule. Court noted a record of the offer will be made on the first day of trial.

CUSTODY (COC)

2/7/18 9:30 AM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**February 07, 2018**

---

C-15-310099-1      State of Nevada  
                                 vs  
                                 Erin Ware

---

**February 07, 2018      9:30 AM      All Pending Motions**

**HEARD BY:** Togliatti, Jennifer

**COURTROOM:** RJC Courtroom 10C

**COURT CLERK:** Athena Trujillo

**RECORDER:** Yvette G. Sison

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Mercer, Elizabeth A.	Attorney
	Rhoades, Kristina A.	Attorney
	State of Nevada	Plaintiff
	Tomsheck, Joshua L.	Attorney
	Ware, Erin Deshaun	Defendant

**JOURNAL ENTRIES**

- JURY TRIAL ... DEFENDANT'S MOTION TO DISMISS DUE TO CONTINUED STATE MISCONDUCT AND VIOLATIONS OF DEFENDANT'S FIFTH, SIXTH, AND FOURTEENTH AMENDMENT RIGHTS, OR IN THE ALTERNATIVE, MOTION TO SUPPRESS

Fourth Amended Information FILED IN OPEN COURT.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL.

Mr. Tomsheck advised he received approval from the Office of Indigent Defense for co - counsel. Further, Mr. Tomsheck advised Dan Hill will be co - counsel, but will not likely be here today. Court noted it will read an instruction. State made a record of the offer to the Defendant: plead to one count of attempt murder with use, robbery with use, and solicitation to commit murder with a stipulated 20 - 50 years and another case will be dismissed. Defendant canvassed as to offer and confirmed he

rejected it. Mr. Tomsheck advised the State presented what it indicated would be their best and final offer. Additionally, Mr. Tomsheck advised the Defendant has a felony conviction in C240973 and if convicted he would be a mandatory habitual criminal with a possible sentence of life without the possibility of parole. Mr. Tomsheck advised he did make a counter offer which the State has rejected. Colloquy regarding motion. Counsel submitted. COURT stated its findings and ORDERED, motion DENIED; State to prepare the order. Colloquy regarding schedule and jury selection.

PROSPECTIVE JURY PANEL PRESENT.

Voir dire.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL.

NEGOTIATIONS are as contained in the Guilty Plea Agreement FILED IN OPEN COURT. DEFT. WARE ARRAIGNED AND PLED GUILTY TO COUNT 1 - ROBBERY WITH USE OF A DEADLY WEAPON (F), COUNT 2 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (F), and COUNT 3 - SOLICITATION TO COMMIT MURDER (F). Court ACCEPTED plea, and, ORDERED, matter referred to the Division of Parole and Probation (P & P) and SET for sentencing.

PROSPECTIVE JURY PANEL PRESENT.

Defendant not present. Prospective jury panel thanked and excused.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL.

Colloquy regarding sentencing date. COURT ORDERED, sentencing date VACATED and RESET; Mr. Tomsheck to notify Defendant of the new sentencing date.

CUSTODY

4/10/18 9:00 AM SENTENCING

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****April 10, 2018**

C-15-310099-1      State of Nevada  
vs  
Erin Ware

**April 10, 2018      9:00 AM      Sentencing**

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

<b>PRESENT:</b>	Mercer, Elizabeth A.	Attorney
	Rhoades, Kristina A.	Attorney
	State of Nevada	Plaintiff
	Tomsheck, Joshua L.	Attorney
	Ware, Erin Deshaun	Defendant

**JOURNAL ENTRIES**

- Mr. Tomsheck advised there are errors in the PSI and detailed the errors for the Court. Court noted the District Attorney has records with respect the juvenile entry. Matter TRAILED.

Matter RECALLED. COURT ORDERED, PSI AMENDED in the Judgment of Conviction (JOC) as follows: At page 6 under Institution / Supervision Adjustment, case C274352 is to be amended to reflect Attempt Burglary, not Attempt Robbery; at page 6 under Offense Synopsis redact "punched" and replace with "shot at least three times" not four times; and "fled with \$400.00" is to be redacted and replaced with "only fled the business with revolver". DEFT WARE ADJUDGED GUILTY of COUNT 1 - ROBBERY WITH USE OF A DEADLY WEAPON (F), COUNT 2 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (F), and COUNT 3 - SOLICITATION TO COMMIT MURDER (F). Argument by State. Statement by Defendant. Argument by Mr. Tomsheck. Ruth Garn and Jamie Nourie sworn and testified. COURT ORDERED, in addition to the \$25.00 Administrative

Assessment fee, credit for time served for DNA test and DNA fee taken 5/10/08, and \$49,823.79 in RESTITUTION to Victim's of Crime, Defendant SENTENCED as to

COUNT 1 - to a MINIMUM of SEVENTY TWO (72) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS in the Nevada Department of Corrections (NDC) plus a CONSECUTIVE term of a MINIMUM of TWELVE (12) MONTHS and a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS in the Nevada Department of Corrections (NDC) for the use of a deadly weapon;

COUNT 2 - to a MINIMUM of SEVENTY TWO (72) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS in the Nevada Department of Corrections (NDC) plus a CONSECUTIVE term of a MINIMUM of FORTY EIGHT (48) MONTHS and a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS in the Nevada Department of Corrections (NDC) for the use of a deadly weapon, Count 2 to run CONSECUTIVE to Count 1;

COUNT 3 - to a MINIMUM of FORTY EIGHT (48) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS in the Nevada Department of Corrections (NDC), Count 3 to run CONCURRENT with Counts 1 and 2;

for a TOTAL AGGREGATE SENTENCE OF to a MINIMUM of SEVENTEEN (17) YEARS and a MAXIMUM of FIFTY (50) YEARS in the Nevada Department of Corrections (NDC) with NINE HUNDRED SEVENTY ONE (971) DAYS credit for time served. CASE CLOSED.

NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**April 13, 2021**

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C-15-310099-1      State of Nevada  
                                 vs  
                                 Erin Ware

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**April 13, 2021      1:30 PM      Motion to Modify Sentence**

**HEARD BY:** Clark Newberry, Tara      **COURTROOM:** RJC Courtroom 16C

**COURT CLERK:** Natalie Ortega

**RECORDER:** Robin Page

**REPORTER:**

**PARTIES**

**PRESENT:**      State of Nevada      Plaintiff  
                         Thomas, Morgan B.A.      Attorney

**JOURNAL ENTRIES**

- Defendant not present; incarcerated in the Nevada Department of Corrections (NDOC). Joshua L. Tomsheck, Esq. also not present.

Matter submitted by Ms. Thomas. COURT NOTED this matter may need to be continued for Mr. Tomsheck's presence so that he may withdraw in order for the Court to consider the motion. COURT ORDERED, matter CONTINUED. Ms. Thomas advised she would reach out to Mr. Tomsheck to file a motion to withdraw.

CUSTODY (COC)

CONTINUED TO: 04/20/21 3:00 PM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**April 20, 2021**

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C-15-310099-1      State of Nevada  
   vs  
   Erin Ware

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**April 20, 2021      3:00 PM      Motion to Modify Sentence**

**HEARD BY:** Clark Newberry, Tara      **COURTROOM:** RJC Courtroom 16C

**COURT CLERK:** Natalie Ortega

**RECORDER:** Robin Page

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	State of Nevada	Plaintiff
	Thomson, Megan	Attorney
	Tomsheck, Joshua L.	Attorney

**JOURNAL ENTRIES**

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

Mr. Tomsheck advised Defendant filed a motion. Mr. Tomsheck made an oral motion to withdraw. No objection from Ms. Thomson. COURT NOTED as to the Motion to Modify Sentence, the Court adopted the reasons of the State on page five. As to the health issues the Court did not have the jurisdiction, it was not properly brought, and it may be a civil matter. Therefore, COURT ORDERED, Motion to Modify Sentence DENIED it was not an illegal sentence. State to prepare the Order. COURT ADDITIONALLY ORDERED, Joshua L. Tomsheck's oral Motion to Withdraw GRANTED.

CUSTODY (COC)



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****May 13, 2021**

C-15-310099-1      State of Nevada  
vs  
Erin Ware

**May 13, 2021****1:30 PM****Motion**

**Defendant's Motion  
for  
Mercy/Compassionate  
Release**

**HEARD BY:** Clark Newberry, Tara**COURTROOM:** RJC Courtroom 16C**COURT CLERK:** Carina Bracamontez-Munguia**RECORDER:** Toshiana Pierson**REPORTER:****PARTIES**

**PRESENT:**      Mercer, Elizabeth A.      Attorney  
State of Nevada      Plaintiff

**JOURNAL ENTRIES**

- Court noted Deft. is already in custody and serving his sentence. Court stated Mr. Tomsheck was not present and had not withdrawn. Court FINDS Deft. is represented by counsel and did not serve motion on the Attorney General's office, therefore, ORDERED motion DENIED; Deft. may file for dismissal of counsel or counsel must withdraw. Court will prepare an order.

**CUSTODY (COC)**

CLERK'S NOTE: Subsequent to the May 13, 2021 Hearing, the Court having reviewed the April 20, 2021 minutes FINDS the Court had previously granted Mr. Tomsheck's Oral Motion to Withdraw as Counsel of Record for Defendant Erin Ware. COURT ORDERED the ruling as to Defendant's Motion for Mercy/Compassionate Release STANDS; State to prepare the Order. A copy of this minute order was distributed to all registered parties via Odyssey File and Serve and mailed to: Erin Ware,

#1017483, Northern Nevada Correctional center, P.O. Box 7000, Carson City, Nevada 89702, 1721 E. Snyder Ave., Carson City, Nevada 89701. // cbm 06-28-2021

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****March 29, 2022**

C-15-310099-1      State of Nevada  
vs  
Erin Ware

<b>March 29, 2022</b>	<b>1:30 PM</b>	<b>Motion</b>	<b>Defendant's Pro Se Motion for Compassionate/Mercy Release</b>
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**HEARD BY:** Clark Newberry, Tara**COURTROOM:** RJC Courtroom 05B**COURT CLERK:** Carina Bracamontez-Munguia**RECORDER:** Robin Page**REPORTER:****PARTIES**

<b>PRESENT:</b>	Evans, Ronald James	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Court noted the Deft. was in the custody of the Nevada Department of Corrections (NDC). Court Advised it had reviewed the Motion and the NDC Compassionate Release (298 Program) provisions dated April 20, 2021 pursuant to NRS 209.3925. Court Clarified it had previously denied the Deft's Motion for Mercy/Compassionate Release on May 13, 2021. Upon Court's inquiry, Mr. Evans stated if the Court wanted the District Attorney's Office to handle this matter they would be requesting some additional time to file a response, however, the State's position was that the Motion should be served on the Attorney General. COURT FINDS the Deft. failed to submit the supporting physician statement of health prognosis for the Deft., moreover, it was not properly served. Therefore, COURT FINDS it did not have jurisdiction to hear the Motion, and ORDERED, motion DENIED. state DIRECTED to prepare the order.

NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**July 21, 2022**

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C-15-310099-1      State of Nevada  
                                 vs  
                                 Erin Ware

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**July 21, 2022**

**9:30 AM**

**Motion for Appointment of  
Attorney**

**Motion for  
Appointment of  
Attorney**

**HEARD BY:** Clark Newberry, Tara

**COURTROOM:** RJC Courtroom 14A

**COURT CLERK:** Carina Bracamontez-Munguia

**RECORDER:** Robin Page

**REPORTER:**

**PARTIES**

**PRESENT:**

Cobb, Tyrus  
State of Nevada

Attorney  
Plaintiff

**JOURNAL ENTRIES**

- Upon Court's inquiry, Mr. Cobb submitted on the filed response. Court Advised no oral arguments would be received this at time as the Deft. was not transported. COURT STATED FINDINGS and ORDERED motion DENIED based on the Defendant's failure to properly comply with NRS 34.750. State DIRECTED to prepare the order.

CUSTODY (COC)

## EXHIBIT(S) LIST

Case No.: C310099

Hearing / Trial Date: 4/10/18

Dept. No.: 9

**Judge: Jennifer Togliatti**

**Court Clerk: Athena Trujillo**

**Plaintiff: State of Nevada**

**Recorder / Reporter:** Yvette Sison

**Counsel for Plaintiff:** E. Mercer &

K. Rhoades

**Defendant:** Erin Ware

Counsel for Defendant: J. Tomsheck

**VS.**

## HEARING / TRIAL BEFORE THE COURT

State's

## EXHIBITS

[illegible]



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

ERIN WARE #1017483  
P.O. BOX 7000  
CARSON CITY, NV 89702

DATE: September 9, 2022  
CASE: C-15-310099-1  
C/W C-16-311782-1

RE CASE: STATE OF NEVADA vs. ERIN DESHAUN WARE

NOTICE OF APPEAL FILED: September 8, 2022

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

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

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

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

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

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

# Certification of Copy

State of Nevada }  
County of Clark } SS:

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

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DESIGNATION OF  
RECORD ON APPEAL; DISTRICT COURT DOCKET ENTRIES; DISTRICT COURT MINUTES;  
EXHIBITS LIST; NOTICE OF DEFICIENCY

STATE OF NEVADA,

Plaintiff(s),

vs.

ERIN DESHAUN WARE,

Defendant(s).

Case No: C-15-310099-1

*Consolidated with C-16-311782-1*

Dept No: XXI

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 9 day of September 2022.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk