

Electronically Filed  
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Elizabeth A. Brown  
Clerk of Supreme Court

NOA  
NEVADA DEFENSE GROUP  
Damian Sheets, Esq.  
Nevada Bar No. 10755  
Kelsey Bernstein, Esq.  
Nevada Bar No. 13825  
714 S. Fourth Street  
Las Vegas, Nevada 89101  
Telephone: (702) 988-2600  
Facsimile: (702) 988-9500  
dsheets@defendingnevada.com  
Attorney for Defendant  
Henry Aparicio

**EIGHTH JUDICIAL DISTRICT COURT  
CLARK COUNTY, NEVADA**

The State of Nevada	)	Case No. C-18-332496-1
Plaintiff,	)	
	)	Dept. No. XXX
vs.	)	
	)	<b>NOTICE OF APPEAL</b>
Henry Aparicio,	)	
Defendant.	)	

**NOTICE IS HEREBY GIVEN** that Defendant/Appellant, HENRY APARICIO, hereby appeals to the Supreme Court of Nevada from the Amended Judgment of Conviction in the above-referenced case entered on or about January 26, 2022.

DATED this 24 day of February, 2022.

/s/ Damian Sheets  
Damian Sheets, Esq.  
714 S. Fourth Street  
Las Vegas, Nevada 89101  
Telephone: (702) 988-2600  
Attorney for Defendant

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Clark County District Attorney's Office  
200 Lewis Ave., 3rd Floor  
Las Vegas, NV 89155  
motions@clarkcountyda.com  
pdmotions@clarkcountyda.com

/s/ Kelsey Bernstein  
NEVADA DEFENSE GROUP

## EIGHTH JUDICIAL DISTRICT COURT

**CASE SUMMARY****CASE NO. C-18-332496-1**

State of Nevada  
vs  
Henry Aparicio

§ Location: **Department 30**  
 § Judicial Officer: **Wiese, Jerry A.**  
 § Filed on: **06/04/2018**  
 § Case Number History:  
 § Cross-Reference Case **C332496**  
 § Number:  
 § Defendant's Scope ID #: **6069038**  
 § ITAG Booking Number: **1800025574**  
 § ITAG Case ID: **1985557**  
 § Lower Court Case # Root: **18F09022**  
 § Lower Court Case Number: **18F09022X**  
 § Metro Event Number: **1805154422**  
 § Supreme Court No.: **80072**

**CASE INFORMATION**

Offense	Statute	Deg	Date	Case Type:	Felony/Gross Misdemeanor
Jurisdiction: <b>District Court</b>					
1. DRIVING UNDER THE INFLUENCE RESULTING IN DEATH PCN: 0025753256 ACN: 1805154422 Arrest: 05/16/2018 MET - Metro	484C.430	F	05/15/2018	Case Status:	<b>01/26/2022 Closed</b>
2. DRIVING UNDER THE INFLUENCE RESULTING IN DEATH	484C.430	F	05/15/2018		
3. RECKLESS DRIVING	484B.653.6	F	05/15/2018		
4. RECKLESS DRIVING	484B.653.6	F	05/15/2018		
5. RECKLESS DRIVING	484B.653.6	F	05/15/2018		
6. DRIVING UNDER THE INFLUENCE RESULTING IN SUBSTANTIAL BODILY HARM	484C.430	F	05/15/2018		

**Statistical Closures**

01/26/2022 Guilty Plea with Sentence (before trial) (CR)  
 10/29/2019 Guilty Plea with Sentence (before trial) (CR)

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

Case Number C-18-332496-1  
 Court Department 30  
 Date Assigned 10/22/2021  
 Judicial Officer Wiese, Jerry A.

**PARTY INFORMATION**

		Lead Attorneys
<b>Defendant</b>	<b>Aparicio, Henry</b>	<b>Sheets, Damian R.</b> <i>Retained</i> 702-988-2600(W)
<b>Plaintiff</b>	<b>State of Nevada</b>	<b>Wolfson, Steven B</b> 702-671-2700(W)

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

06/04/2018  Criminal Bindover Packet Justice Court  
 [1]


In  
#1

**CASE SUMMARY**  
**CASE NO. C-18-332496-1**















06/04/2018	 Criminal Bindover - Confidential <i>[2]</i>	In #2
06/05/2018	 Information Party: Plaintiff State of Nevada <i>[3] Information</i>	In #3
06/05/2018	 Notice of Witnesses and/or Expert Witnesses Filed By: Plaintiff State of Nevada <i>[4] State's Notice of Expert Witnesses</i>	In #4
06/14/2018	Media Request and Order <i>[5] For Camera Access to Court Proceedings - Signed</i>	In #5
06/18/2018	 Media Request and Order <i>[6] Media Request And Order Allowing Camera Access To Court Proceedings</i>	In #6
06/27/2018	 Supplemental Witness List Filed by: Plaintiff State of Nevada <i>[7] State's Supplemental Notice of Witnesses and/or Expert Witnesses</i>	In #7
07/05/2018	 Motion Filed By: Defendant Aparicio, Henry <i>[8] Motion in Limine to Exclude Evidence of Retrograde Extrapolation</i>	In #8
07/09/2018	 Transcript of Proceedings Party: Defendant Aparicio, Henry <i>[9] Reporter's Transcripts of Preliminary Hearing June 4, 2018</i>	In #9
07/11/2018	 Response Filed by: Plaintiff State of Nevada <i>[10] State's Response to Defendant's Motion to Exclude Evidence of Retrograde Extrapolation</i>	In #1
07/20/2018	 Petition for Writ of Habeas Corpus Filed by: Defendant Aparicio, Henry <i>[11] Defendant's Petition for Writ of Habeas Corpus (Pre-Trial)</i>	In #1
07/20/2018	 Appendix Filed By: Defendant Aparicio, Henry <i>[12] Appendix to Defendant's Petition for Writ of Habeas Corpus (Pre-Trial)</i>	In #1
07/20/2018	 Reply Filed by: Defendant Aparicio, Henry <i>[13] Defendant's Reply in Support of Motion in Limine to Exclude Evidence of Retrograde Extrapolation</i>	In #1
07/24/2018	 Return to Writ of Habeas Corpus <i>[14] State's Return to Defendant's Petition for Writ of Habeas Corpus</i>	In #1
		In

# CASE SUMMARY

CASE NO. C-18-332496-1

08/13/2018	 Media Request and Order <i>[15] Meida Request And Order Allowing Camera Access To Court Proceedings</i>	#1
10/09/2018	 Recorders Transcript of Hearing <i>[16] RECORDER'S TRANSCRIPT OF PROCEEDINGS: DEFENDANT'S MOTION IN LIMINE TO EXCLUDE EVIDENCE OF RETROGRADE EXTRAPOLATION. HEARD ON JULY 16, 2018</i>	In #1
10/22/2018	 Recorders Transcript of Hearing <i>[17] RECORDER'S TRANSCRIPT OF PROCEEDINGS: DEFENDANT'S MOTION IN LIMINE TO EXCLUDE EVIDENCE OF RETROGRADE EXTRAPOLATION. HEARD ON JULY 23, 2018</i>	In #1
10/22/2018	 Recorders Transcript of Hearing <i>[18] RECORDER'S TRANSCRIPT OF PROCEEDINGS: PETITION FOR WRIT OF HABEAS CORPUS; CALENDAR CALL. HEARD ON AUGUST 8, 2018</i>	In #1
10/22/2018	 Recorders Transcript of Hearing <i>[19] RECORDER'S TRANSCRIPT OF PROCEEDINGS: STATUS CHECK: TRIAL SETTING. HEARD ON JUNE 13, 2018</i>	In #1
12/21/2018	 Supplemental Witness List <i>[20] State's Second Supplemental Notice Of Witnesses And/Or Expert Witnesses</i>	In #2
01/11/2019	 Motion to Continue Trial Filed By: Defendant Aparicio, Henry <i>[21] Motion to Continue Trial</i>	In #2
02/06/2019	 Motion to Disqualify Judge Filed By: Defendant Aparicio, Henry <i>[22] Motion for Disqualification and Affidavit in Support</i>	In #2
02/21/2019	 Affidavit <i>[23] Affidavit of Douglas Smith in Response to Request to Disqualify Judge</i>	In #2
02/26/2019	 Opposition <i>[24] State's Opposition To Defendant's Motion To Disqualify Judge Smith</i>	In #2
02/27/2019	 Motion to Strike Filed By: Defendant Aparicio, Henry <i>[25] Request to Strike Affidavit in Response to Disqualification and Request to Strike State's Opposition to Motion for Disqualification</i>	In #2
02/27/2019	 Objection Filed By: Defendant Aparicio, Henry <i>[26] Objection to Reassignment on Motion for Disqualification</i>	In #2
04/05/2019	 Decision and Order <i>[27] Decision and Order</i>	In #2
04/05/2019	 Motion to Reconsider	In #2

**CASE SUMMARY**  
**CASE NO. C-18-332496-1**

	Filed By: Defendant Aparicio, Henry <i>[28] Motion to Reconsider Decision and Order Filed April 5, 2019</i>	
04/06/2019	 Clerk's Notice of Hearing <i>[29] Notice of Hearing</i>	In #2
04/29/2019	Case Reassigned to Department 9 <i>Judicial Reassignment to Department 9 - Judge Cristina Silva</i>	
05/02/2019	 Decision and Order <i>[30] Decision and Order</i>	In #2
07/17/2019	 Supplemental Witness List <i>[31] State's Third Supplemental Notice Of Witnesses And/Or Expert Witnesses</i>	In #2
07/24/2019	 Motion to Rehear <i>[32] MOTION TO REHEAR MOTION IN LIMINE AND REQUEST FOR INVESTIGATIVE FEES</i>	In #2
07/24/2019	 Motion to Continue Trial <i>[33] Motion to Continue Trial</i>	In #2
07/25/2019	 Clerk's Notice of Hearing <i>[34] Notice of Hearing</i>	In #2
07/25/2019	 Clerk's Notice of Hearing <i>[35] Notice of Hearing</i>	In #2
07/26/2019	 Opposition to Motion <i>[36] State's Opposition To The Defendant's Motion To Continue Trial</i>	In #2
08/01/2019	 Guilty Plea Agreement <i>[37]</i>	In #2
08/01/2019	 Amended Information <i>[38] Amended Information</i>	In #2
09/13/2019	 PSI <i>[39]</i>	In #2
09/13/2019	 PSI - Victim Impact Statements <i>[40]</i>	In #4
10/17/2019	 Objection Filed By: Defendant Aparicio, Henry <i>[41] Defendant's Objection to Victim Impact Speakers</i>	In #4
10/23/2019	 Media Request and Order <i>[42] Media Request And Order Allowing Camera Access To Court Proceedings... KSNV</i>	In #4

**CASE SUMMARY**  
**CASE NO. C-18-332496-1**

10/23/2019	 Media Request and Order <i>[43] Media Request And Order Allowing Camera Access To Court Proceedings... KLAS</i>	In #4
10/23/2019	 Media Request and Order <i>[44] Media Request And Order Allowing Camera Access To Court Proceedings... KVVU</i>	In #4
10/29/2019	 Judgment of Conviction <i>[45] Judgment of Conviction (Plea of Guilty)</i>	In #4
11/15/2019	 Notice of Appeal (Criminal) Party: Defendant Aparicio, Henry <i>[46] Notice of Appeal</i>	In #4
11/15/2019	 Case Appeal Statement Filed By: Defendant Aparicio, Henry <i>[47] Case Appeal Statement</i>	In #4
11/22/2019	 Transcript of Proceedings Party: Defendant Aparicio, Henry <i>[48] Request for Transcript of Proceedings</i>	In #4
04/01/2020	 Recorders Transcript of Hearing <i>[49] RECORDER'S TRANSCRIPT OF HEARING: SENTENCING. HEARD ON OCTOBER 18, 2019</i>	In #4
09/07/2021	Case Reassigned to Department 18 <i>From Judge Cristina Silva to Judge Mary Kay Holthus</i>	
10/22/2021	 Notice of Department Reassignment <i>[50] Notice of Department Reassignment</i>	In #4
11/03/2021	 NV Supreme Court Clerks Certificate/Judgment -Remanded <i>[51] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Petition Granted; Affirmed in Part, Vacated in Part and Remand</i>	In #4
01/05/2022	 Order for Production of Inmate <i>[52] Order for Production on Inmate</i>	In #4
01/24/2022	 Media Request and Order <i>[53] Order Allowing Camera Access to Court Proceedings</i>	In #4
01/26/2022	 Amended Judgment of Conviction <i>[54] AMENDED JUDGMENT OF CONVICTION</i>	In #4
02/24/2022	 Notice of Appeal (Criminal) <i>[55] Notice of Appeal</i>	In #4
	<b><u>DISPOSITIONS</u></b>	
08/01/2019	<b>Plea</b> (Judicial Officer: Wiese, Jerry A.)	

**CASE SUMMARY**  
**CASE NO. C-18-332496-1**

	<p>1. DRIVING UNDER THE INFLUENCE RESULTING IN DEATH Guilty PCN: 0025753256 Sequence:</p> <p>2. DRIVING UNDER THE INFLUENCE RESULTING IN DEATH Guilty PCN: Sequence:</p> <p>3. RECKLESS DRIVING Guilty PCN: Sequence:</p>
08/02/2019	<p><b>Disposition</b> (Judicial Officer: Silva, Cristina D.)</p> <p>4. RECKLESS DRIVING Amended Information Filed/Charges Not Addressed PCN: Sequence:</p> <p>5. RECKLESS DRIVING Amended Information Filed/Charges Not Addressed PCN: Sequence:</p> <p>6. DRIVING UNDER THE INFLUENCE RESULTING IN SUBSTANTIAL BODILY HARM Amended Information Filed/Charges Not Addressed PCN: Sequence:</p>
10/18/2019	<p><b>Disposition</b> (Judicial Officer: Wiese, Jerry A.)</p> <p>1. DRIVING UNDER THE INFLUENCE RESULTING IN DEATH Guilty PCN: 0025753256 Sequence:</p> <p>2. DRIVING UNDER THE INFLUENCE RESULTING IN DEATH Guilty PCN: Sequence:</p> <p>3. RECKLESS DRIVING Guilty PCN: Sequence:</p>
10/18/2019	<p><b>Adult Adjudication</b> (Judicial Officer: Wiese, Jerry A.)</p> <p>1. DRIVING UNDER THE INFLUENCE RESULTING IN DEATH 05/15/2018 (F) 484C.430 (DC53908) PCN: 0025753256 Sequence:</p> <hr/> <p>Sentenced to Nevada Dept. of Corrections Term: Minimum:7 Years, Maximum:20 Years</p>
10/18/2019	<p><b>Adult Adjudication</b> (Judicial Officer: Wiese, Jerry A.)</p> <p>2. DRIVING UNDER THE INFLUENCE RESULTING IN DEATH 05/15/2018 (F) 484C.430 (DC53908) PCN: Sequence:</p> <hr/> <p>Sentenced to Nevada Dept. of Corrections Term: Minimum:7 Years, Maximum:20 Years Consecutive: Charge 1</p>
10/18/2019	<p><b>Adult Adjudication</b> (Judicial Officer: Wiese, Jerry A.)</p> <p>3. RECKLESS DRIVING 05/15/2018 (F) 484B.653.6 (DC53896) PCN: Sequence:</p>



**CASE SUMMARY****CASE NO. C-18-332496-1**

Sentenced to Nevada Dept. of Corrections

Term: Minimum:12 Months, Maximum:48 Months

Consecutive: Charge 2

Credit for Time Served: 521 Days

**Condition**

1. Interlock Device, Prior to reinstatement of Deft's driving privileges, an interlock device shall be installed for a minimum period of 12 months and a maximum of 36 months, period to commence after any period of imprisonment, residential confinement, confinement in a treatment facility, or on parole or probation.

**Other Fees**

1. , \$47,520.53

**Fee Totals:**

Administrative Assessment Fee	25.00
\$25	
DNA Analysis Fee	150.00
\$150	
Genetic Marker Analysis AA Fee	3.00
\$3	
<b>Fee Totals \$</b>	<b>178.00</b>

**HEARINGS**

06/06/2018

**Initial Arraignment** (10:00 AM) (Judicial Officer: De La Garza, Melisa)

Plea Entered;

Journal Entry Details:

*Deputized Law Clerk, Stephanie Getler appearing for the State. DEFT. APARICIO ARRAIGNED, PLED NOT GUILTY, and INVOKED the 60-DAY RULE. Court stated that due to the assigned Department's trial stack invoked date being 2 weeks away and being that Mr. Sheets does not want to waive any time to receive a later date, ORDERED, matter set for Status Check: trial setting. 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. FURTHER ORDERED, Deft's request for discovery and State's request for reciprocal discovery is GRANTED pursuant to Statute and State law. CUSTODY 6/13/18 8:00 AM STATUS CHECK: TRIAL SETTING (DEPT. 8) ;*

06/13/2018

**Status Check** (8:00 AM) (Judicial Officer: Smith, Douglas E.)

Status Check: Trial Setting

Matter Heard; Trial Setting

Journal Entry Details:

*Charles Martinovsky, Chf Dep DA, present on behalf of the State and Daniel Lippmann, Esq., present on behalf of Deft. Aparicio, who is also present. This is the time set for Status Check on a Trial Setting. Colloquy regarding Deft.'s bail setting; bail is set at \$500,000. For the record, the Deft. pled NOT GUILTY back on June 6, 2018, down in Arraignment Court; however a trial date was not set because the Deft. did not want to WAIVE the required amount of days to accommodate this Court's calendar. The Deft. still does not want to WAIVE; however, Mr. Lippmann advised that if WAIVING by ten (10) days is what is needed, he will WAIVE. COURT ORDERED, matter set for trial. Mr. Martinovsky advised he will be providing some discovery items to the Defense in the near future. COURT ORDERED, all Giglio and Brady material and Statutory shall be provided. CUSTODY 08/08/18 8:00 CALENDAR CALL 08/13/18 9:30 AM JURY TRIAL ;*

07/16/2018

**Motion in Limine** (8:00 AM) (Judicial Officer: Smith, Douglas E.)**07/16/2018, 07/23/2018**

Deft.'s Motion in Limine to Exclude Evidence of Retrograde Extrapolation

Matter Continued; Deft.'s Motion in Limine to Exclude Evidence of Retrograde Extrapolation

Denied; Deft.'s Motion in Limine to Exclude Evidence of Retrograde Extrapolation

Journal Entry Details:

*Charles Martinovsky, Chf Dep DA, present on behalf of the State and Damian Sheets, Esq., present on behalf of Deft. Aparicio, who is also present. This is the time set for hearing on Deft.'s Motion in Limine to Exclude Evidence of Retrograde Extrapolation. Upon Court's inquiry, Mr. Sheets advised that he would submit on his Motion; he believes retrograde extrapolation is not appropriate in this case. The State's expert in this case relied on the Deft.'s body weight and gender plus his two (2) BAC test results and did not take into consideration the many other factors listed in State v. District Court (Armstrong). Mr. Martinovsky submitted the matter. Court noted that retrograde extrapolation is admissible in this case pursuant to State v. District Court (Armstrong). The State has evidence that confirms what the*

# CASE SUMMARY

CASE NO. C-18-332496-1

Deft. drank between 5:37 p.m. and 8:52 p.m., he was at Dave and Buster's restaurant. After leaving Dave and Buster's, the Deft. went to Casa Del Matador, where he worked. The Deft. had more to drink and he also ordered Goat Cheese Jalapeno. At 8:52 p.m., the bartender helped the Deft. out of the bar and then later returned to talk to him as he was getting into his car because he was too intoxicated. At 9:08 p.m. the Deft. crashed into the back of the victims' car, which was stopped at a red light on Sahara and Hualapai. The Deft.'s BAC was extremely high. The State, however, knew exactly how much the Deft. drank and ate between the hours of 5:37 p.m. and 8:52 p.m. and obtained two (2) blood draws one (1) hour apart. State v. District Court (Armstrong) holds that retrograde extrapolation can also be based on standard metabolic rate and is extremely appropriate in this particular case. Therefore, COURT ORDERED, the Deft.'s Motion is DENIED. The State shall prepare Findings of Fact and Conclusions of Law consistent with their Opposition and this Court's decision. Mr. Sheets advised that he file a Petition for Writ of Habeas Corpus and, therefore, the Deft. will be WAIVING his speedy trial right; the trial date currently set for August 13, 2018, will need to be continued. The Writ is set for hearing on August 6, 2018; colloquy. COURT ORDERED, the hearing date on the Writ will STAND; Court directed Mr. Martinovsky to file the State's Return so Mr. Sheets can file his Reply, if necessary. A new trial date will be set after argument on the Writ. CUSTODY ;

Matter Continued; Deft.'s Motion in Limine to Exclude Evidence of Retrograde Extrapolation

Denied; Deft.'s Motion in Limine to Exclude Evidence of Retrograde Extrapolation

Journal Entry Details:

Kelsey Einhorn, Dep DA, present on behalf of the State and Damian Sheets, Esq., present on behalf of Deft. Aparicio, who is also present. This is the time set for hearing on Deft.'s Motion in Limine to Exclude Evidence of Retrograde Extrapolation. Upon Court's inquiry, Mr. Sheets advised that he did not receive the State's Response until late last week; he would like more time to review it. COURT ORDERED, Motion CONTINUED. CUSTODY CONTINUED TO: 07/23/18 8:00 AM ;

08/06/2018



**Petition for Writ of Habeas Corpus (8:00 AM)** (Judicial Officer: Smith, Douglas E.)

08/06/2018, 08/08/2018

Deft.'s Petition for Writ of Habeas Corpus (Pre-Trial)

Matter Continued;

Denied;

Matter Continued;

Denied;

Journal Entry Details:

Charles Martinovsky, Chf Dep DA, present on behalf of the State and Damian Sheets, Esq., present on behalf of Deft. Aparicio, who is also present. This is the time set for hearing on the Deft.'s Petition for Writ of Habeas Corpus. Court called case; this Court's Marshal attempted telephonic contact with Mr. Sheets but was not successful; therefore, COURT ORDERED, matter CONTINUED. This Court's staff will notify Mr. Sheets of the continued court date. CUSTODY CONTINUED TO: 08/08/18 8:00 AM CLERK'S NOTE: Court Clerk telephonically contacted Damian Sheets, Esq., and informed him of the continued court date.;

08/08/2018

**Calendar Call (8:00 AM)** (Judicial Officer: Smith, Douglas E.)

Matter Heard;

08/08/2018



**All Pending Motions (8:00 AM)** (Judicial Officer: Smith, Douglas E.)

Calendar Call . . . Deft.'s Petition for Writ of Habeas Corpus (Pre-Trial)

Matter Heard;

Journal Entry Details:

CALENDAR CALL . . . DEFT.'S PETITION FOR WRIT OF HABEAS CORPUS (PRE-TRIAL) Charles Martinovsky, Chf Dep DA, present on behalf of the State and Damian Sheets, Esq., present on behalf of Deft. Aparicio, who is also present. This is the time set for the Calendar Call and hearing on Deft.'s Petition for Writ of Habeas Corpus. Deft.'s Petition for Writ of Habeas Corpus (Pre-Trial): Mr. Sheets advised that his Writ is comprised of two issues; the first is the introduction of non-extrapolated blood alcohol results that were taken outside of two hours; he discussed the Armstrong case. Second, there was a lack of evidence presented at the Preliminary Hearing that the Deft. was in actual physical control of the vehicle; not a single witness says they saw or knew who was operating the motor vehicle. Argument by Mr. Martinovsky; as to the Armstrong issue, Mr. Martinovsky discussed Sheriff v. Burcham. With regard to the identification as the Deft. being the driver of the vehicle, an Officer testified that the Deft. asked if he had killed two (2) people; a girl was slumped down in the passenger seat, her purse was tucked underneath the seat with all of her identification; a detective testified that no one was in the back seat because of the distribution of the glass; the Deft. had injuries on his face consistent with having been in a collision; there was blood on the steering wheel; and the Deft. was expressing concern for the passenger. A witness, Brandon McCauley, testified that there was a crowd of people who apprehended the Deft. The Court noted that probable cause to support a criminal charge at Preliminary Hearing may be based on slight, even marginal evidence. Therefore, based on the pleadings and augments of counsel, it is clear to the Court that there was slight, even marginal evidence presented. It is also clear that the testing of the blood would satisfy Armstrong. COURT ORDERED, the Deft.'s Petition for Writ of Habeas Corpus is DENIED. State to prepare Findings of Fact and Conclusions of Law consistent with their Opposition. Calendar Call: Mr. Sheets advised that the Deft. is WAIVING his speedy trial right at this time; Deft. CONCURRED. COURT ORDERED, trial

EIGHTH JUDICIAL DISTRICT COURT

**CASE SUMMARY**


**CASE NO. C-18-332496-1**

*date VACATED and RESET in ordinary course. CUSTODY 01/23/19 8:00 AM CALENDAR CALL 01/28/19 9:30 AM JURY TRIAL ;*


08/13/2018 **CANCELED Jury Trial** (9:30 AM) (Judicial Officer: Bonaventure, Joseph T.)  
*Vacated - per Judge*


01/23/2019 **Calendar Call** (8:00 AM) (Judicial Officer: Smith, Douglas E.)  
*Matter Heard;*


01/23/2019 **Motion to Continue Trial** (8:00 AM) (Judicial Officer: Smith, Douglas E.)  
*Deft.'s Motion to Continue Trial*  
*Granted;*

01/23/2019  **All Pending Motions** (8:00 AM) (Judicial Officer: Smith, Douglas E.)  
*Deft.'s Motion to Continue Trial . . . Calendar Call*  
*Matter Heard;*  
*Journal Entry Details:*  
*DEFT.'S MOTION TO CONTINUE TRIAL . . . CALENDAR CALL Charles Martinovsky, Chf Dep DA, present on behalf of the State and Damian Sheets, Esq., present on behalf of Deft. Aparicio, who is also present. This is the time set for the Calendar Call; however, the Deft. as filed a Motion to Continue Trial. Mr. Sheets advised that he is trying to obtain an expert witness but due to the Deft.'s financial situation, he is have difficulty finding someone to fit within their fee structure; colloquy. COURT ORDERED, the Deft.'s Motion to Continue Trial is GRANTED; trial date VACATED and RESET. This will be a FIRM setting. CUSTODY 07/31/19 8:00 AM CALENDAR CALL 08/05/19 9:30 AM JURY TRIAL - FIRM ;*

01/28/2019 **CANCELED Jury Trial** (9:30 AM) (Judicial Officer: Smith, Douglas E.)  
*Vacated - per Judge*

03/19/2019  **Motion** (9:00 AM) (Judicial Officer: Bell, Linda Marie)  
*Motion to Recuse*  
*Denied;*  
*Journal Entry Details:*  
*Defendant not present. Argument by Counsel. COURT ORDERED, matter UNDER ADVISEMENT. CUSTODY;*

04/15/2019  **Motion For Reconsideration** (8:00 AM) (Judicial Officer: Bell, Linda Marie)  
**04/15/2019, 04/23/2019**  
*Defendant's Motion to Reconsider Decision and Order Filed April 5, 2019*  
*Matter Continued; Defendant's Motion to Reconsider Decision and Order Filed April 5, 2019*  
*Denied;*  
*Journal Entry Details:*  
*Upon Court's inquiry, Mr. Sheets is Defendant's counsel of record. Argument by Mr. Sheets. COURT ORDERED, motion DENIED. CUSTODY;*  
*Matter Continued; Defendant's Motion to Reconsider Decision and Order Filed April 5, 2019*  
*Denied;*  
*Journal Entry Details:*  
*Dena Rinetti, Chf Dep DA, present on behalf of the State and Damian Sheets, Esq., present on behalf of Deft. Aparicio, who is also present. This is the time set for hearing on Deft.'s Motion to Reconsider Decision and Order Filed April 5, 2019. Court noted that Judge Bell filed a Decision and Order on April 5, 2019, to the Deft.'s Motion to Disqualify Judge Smith, which was DENIED. Later that same day, Mr. Sheets filed a Motion to Reconsider Decision and Order filed April 5, 2019; this Court will not entertain the substance of said motion at this time. Mr. Sheets advised that this matter is assigned to Charles Martinovsky, Chf Dep DA, but he is out of the jurisdiction so he is present to make representations; he believes this Motion should be heard by Judge Bell. Court noted that since Judge Bell issued the original Order on Mr. Sheet's challenge to Disqualify Judge Smith, this Motion should be transferred to her for consideration. Therefore, COURT ORDERED, the Motion is TRANSFERRED to Department VII for further proceedings. CUSTODY CONTINUED TO: 04/23/19 9:00 AM (DEPARTMENT VII) ;*

07/31/2019  **Calendar Call** (8:30 AM) (Judicial Officer: Silva, Cristina D.)  
*Matter Heard;*  
*Journal Entry Details:*  
*Arguments by Mr. Sheets regarding the case history with Judge Smith. State announced ready and advised this trial will last ten (10) days with at least thirty (30) witnesses. Mr. Sheets argued he will be ineffective if the trial moves*

**CASE SUMMARY****CASE NO. C-18-332496-1**

forward as scheduled as he has another trial at the same time. Colloquy regarding subpoena returns. CONFERENCE AT BENCH. COURT ORDERED, matter SET for status check. CUSTODY 08/01/2019 9:00 AM STATUS CHECK: TRIAL READINESS;

08/01/2019

**Status Check** (9:30 AM) (Judicial Officer: Silva, Cristina D.)

STATUS CHECK: TRIAL READINESS

Plea Entered;

Journal Entry Details:

Amended Information FILED IN OPEN COURT. NEGOTIATIONS are as contained in the Guilty Plea Agreement FILED IN OPEN COURT. Mr. Martinovsky stated State will retain the right to argue as to Counts 1 and 2, but no opposition to concurrent time between Count 3 - reckless driving and the two counts of driving under the influence. DEFT. APARICIO SWORN, ARRAIGNED AND PLED GUILTY TO COUNT 1 - DRIVING UNDER THE INFLUENCE RESULTING IN DEATH (F); COUNT 2 - DRIVING UNDER THE INFLUENCE RESULTING IN DEATH (F); COUNT 3 - RECKLESS DRIVING (F). Court ACCEPTED plea, and, ORDERED, matter referred to the Division of Parole and Probation (P & P) and SET for sentencing. COURT FURTHER ORDERED, the trial date and pending motions were VACATED. CUSTODY 10/18/19 9:30 AM SENTENCING;

08/05/2019

**CANCELED Motion** (8:30 AM) (Judicial Officer: Silva, Cristina D.)

Vacated

Defendant's Motion to Rehear Motion in Limine and Request for Investigative Fees

08/05/2019

**CANCELED Motion to Continue Trial** (8:30 AM) (Judicial Officer: Silva, Cristina D.)

Vacated

Defendant's Motion to Continue Trial

08/05/2019

**CANCELED Jury Trial - FIRM** (9:30 AM) (Judicial Officer: Smith, Douglas E.)

Vacated

10/18/2019

**Sentencing** (9:30 AM) (Judicial Officer: Silva, Cristina D.)

Defendant Sentenced;

Journal Entry Details:

Upon Court's inquiry, counsel confirmed they were prepared for sentencing. Mr. Sheets indicated he reviewed the Pre-Sentencing Investigation (PSI) Report and there was a small correction that was not a Stock Meier issue. Mr. Sheets informed the Court that Defendant was employed for 12 months prior to the incident rather than 8 months prior. Court took notice of the correction to the employment time noted in the PSI. Court advised the Court received a request from defense to reject certain Victim Impact Statements. Court ORDERED the rejection OVERRULED and advised the Court read all of the letters and statements provided. Counsel advised there were no other changes to the PSI. The State provided the Court with pictures marked as exhibits. Argument by the State for a maximum sentence. Mr. Sheets provided the Court with a letter from Defendant's family. Argument by Mr. Sheet in support of Defendant. Statement by Defendant. Victim Impact Statements given and pictures and video provided and marked as Court Exhibits (see worksheets). Statement by the Court regarding how the sentence was determined and all of the considerations made. DEFENDANT APARICIO ADJUDGED GUILTY of COUNT 1 - DRIVING UNDER THE INFLUENCE RESULTING IN DEATH (F) COUNT 2 - COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, a \$150.00 DNA Analysis fee including testing to determine genetic markers, a \$3.00 DNA Collection fee, and \$47,520.53 Restitution, Defendant SENTENCED in COUNT 1 - to a MINIMUM of SEVEN (7) YEARS and a MAXIMUM of TWENTY (20) YEARS in the Nevada Department of Corrections (NDC); COUNT 2 - to a MINIMUM of SEVEN (7) YEARS and a MAXIMUM of TWENTY (20) YEARS in the NDC; COUNT 1 to run CONSECUTIVE with COUNT 2; COUNT 3 - to a MINIMUM of TWELVE (12) MONTHS and a MAXIMUM of FORTY (48) MONTHS in NDC; COUNT 3 to run CONSECUTIVE to COUNT 2; for an AGGREGATE TOTAL of a MINIMUM of FIFTEEN (15) YEARS and a MAXIMUM of FORTY (44) YEARS in NDC with FIVE HUNDRED TWENTY-ONE (521) DAYS credit for time served. COURT FURTHER ORDERED, pursuant to NRS 484C.340 and NRS 484C.460, prior to reinstatement of the Defendant's driving privileges, an interlock device shall be installed and inspected on his vehicle at the Defendant's expense for a period of 12 months, said period to commence after any period of imprisonment, residential confinement, confinement in a treatment facility, or on parole or probation. Statement by the Court. Upon Mr. Sheets inquiry, Court advised the objections made by Mr. Sheets with regard to the victim impact statements and exhibits were placed on the record. BOND, if any, EXONERATED. NDC CLERK'S NOTE: Subsequent to the hearing parties informed the Court of Defendant's amount of credit for time served which was entered in the Order as stated in the above minutes.//lk;

10/21/2021

**Minute Order** (3:00 AM) (Judicial Officer: Holthus, Mary Kay)

Minute Order - No Hearing Held;

Journal Entry Details:

To avoid the appearance of impropriety, and pursuant to the Revised Nevada Code of Judicial Conduct Rules 2.2 and

EIGHTH JUDICIAL DISTRICT COURT

**CASE SUMMARY**

**CASE NO. C-18-332496-1**

2.4, Judge Holthus recuses herself as she has previously ruled on motions in a related civil case. Although the Court is fully capable and would absolutely rule fairly and without bias, recusal is appropriate in the present case in accordance with the Canons of Judicial Ethics. Thus, the Court RECUSES itself from the matter and requests that it be randomly reassigned with in accordance with appropriate procedures. CLERK'S NOTE: A copy of this Minute Order was electronically served to all registered parties through Odyssey File and Serve and electronically sent to Master Calendar (mastercalendar@clarkcountycourts.us). // eb 10/21/2021;

11/02/2021 **Status Check** (8:30 AM) (Judicial Officer: Wiese, Jerry A.)

Status Check: Sentencing

11/30/2021 **Hearing** (8:30 AM) (Judicial Officer: Wiese, Jerry A.)

Matter Continued;

01/25/2022  **Sentencing** (8:30 AM) (Judicial Officer: Wiese, Jerry A.)

Defendant Sentenced;

Journal Entry Details:

Upon Court's inquiry, Mr. Sheets confirmed Defendant reviewed the Pre-Sentence Investigation (PSI) report, there were no Stockmeier issues and the matter could proceed with sentencing. Mr. Sheets did object to going forward today because the Defendant is not present in person, only present via BlueJeans video. The Court indicated that as long as there is good video connections, the matter will proceed. DEFENDANT APARICIO ADJUDGED GUILTY as to Counts 1 and 2 DRIVING UNDER THE INFLUENCE RESULTING IN DEATH (F) and as to Count 3 RECKLESS DRIVING (F). The State has retained the right to argue as to Counts 1 and 2 but had no opposition to concurrent service of time. Mr. Chen advised at the previous sentencing there was an issue regarding Stockmeier regarding Defendants employment, twelve months prior rather than the months noted in the PSI. The Court indicated this will not affect his ability to parole. The Court further indicated he will consider what is in the employment status paragraph about prior employment instead of the number of months employed. The Court does not believe this rises to a Stockmeier issue. Mr. Chen advised he wanted to cover some of the evidence had this matter gone to trial. Mr. Chen indicated the Defendant is noted to have drank multiple shots at Dave and Buster's, as seen on video. Then Defendant is seen getting in his car driving to Casa Matador where he is seen drinking multiple shots. The Defendant is escorted out by the bartender and then gets in his car. Soon thereafter, the tragedy occurred. Mr. Chen noted that in this particular cased, based upon the facts of drinking, based upon the speed he was going, and based upon the devastation it caused, the Defendant absolutely deserves a sentence on the higher end of the spectrum. Mr. Sheets stated that two innocent people lost their lives as the result of Defendant's actions. The Court indicated he will not hold anything against the Defendant because of litigated issues. Mr. Sheets advised the Defendant elected to plead guilty in this matter, taking responsibility for two DUI deaths and one reckless causing injury, three felonies where the state has the right to argue that two of those counts go consecutive, because he cannot take the guilt any longer. Mr. Sheets describes the Defendant's alcohol problem throughout his life. Mr. Sheets reads a statement from the Defendant made at the prior sentencing. Statement by Defendant. The Court noted for the record he has considered the victim letters from Ian Malone, Dan Wilson, and from Peggy Buell. DANIEL MALONE, SWORN AND TESTIFIED. DAMASO PUENTES SILVA, SWORN AND TESTIFIED. DIANE MALONE, SWORN AND TESTIFIED. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, a \$150.00 DNA analysis fee, including testing to determine genetic markers, WAIVED if previously taken, \$3.00 DNA Collection fee, \$250.00 Indigent Defense Civil Assessment fee, and \$47,520.53 Restitution. Defendant SENTENCED as to Count 1 a MINIMUM of SEVEN (7) YEARS and a MAXIMUM of TWENTY (20) YEARS in the Nevada Department of Corrections (NDC), as to Count 2 a MINIMUM of SEVEN (7) YEARS and a MAXIMUM of TWENTY (20) YEARS in NDC, CONSECUTIVE to Count 1, and as to Count 3 a MINIMUM of TWELVE (12) MONTHS and a MAXIMUM OF FORTY-EIGHT (48) MONTHS in NDC, CONSECUTIVE to Count 2, with ONE THOUSAND, THREE HUNDRED, FIFTY-ONE (1,351) DAYS credit for time served. TOTAL AGGREGATE: MINIMUM of FIFTEEN (15) YEARS to a MAXIMUM of FORTY-FOUR (44) YEARS. COURT FURTHER ORDERED, Per NRS 484C.460, prior to the reinstatement of the defendant s driving privileges, an interlock device shall be installed and inspected on his vehicle at his expense for a period of thirty-six (36) months, said period to commence after any period of imprisonment, residential confinement, confinement in a treatment facility, or on parole or probation. NDC CLERK'S NOTE: Minutes prepared from JAVS recording. vw / 02/08/2022 ;

DATE

FINANCIAL INFORMATION

**Defendant** Aparicio, Henry

Total Charges

189.50

Total Payments and Credits

11.50

**Balance Due as of 2/25/2022**

**178.00**

AJOCP

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

HENRY APARICIO  
aka Henry Biderman Aparicio  
#6069038

Defendant.

CASE NO. C-18-332496-1

DEPT. NO. XXX

AMENDED JUDGMENT OF CONVICTION  
(PLEA OF GUILTY)

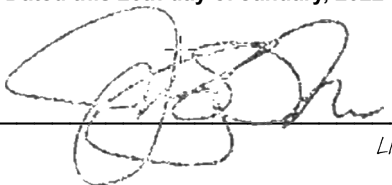
The Defendant previously appeared before the Court with counsel and entered a plea of guilty to the crimes of COUNTS 1 and 2 – DRIVING UNDER THE INFLUENCE RESULTING IN DEATH (Category B Felony) in violation of NRS 484C.110, 484C.430; COUNT 3 – RECKLESS DRIVING (Category B Felony) in violation of NRS 484B.653; thereafter, on the 25<sup>th</sup> day of January, 2022, the Defendant was present in court for sentencing with counsel DAMIAN R. SHEETS, ESQ., and good cause appearing,

THE DEFENDANT IS HEREBY ADJUDGED guilty of said offenses and, in addition to the \$25.00 Administrative Assessment Fee, \$250.00 Indigent Defense Civil Assessment Fee, \$47,520.53 Restitution and \$150.00 DNA Analysis Fee including

1 testing to determine genetic markers (WAIVED if previously taken) plus \$3.00 DNA  
2 Collection Fee, the Defendant is sentenced to the Nevada Department of Corrections  
3 (NDC) as follows: COUNT 1 – a MAXIMUM of TWENTY (20) YEARS with a MINIMUM  
4 parole eligibility of SEVEN (7) YEARS; COUNT 2 – a MAXIMUM of TWENTY (20)  
5 YEARS with a MINIMUM parole eligibility of SEVEN (7) YEARS, CONSECUTIVE with  
6 COUNT 1; COUNT 3 – a MAXIMUM of FORTY-EIGHT (48) MONTHS with a  
7 MINIMUM parole eligibility of TWELVE (12) MONTHS, CONSECUTIVE with COUNT  
8 2; with ONE THOUSAND THREE HUNDRED FIFTY-ONE (1,351) DAYS credit for  
9 time served. The AGGREGATE TOTAL sentence is FORTY-FOUR (44) YEARS  
10 MAXIMUM with a MINIMUM of FIFTEEN (15) YEARS.  
11

12  
13 COURT FURTHER ORDERED, pursuant to NRS 484C.340, 484C.460, prior to  
14 any reinstatement of driving privileges the defendant shall have an interlock device  
15 installed and inspected on his vehicle at his expense for a period of THIRTY-SIX (36)  
16 months, said period to commence after any period of imprisonment, residential  
17 confinement, confinement in a treatment facility or on parole or probation.  
18

19 Dated this 26th day of January, 2022

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22 LK

23 **E4B FB0 536E 1492**  
24 **Jerry A. Wiese**  
25 **District Court Judge**  
26  
27  
28

1 **CSERV**

2  
3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA

5  
6 State of Nevada

CASE NO: C-18-332496-1

7 vs

DEPT. NO. Department 30

8 Henry Aparicio  
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 1/26/2022

15 Damian Sheets

dsheets@defendingnevada.com

16 DAMIAN SHEETS, ESQ.

dsheets@defendingnevada.com

17 Daniel Lippmann

dlippmann@defendingnevada.com

18 State Nevada

motions@clarkcountyyda.com

19 State Nevada

pdmotions@clarkcountyyda.com

20 CHARLES MARTINOVSKY, DDA

charles.martinovsky@clarkcountyyda.com

21 LAW CLERK

dept08lc@clarkcountycourts.us

22 Kelsey Bernstein

kbernstein.esq@gmail.com

23 Brenden Garrison

brenden@defendingnevada.com

24 Gina Villani

villanig@clarkcountycourts.us

25 Kelsey Bernstein

kbernstein@defendingnevada.com

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Jennifer Garcia

[jennifer.garcia@clarkcountyda.com](mailto:jennifer.garcia@clarkcountyda.com)

Heather Ungermann

[ungermannh@clarkcountycourts.us](mailto:ungermannh@clarkcountycourts.us)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****June 06, 2018**

C-18-332496-1      State of Nevada  
vs  
Henry Aparicio

**June 06, 2018      10:00 AM      Initial Arraignment**

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

**COURT CLERK:** Kristen Brown  
Shannon Emmons  
Dara Yorke  
Danielle Black

**RECORDER:** Kiara Schmidt**REPORTER:****PARTIES**

<b>PRESENT:</b>	Aparicio, Henry	Defendant
	Martinovsky, Charles	Attorney
	Sheets, Damian R.	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Deputized Law Clerk, Stephanie Getler appearing for the State.

DEFT. APARICIO ARRAIGNED, PLED NOT GUILTY, and INVOKED the 60-DAY RULE. Court stated that due to the assigned Department's trial stack invoked date being 2 weeks away and being that Mr. Sheets does not want to waive any time to receive a later date, ORDERED, matter set for Status Chcek: trial setting. 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. FURTHER ORDERED, Deft's request for discovery and State's request for reciprocal discovery is GRANTED pursuant to Statute and State law.

**CUSTODY**

**C-18-332496-1**

6/13/18 8:00 AM STATUS CHECK: TRIAL SETTING (DEPT. 8)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**June 13, 2018**

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C-18-332496-1      State of Nevada  
                                 vs  
                                 Henry Aparicio

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**June 13, 2018**

**8:00 AM**

**Status Check**

**Trial Setting**

**HEARD BY:** Smith, Douglas E.

**COURTROOM:** RJC Courtroom 11B

**COURT CLERK:** Carol Donahoo

**RECORDER:** Gina Villani

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- Charles Martinovsky, Chf Dep DA, present on behalf of the State and Daniel Lippmann, Esq., present on behalf of Deft. Aparicio, who is also present.

This is the time set for Status Check on a Trial Setting. Colloquy regarding Deft.'s bail setting; bail is set at \$500,000.

For the record, the Deft. pled NOT GUILTY back on June 6, 2018, down in Arraignment Court; however a trial date was not set because the Deft. did not want to WAIVE the required amount of days to accommodate this Court's calendar. The Deft. still does not want to WAIVE; however, Mr. Lippmann advised that if WAIVING by ten (10) days is what is needed, he will WAIVE. COURT ORDERED, matter set for trial.

Mr. Martinovsky advised he will be providing some discovery items to the Defense in the near future. COURT ORDERED, all Giglio and Brady material and Statutory shall be provided.

**CUSTODY**

08/08/18 8:00 CALENDAR CALL

08/13/18 9:30 AM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**July 16, 2018**

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C-18-332496-1	State of Nevada
	vs
	Henry Aparicio

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<b>July 16, 2018</b>	<b>8:00 AM</b>	<b>Motion in Limine</b>	<b>Deft.'s Motion in Limine to Exclude Evidence of Retrograde Extrapolation</b>
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**HEARD BY:** Smith, Douglas E.

**COURTROOM:** RJC Courtroom 11B

**COURT CLERK:** Carol Donahoo

**RECORDER:** Gina Villani

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Kelsey Einhorn, Dep DA, present on behalf of the State and Damian Sheets, Esq., present on behalf of Deft. Aparicio, who is also present.

This is the time set for hearing on Deft.'s Motion in Limine to Exclude Evidence of Retrograde Extrapolation. Upon Court's inquiry, Mr. Sheets advised that he did not receive the State's Response until late last week; he would like more time to review it. COURT ORDERED, Motion CONTINUED.

CUSTODY

CONTINUED TO: 07/23/18 8:00 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****July 23, 2018**

C-18-332496-1      State of Nevada  
vs  
Henry Aparicio

<b>July 23, 2018</b>	<b>8:00 AM</b>	<b>Motion in Limine</b>	<b>Deft.'s Motion in Limine to Exclude Evidence of Retrograde Extrapolation</b>
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**HEARD BY:** Smith, Douglas E.**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** Carol Donahoo**RECORDER:** Trisha Garcia**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Charles Martinovsky, Chf Dep DA, present on behalf of the State and Damian Sheets, Esq., present on behalf of Deft. Aparicio, who is also present.

This is the time set for hearing on Deft.'s Motion in Limine to Exclude Evidence of Retrograde Extrapolation. Upon Court's inquiry, Mr. Sheets advised that he would submit on his Motion; he believes retrograde extrapolation is not appropriate in this case. The State's expert in this case relied on the Deft.'s body weight and gender plus his two (2) BAC test results and did not take into consideration the many other factors listed in State v. District Court (Armstrong). Mr. Martinovsky submitted the matter.

Court noted that retrograde extrapolation is admissible in this case pursuant to State v. District Court (Armstrong). The State has evidence that confirms what the Deft. drank between 5:37 p.m. and 8:52 p.m., he was at Dave and Buster's restaurant. After leaving Dave and Buster's, the Deft. went to Casa Del Matador, where he worked. The Deft. had more to drink and he also ordered Goat Cheese

Jalapeno. At 8:52 p.m., the bartender helped the Deft. out of the bar and then later returned to talk to him as he was getting into his car because he was too intoxicated. At 9:08 p.m. the Deft. crashed into the back of the victims' car, which was stopped at a red light on Sahara and Hualapai. The Deft.'s BAC was extremely high. The State, however, knew exactly how much the Deft. drank and ate between the hours of 5:37 p.m. and 8:52 p.m. and obtained two (2) blood draws one (1) hour apart. State v. District Court (Armstrong) holds that retrograde extrapolation can also be based on standard metabolic rate and is extremely appropriate in this particular case. Therefore, COURT ORDERED, the Deft.'s Motion is DENIED. The State shall prepare Findings of Fact and Conclusions of Law consistent with their Opposition and this Court's decision.

Mr. Sheets advised that he file a Petition for Writ of Habeas Corpus and, therefore, the Deft. will be WAIVING his speedy trial right; the trial date currently set for August 13, 2018, will need to be continued. The Writ is set for hearing on August 6, 2018; colloquy. COURT ORDERED, the hearing date on the Writ will STAND; Court directed Mr. Martinovsky to file the State's Return so Mr. Sheets can file his Reply, if necessary. A new trial date will be set after argument on the Writ.

CUSTODY



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**August 06, 2018**

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C-18-332496-1      State of Nevada  
vs  
Henry Aparicio

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**August 06, 2018      8:00 AM      Petition for Writ of Habeas  
Corpus**

**HEARD BY:** Smith, Douglas E.

**COURTROOM:** RJC Courtroom 11B

**COURT CLERK:** Carol Donahoo

**RECORDER:** Gina Villani

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Charles Martinovsky, Chf Dep DA, present on behalf of the State and Damian Sheets, Esq., present on behalf of Deft. Aparicio, who is also present.

This is the time set for hearing on the Deft.'s Petition for Writ of Habeas Corpus. Court called case; this Court's Marshal attempted telephonic contact with Mr. Sheets but was not successful; therefore, COURT ORDERED, matter CONTINUED. This Court's staff will notify Mr. Sheets of the continued court date.

**CUSTODY**

**CONTINUED TO:** 08/08/18 8:00 AM

**CLERK'S NOTE:** Court Clerk telephonically contacted Damian Sheets, Esq., and informed him of the continued court date.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**August 08, 2018**

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C-18-332496-1      State of Nevada  
                                 vs  
                                 Henry Aparicio

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**August 08, 2018      8:00 AM      All Pending Motions**

**HEARD BY:** Smith, Douglas E.      **COURTROOM:** RJC Courtroom 11B

**COURT CLERK:** Carol Donahoo

**RECORDER:** Gina Villani

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- CALENDAR CALL . . . DEFT.'S PETITION FOR WRIT OF HABEAS CORPUS (PRE-TRIAL)

Charles Martinovsky, Chf Dep DA, present on behalf of the State and Damian Sheets, Esq., present on behalf of Deft. Aparicio, who is also present.

This is the time set for the Calendar Call and hearing on Deft.'s Petition for Writ of Habeas Corpus.

Deft.'s Petition for Writ of Habeas Corpus (Pre-Trial): Mr. Sheets advised that his Writ is comprised of two issues; the first is the introduction of non-extrapolated blood alcohol results that were taken outside of two hours; he discussed the Armstrong case. Second, there was a lack of evidence presented at the Preliminary Hearing that the Deft. was in actual physical control of the vehicle; not a single witness says they saw or knew who was operating the motor vehicle.

Argument by Mr. Martinovsky; as to the Armstrong issue, Mr. Martinovsky discussed Sheriff v. Burcham. With regard to the identification as the Deft. being the driver of the vehicle, an Officer testified that the Deft. asked if he had killed two (2) people; a girl was slumped down in the passenger seat, her purse was tucked underneath the seat with all of her identification; a detective testified that no one was in the back seat because of the distribution of the glass; the Deft. had injuries

on his face consistent with having been in a collision; there was blood on the steering wheel; and the Deft. was expressing concern for the passenger. A witness, Brandon McCauley, testified that there was a crowd of people who apprehended the Deft.

The Court noted that probable cause to support a criminal charge at Preliminary Hearing may be based on slight, even marginal evidence. Therefore, based on the pleadings and augments of counsel, it is clear to the Court that there was slight, even marginal evidence presented. It is also clear that the testing of the blood would satisfy Armstrong. COURT ORDERED, the Deft's Petition for Writ of Habeas Corpus is DENIED. State to prepare Findings of Fact and Conclusions of Law consistent with their Opposition.

Calendar Call: Mr. Sheets advised that the Deft. is WAIVING his speedy trial right at this time; Deft. CONCURRED. COURT ORDERED, trial date VACATED and RESET in ordinary course.

CUSTODY

01/23/19 8:00 AM CALENDAR CALL

01/28/19 9:30 AM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**January 23, 2019**

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C-18-332496-1      State of Nevada  
                                 vs  
                                 Henry Aparicio

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**January 23, 2019      8:00 AM      All Pending Motions**

**HEARD BY:** Smith, Douglas E.

**COURTROOM:** RJC Courtroom 11B

**COURT CLERK:** Carol Donahoo

**RECORDER:** Gina Villani

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

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

Charles Martinovsky, Chf Dep DA, present on behalf of the State and Damian Sheets, Esq., present on behalf of Deft. Aparicio, who is also present.

This is the time set for the Calendar Call; however, the Deft. as filed a Motion to Continue Trial. Mr. Sheets advised that he is trying to obtain an expert witness but due to the Deft.'s financial situation, he is have difficulty finding someone to fit within their fee structure; colloquy. COURT ORDERED, the Deft.'s Motion to Continue Trial is GRANTED; trial date VACATED and RESET. This will be a FIRM setting.

CUSTODY

07/31/19 8:00 AM CALENDAR CALL

08/05/19 9:30 AM JURY TRIAL - FIRM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**March 19, 2019**

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C-18-332496-1      State of Nevada  
                                 vs  
                                 Henry Aparicio

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**March 19, 2019      9:00 AM      Motion**

**HEARD BY:** Bell, Linda Marie

**COURTROOM:** RJC Courtroom 17A

**COURT CLERK:**  
                                 Kimberly Estala

**RECORDER:** Renee Vincent

**REPORTER:**

**PARTIES**

**PRESENT:**      Martinovsky, Charles      Attorney  
                                 Sheets, Damian R.      Attorney  
                                 State of Nevada      Plaintiff

**JOURNAL ENTRIES**

- Defendant not present.

Argument by Counsel. COURT ORDERED, matter UNDER ADVISEMENT.

CUSTODY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****April 15, 2019**

C-18-332496-1      State of Nevada  
vs  
Henry Aparicio

**April 15, 2019****8:00 AM****Motion For  
Reconsideration**

**Defendant's Motion  
to Reconsider  
Decision and Order  
Filed April 5, 2019**

**HEARD BY:** Barker, David**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** Carol Donahoo**RECORDER:** Rubina Feda**REPORTER:****PARTIES****PRESENT:**

**JOURNAL ENTRIES**

- Dena Rinetti, Chf Dep DA, present on behalf of the State and Damian Sheets, Esq., present on behalf of Deft. Aparicio, who is also present.

This is the time set for hearing on Deft.'s Motion to Reconsider Decision and Order Filed April 5, 2019. Court noted that Judge Bell filed a Decision and Order on April 5, 2019, to the Deft.'s Motion to Disqualify Judge Smith, which was DENIED. Later that same day, Mr. Sheets filed a Motion to Reconsider Decision and Order filed April 5, 2019; this Court will not entertain the substance of said motion at this time.

Mr. Sheets advised that this matter is assigned to Charles Martinovsky, Chf Dep DA, but he is out of the jurisdiction so he is present to make representations; he believes this Motion should be heard by Judge Bell. Court noted that since Judge Bell issued the original Order on Mr. Sheet's challenge to Disqualify Judge Smith, this Motion should be transferred to her for consideration. Therefore, COURT ORDERED, the Motion is TRANSFERRED to Department VII for further proceedings.

**C-18-332496-1**

CUSTODY

CONTINUED TO: 04/23/19 9:00 AM (DEPARTMENT VII)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**April 23, 2019**

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C-18-332496-1      State of Nevada  
                                 vs  
                                 Henry Aparicio

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**April 23, 2019      9:00 AM      Motion For  
Reconsideration**

**HEARD BY:** Bell, Linda Marie      **COURTROOM:** RJC Courtroom 17A

**COURT CLERK:**  
Kimberly Estala

**RECORDER:** Renee Vincent

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Aparicio, Henry	Defendant
	Martinovsky, Charles	Attorney
	Sheets, Damian R.	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Upon Court's inquiry, Mr. Sheets is Defendant's counsel of record. Argument by Mr. Sheets.  
COURT ORDERED, motion DENIED.

CUSTODY



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**July 31, 2019**

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C-18-332496-1      State of Nevada  
                                 vs  
                                 Henry Aparicio

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**July 31, 2019      8:30 AM      Calendar Call**

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

**COURT CLERK:** Shannon Emmons

**RECORDER:** Gina Villani

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Aparicio, Henry	Defendant
	Martinovsky, Charles	Attorney
	Sheets, Damian R.	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Arguments by Mr. Sheets regarding the case history with Judge Smith. State announced ready and advised this trial will last ten (10) days with at least thirty (30) witnesses. Mr. Sheets argued he will be ineffective if the trial moves forward as scheduled as he has another trial at the same time. Colloquy regarding subpoena returns. CONFERENCE AT BENCH. COURT ORDERED, matter SET for status check.

**CUSTODY**

08/01/2019 9:00 AM STATUS CHECK: TRIAL READINESS

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**August 01, 2019**

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C-18-332496-1      State of Nevada  
vs  
Henry Aparicio

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**August 01, 2019      9:30 AM      Status Check**

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

**COURT CLERK:** Louisa Garcia

**RECORDER:** Gina Villani

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Aparicio, Henry	Defendant
	Martinovsky, Charles	Attorney
	Sheets, Damian R.	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Amended Information FILED IN OPEN COURT.

NEGOTIATIONS are as contained in the Guilty Plea Agreement FILED IN OPEN COURT. Mr. Martinovsky stated

State will retain the right to argue as to Counts 1 and 2, but no opposition to concurrent time between Count 3 - reckless driving and the two counts of driving under the influence.

DEFT. APARICIO SWORN, ARRAIGNED AND PLED GUILTY TO COUNT 1 - DRIVING UNDER THE INFLUENCE RESULTING IN DEATH (F); COUNT 2 - DRIVING UNDER THE INFLUENCE RESULTING IN DEATH (F); COUNT 3 - RECKLESS DRIVING (F). Court ACCEPTED plea, and, ORDERED, matter referred to the Division of Parole and Probation (P & P) and SET for sentencing. COURT FURTHER ORDERED, the trial date and pending motions were VACATED.

CUSTODY

10/18/19 9:30 AM SENTENCING

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****October 18, 2019**

C-18-332496-1      State of Nevada  
vs  
Henry Aparicio

**October 18, 2019      9:30 AM      Sentencing**

**HEARD BY:** Silva, Cristina D.**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** Lauren Kidd**RECORDER:** Trisha Garcia**REPORTER:****PARTIES**

<b>PRESENT:</b>	Aparicio, Henry	Defendant
	Martinovsky, Charles	Attorney
	Sheets, Damian R.	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Upon Court's inquiry, counsel confirmed they were prepared for sentencing. Mr. Sheets indicated he reviewed the Pre-Sentencing Investigation (PSI) Report and there was a small correction that was not a Stock Meier issue. Mr. Sheets informed the Court that Defendant was employed for 12 months prior to the incident rather than 8 months prior. Court took notice of the correction to the employment time noted in the PSI. Court advised the Court received a request from defense to reject certain Victim Impact Statements. Court ORDERED the rejection OVERRULED and advised the Court read all of the letters and statements provided. Counsel advised there were no other changes to the PSI. The State provided the Court with pictures marked as exhibits. Argument by the State for a maximum sentence. Mr. Sheets provided the Court with a letter from Defendant's family. Argument by Mr. Sheet in support of Defendant. Statement by Defendant. Victim Impact Statements given and pictures and video provided and marked as Court Exhibits (see worksheets). Statement by the Court regarding how the sentence was determined and all of the considerations made. DEFENDANT APARICIO ADJUDGED GUILTY of COUNT 1 - DRIVING UNDER THE INFLUENCE RESULTING IN DEATH (F) COUNT 2 - COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, a \$150.00 DNA Analysis fee including testing to determine genetic

markers, a \$3.00 DNA Collection fee, and \$47,520.53 Restitution, Defendant SENTENCED in COUNT 1 - to a MINIMUM of SEVEN (7) YEARS and a MAXIMUM of TWENTY (20) YEARS in the Nevada Department of Corrections (NDC); COUNT 2 - to a MINIMUM of SEVEN (7) YEARS and a MAXIMUM of TWENTY (20) YEARS in the NDC; COUNT 1 to run CONSECUTIVE with COUNT 2; COUNT 3 - to a MINIMUM of TWELVE (12) MONTHS and a MAXIMUM of FORTY (48) MONTHS in NDC; COUNT 3 to run CONSECUTIVE to COUNT 2; for an AGGREGATE TOTAL of a MINIMUM of FIFTEEN (15) YEARS and a MAXIMUM of FORTY (44) YEARS in NDC with FIVE HUNDRED TWENTY-ONE (521) DAYS credit for time served. COURT FURTHER ORDERED, pursuant to NRS 484C.340 and NRS 484C.460, prior to reinstatement of the Defendant's driving privileges, an interlock device shall be installed and inspected on his vehicle at the Defendant's expense for a period of 12 months, said period to commence after any period of imprisonment, residential confinement, confinement in a treatment facility, or on parole or probation. Statement by the Court. Upon Mr. Sheets inquiry, Court advised the objections made by Mr. Sheets with regard to the victim impact statements and exhibits were placed on the record. BOND, if any, EXONERATED.

NDC

CLERK'S NOTE: Subsequent to the hearing parties informed the Court of Defendant's amount of credit for time served which was entered in the Order as stated in the above minutes./ /lk

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**October 21, 2021**

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C-18-332496-1      State of Nevada  
                                 vs  
                                 Henry Aparicio

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**October 21, 2021      3:00 AM      Minute Order**

**HEARD BY:** Holthus, Mary Kay

**COURTROOM:** RJC Courtroom 03F

**COURT CLERK:** Erin Burnett

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- To avoid the appearance of impropriety, and pursuant to the Revised Nevada Code of Judicial Conduct Rules 2.2 and 2.4, Judge Holthus recuses herself as she has previously ruled on motions in a related civil case. Although the Court is fully capable and would absolutely rule fairly and without bias, recusal is appropriate in the present case in accordance with the Canons of Judicial Ethics. Thus, the Court RECUSES itself from the matter and requests that it be randomly reassigned with in accordance with appropriate procedures.

CLERK'S NOTE: A copy of this Minute Order was electronically served to all registered parties through Odyssey File and Serve and electronically sent to Master Calendar (mastercalendar@clarkcountycourts.us). // eb 10/21/2021

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****January 25, 2022**

C-18-332496-1      State of Nevada  
vs  
Henry Aparicio

**January 25, 2022      8:30 AM      Sentencing**

**HEARD BY:** Wiese, Jerry A.**COURTROOM:** RJC Courtroom 14A

**COURT CLERK:** Lauren Kidd  
Velvet Wood

**RECORDER:** Vanessa Medina**REPORTER:****PARTIES**

<b>PRESENT:</b>	Aparicio, Henry	Defendant
	Chen, Alexander G.	Attorney
	Sheets, Damian R.	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Upon Court's inquiry, Mr. Sheets confirmed Defendant reviewed the Pre-Sentence Investigation (PSI) report, there were no Stockmeier issues and the matter could proceed with sentencing. Mr. Sheets did object to going forward today because the Defendant is not present in person, only present via BlueJeans video. The Court indicated that as long as there is good video connections, the matter will proceed.

DEFENDANT APARICIO ADJUDGED GUILTY as to Counts 1 and 2 DRIVING UNDER THE INFLUENCE RESULTING IN DEATH (F) and as to Count 3 RECKLESS DRIVING (F). The State has retained the right to argue as to Counts 1 and 2 but had no opposition to concurrent service of time. Mr. Chen advised at the previous sentencing there was an issue regarding Stockmeier regarding Defendants employment, twelve months prior rather than the months noted in the PSI. The Court indicated this will not affect his ability to parole. The Court further indicated he will consider what is in the employment status paragraph about prior employment instead of the number of months employed. The Court does not believe this rises to a Stockmeier issue.

Mr. Chen advised he wanted to cover some of the evidence had this matter gone to trial. Mr. Chen indicated the Defendant is noted to have drank multiple shots at Dave and Buster's, as seen on video. Then Defendant is seen getting in his car driving to Casa Matador where he is seen drinking multiple shots. The Defendant is escorted out by the bartender and then gets in his car. Soon thereafter, the tragedy occurred. Mr. Chen noted that in this particular case, based upon the facts of drinking, based upon the speed he was going, and based upon the devastation it caused, the Defendant absolutely deserves a sentence on the higher end of the spectrum.

Mr. Sheets stated that two innocent people lost their lives as the result of Defendant's actions. The Court indicated he will not hold anything against the Defendant because of litigated issues. Mr. Sheets advised the Defendant elected to plead guilty in this matter, taking responsibility for two DUI deaths and one reckless causing injury, three felonies where the state has the right to argue that two of those counts go consecutive, because he cannot take the guilt any longer. Mr. Sheets describes the Defendant's alcohol problem throughout his life. Mr. Sheets reads a statement from the Defendant made at the prior sentencing.

Statement by Defendant.

The Court noted for the record he has considered the victim letters from Ian Malone, Dan Wilson, and from Peggy Buell.

DANIEL MALONE, SWORN AND TESTIFIED.

DAMASO PUENTES SILVA, SWORN AND TESTIFIED.

DIANE MALONE, SWORN AND TESTIFIED.

COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, a \$150.00 DNA analysis fee, including testing to determine genetic markers, WAIVED if previously taken, \$3.00 DNA Collection fee, \$250.00 Indigent Defense Civil Assessment fee, and \$47,520.53 Restitution. Defendant SENTENCED as to Count 1 a MINIMUM of SEVEN (7) YEARS and a MAXIMUM of TWENTY (20) YEARS in the Nevada Department of Corrections (NDC), as to Count 2 a MINIMUM of SEVEN (7) YEARS and a MAXIMUM of TWENTY (20) YEARS in NDC, CONSECUTIVE to Count 1, and as to Count 3 a MINIMUM of TWELVE (12) MONTHS and a MAXIMUM OF FORTY-EIGHT (48) MONTHS in NDC, CONSECUTIVE to Count 2, with ONE THOUSAND, THREE HUNDRED, FIFTY-ONE (1,351) DAYS credit for time served.

TOTAL AGGREGATE: MINIMUM of FIFTEEN (15) YEARS to a MAXIMUM of FORTY-FOUR (44) YEARS.

COURT FURTHER ORDERED, Per NRS 484C.460, prior to the reinstatement of the defendant's driving privileges, an interlock device shall be installed and inspected on his vehicle at his expense



for a period of thirty-six (36) months, said period to commence after any period of imprisonment, residential confinement, confinement in a treatment facility, or on parole or probation.

NDC

CLERK'S NOTE: Minutes prepared from JAVS recording. vw / 02/08/2022

**VAULT EXHIBIT FORM**

CASE NO: <b>C332496</b>	HEARING DATE: <b>10/18/19</b>
DEPT. NO: <b>9</b>	JUDGE: <b>Christina Silva</b>
	CLERK: <b>Lauren Kidd</b>
	RECORDER: <b>Trisha Garcia</b>
PLAINTIFF: <b>State of Nevada</b>	JURY FEES:
	COUNSEL FOR PLAINTIFF: <b>Charles Martinovsky</b>
DEFENDANT: <b>Henry Aparicio</b>	
	COUNSEL FOR DEFENDANT: <b>Damian Sheets</b>
<b>Court's Exhibits</b>	

	Date Offered	Objection	Date Admitted	
Picture proposed Ex. 1 car from State	10/18/19	No	10/18/19	WA
Picture proposed Ex. 2 car from State	10/18/19	No		WA
Picture proposed Ex. 3 car from State	10/18/19	No		WA
Picture proposed Ex. 4 car from State	10/18/19	No		WA
Letter from Family of defendant Ex. 5	10/18/19	No		WA
Victim Couples Collage Ex. 6	10/18/19	yes		WA
Victim Collage of Christina Ex. 7	10/18/19	yes		WA
Picture on poster of Victims Ex. 8	10/18/19	yes		WA
Picture on poster of Couple Ex. 9	10/18/19	yes		WA
Video of Victim Christina as Nurse Ex. 10	10/18/19	yes	10/18/19	WA



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

DAMIAN SHEETS, ESQ.  
714 S. FOURTH ST.  
LAS VEGAS, NV 89101

DATE: February 25, 2022  
CASE: C-18-332496-1

**RE CASE:** STATE OF NEVADA vs. HENRY APARICIO aka HENRY BIDERMAN APARICIO

NOTICE OF APPEAL FILED: February 24, 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; DISTRICT COURT DOCKET ENTRIES; AMENDED JUDGMENT OF CONVICTION (PLEA OF GUILTY); DISTRICT COURT MINUTES; EXHIBITS LIST; NOTICE OF DEFICIENCY

STATE OF NEVADA,

Plaintiff(s),

vs.

HENRY APARICIO  
aka HENRY BIDERMAN APARICIO,

Defendant(s).

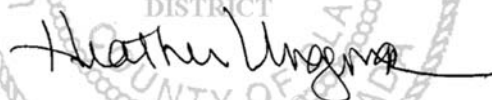
Case No: C-18-332496-1

Dept No: XXX

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 25 day of February 2022.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk

