

*Steven D. Grierson*

TONEY A. WHITE  
NDOC NO. 1214172  
HIGH DESERT STATE PRISON  
POST OFFICE BOX 650  
INDIAN SPRINGS, NV,  
89070

Electronically Filed  
Nov 28 2022 11:30 AM  
Elizabeth A. Brown  
Clerk of Supreme Court

PETITIONER/DEFENDANT  
IN PRO SE

DISTRICT COURT  
CLARK COUNTY, NEVADA

TONEY A. WHITE,  
PETITIONER,  
VS.  
CALVIN JOHNSON, WARDEN,  
RESPONDENT.

CASE NO.  
A-20-824261-W  
C-16-313216-2

PETITIONERS NOTICE OF  
APPEAL

PETITIONER PREVIOUSLY PROCEEDED WITH A PCR  
PETITION PRO SE RESULTING FROM A CONVICTION OUT OF  
THIS COURT.

ON MAY 11, 2020 NSC AFFIRMED PETITIONER'S CON-  
VICTION AND ISSUED REMITTANCE JUNE 05, 2020. PETITIONER'S  
PCR PETITION WAS FILED IN THIS COURT NOVEMBER 05, 2020.  
ON APRIL 08, 2021 A FINDINGS OF FACT, CONCLUSIONS OF LAW  
AND ORDER ISSUED. AN APPEAL ENSUED IN NSC NO. 82889  
AND WAS AFFIRMED IN PART, REVERSED IN PART AND REMAN-  
DED JUNE 22, 2022.

WHILE REMANDED BACK TO THIS COURT AND PENDING  
AND ON JULY 28, 2022 PETITIONER DELIVERED TO PRISON STAFF  
FOR MAILING 11 A MOTION ENTITLED "DEFENDANT/PETITIONERS MOTION  
FOR LEAVE OF COURT TO FILE AMENDED OR SUPPLEMENTAL HABEAS  
CORPUS PETITION" AND EXPLAINING HIS MAY 15, 2021 SUBMISSION  
OF HIS 2ND PCR PREPARATORY TO HIS FILING FOR WRITING AND ITS  
MALICIOUS SABOTAGE AND IMPERED FILING BY VIRTUE OF STATE ACT-  
ION.

1. PETITIONER INVOKES THE MAIL BOX RULE ENUNCIATED IN HOUSTON V.  
LACK, 487 U.S. 266 (1988).

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CLERK OF THE COURT

THE CLAIMS TIMELY SUBMITTED IN THAT PCR AND ANTICIPATED FOR STATE COURT REVIEW BUT FOR THE FORGEOUS AND DILATORY IMPEDIMENT ARE CONTAINED AT EXHIBIT '1' HERETO. THE MOTION POST-MARKED JULY 29, 2022 WAS RECEIVED BY THE CLERK AUGUST 02ND AND FILED AUGUST 11, 2022 ID.

MEANWHILE, PRIOR TO THE AUGUST 11, 2022 OFFICIAL "FILING" OF THAT MOTION BY THE CLERK AND DESPITE ITS RECEIPT PRIOR TO THE AUGUST 04, 2022 ORDER AMENDING THE SOC, THIS COURT ENTERED ITS AMENDED SOC (EXHIBIT '2' HERETO).

FOLLOWING ITS AUGUST 11, 2022 DELAYED FILING, PETITIONER WAS PROVIDED NOTICE OF A CALENDARED SEPTEMBER 13, 2022 HEARING ON HIS MOTION FOR LEAVE (EXHIBIT '3').

THE HEARING CONVENED BEFORE HONORABLE MICHELLE M. LEAVITT AND PURPORTEDLY THE MOTION WAS DENIED SAID DATE. PRIOR TO NOVEMBER 03, 2022, SOME 1 MONTH AND 3 WEEKS LATER, PETITIONER WAS NOT SERVED THE SEPTEMBER 13, 2022 HEARING RESULTS BY IN WHICH TO DILIGENTLY EXPLORE APPEALATE OPTIONS.

RATHER, HE SOLELY DISCOVERED THE EXISTENCE OF THIS COURTS SEPTEMBER 13, 2022 HEARING RESULTS AT A NOVEMBER 03, 2022 CONTACT WITH APPOINTED COUNSELS IN CONNECTION WITH HIS \$ 2254 PROCEEDINGS PENDING BEFORE THE U.S. DISTRICT COURT IN WHITE V. JOHNSON, 2:21-cv-01114 APG VGF WHOM PROVIDED PETITIONER THE JOURNAL ENTRIES CONTAINED AT EXHIBIT '4' HERETO AND PRINTED OCTOBER 27, 2022 AFTER BEING PREPARED BY COURT CLERK HALY PANNULLO.

GIVEN THIS COURT'S FAILURE TO TIMELY NOTICE PETITIONER OF HEARING RESULTS IN A TIMELY MANNER, A TIMELY NOTICE OF APPEAL WAS NOT POSSIBLE PLACING HIM AT A SUBSTANTIAL DISADVANTAGE AND COMPROMISE IN PROTECTING HIS LEGAL INTERESTS.

IN ACCORDANCE PETITIONER HEREBY FILES HIS NOTICE OF APPEAL TO THIS COURTS SEPTEMBER 13, 2022 ORDER DENYING HIS MOTION. WHILE ALTHOUGH THE COURTS ORDER NOTES THE INITIAL PETITION WAS DENIED AND A FINDING OF FACTS FILED AND PETITIONER CANNOT SUPPLEMENT WHAT HAS ALREADY BEEN DONE AND ORDERED AS A PRETEXT TO DENY THE MOTION, AT THE TIME OF THE MOTION THE MATTER WAS UNDER NSC REMAND STILL OPEN BEFORE THIS COURT FOR REVIEW AND ACCORDINGLY HAD NOT BEEN FINALIZED.

MOREOVER, THIS COURT PROCEDURALLY DEFECTED IN PROPERLY NOTICING PETITIONER OF ITS SEPTEMBER 13, 2022 ORDER WHICH CONSTITUTES THE CORNERSTONE OF DUE PROCESS, IN TURN COMPROMISING HIS APPEAL THEREFROM ON TIMELINESS JURISDICTIONAL ISSUES.

NONETHELESS EXECUTING DUE DILIGENCE AND IN GOOD FAITH, PETITIONER HEREBY FILES HIS INSTIGATED RELATED NOTICE OF APPEAL TO THIS COURTS SEPTEMBER 13, 2022 ORDER DENYING HIS ABILITY TO AMEND/SUPPLEMENT HIS PCR GIVEN IMPEDIMENTS OF STATE ACTORS WHICH PURPOSEFULLY OBSTRUCTED REVIEW OF THE ISSUES IN EXHIBIT '1' HERETO.

RESPECTFULLY SUBMITTED,

DATED: NOVEMBER 06, 2022

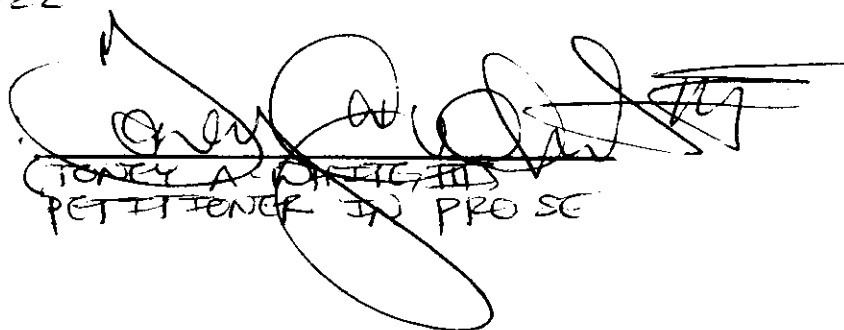
BY:   
TONY A. WRIGHT  
PETITIONER IN PRO SE

EXHIBIT 11

*Heather Shuman*  
CLERK OF THE COURT

TONY A. WHITE  
NDOC NO. 1214172  
HIGH DESERT STATE PRISON  
POST OFFICE BOX 650  
INDIAN SPRINGS, NV,  
89040

PETITIONER/DEFENDANT  
IN PRO SE

DISTRICT COURT  
CLARK COUNTY, NEVADA

STATE OF NEVADA,  
  
PLAINTIFF,  
  
VS.

TONY ANTHONY WHITE,  
  
DEFENDANT.

CASE NO.  
C-16-313216-2; A-20-824261-W;

DEFENDANT/PETITIONERS MO-  
TION FOR LEAVE OF COURT TO  
FILE AMENDED OR SUPPLE-  
MENTAL HABEAS CORPUS  
PETITION.

PREVIOUSLY DEFENDANT WAS CONVICTED AND SEN-  
TENCED BY THIS COURT TO 20 YEARS TO LIFE. A DIRECT APPEAL  
ENSUED AND WAS AFFIRMED IN NEVADA SUPREME COURT  
NUMBER 78483. SUBSEQUENTLY, DEFENDANT PETITIONED THIS  
COURT FOR RELIEF IN A PCR PETITION IN CASE NO. A-20-  
824261-W. IT WAS DENIED BY THIS COURT AND A SECOND  
APPEAL ENSUED IN NEVADA SUPREME COURT NO. 82889 AND  
WAS ON JUNE 22, 2022 AFFIRMED IN PART, REVERSED IN  
PART AND RETAINED.

IN THE INTERIM OF THE PENDENCY OF HIS FIRST  
PCR PROCEEDING AND AMIDST THE COVID PANDEMIC ON  
AND ABOUT MAY 15, 2021 HE SUBMITTED HIS 2ND PCR PETITION  
FOR COPYING AND SERVICE TO HIS FACILITY LAW LIBRARY.  
THIS SECOND PETITION WAS THE RESULT OF EXHAUSTIVE  
RESEARCH AND AFTER THE CONSULTING EFFORTS OF OBTAINING  
SUPPORTING DOCUMENTS FROM VARIOUS LOCATIONS.

AMONGST THE CANY OF CLAIMS PRESENTED BY  
SAID PETITION WERE THE FOLLOWINGS:

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CLERK OF THE COURT

22-0400

1). PROSECUTORIAL MISCONDUCTS:

- A). CONCEALING MARLENE BURKHALTERS CRIMINAL AND CONVICTION HISTORY FROM THE COURT AND DEFENSE;
- B). PERMITTING THE INHERENTLY FALSE AND MIS-LEADING TESTIMONY OF JASON CLIFF AND MARLENE BURKHALTER;
- C). TAMPERING WITH AND PLANTING EVIDENCE;
- D). CONCEALING JASON CLIFF TOXICOLOGY RESULTS OF 1/21/16;
- E). CONCEALING FELONY CONVICTION HISTORY OF JASON CLIFF.

- 2). SMS CLAIM BASED ON MARCUM VIOLATION.
- 3). DENIAL OF COMPULSORY PROCESS
- 4). IAC
- 5). SOLICITATION OF FALSE EVIDENCE/TESTIMONY, AND
- 6). DUE PROCESS VIOLATIONS.

SAID PETITION WAS SEIZED BY PRISON STAFF AND WAS NEVER RETURNED TODAY. THIS STATE CREATED IMPEDIMENT SERVED THE BASIS OF THE U.S. DISTRICT COURT'S APPOINTMENT OF COUNSEL IN WHITE V. JOHNSON 2:21-CV-01114 APS VCF. FOLLOWING COUNSEL APPOINTMENT ON MAY 15TH AND 26TH, 2022 DEFENDANT RELINQUISHED ALL FILE MATERIALS TO COUNSEL OF RECORD AND HAS SINCE AND ON JULY 26, 2022 SOUGHT THE RETURN OF THE FILE MATERIALS BY FN WHITE TO PURSUE THE STATE COURT REVIEW OF ALL CLAIMS MALICIOUSLY OBSTRUCTED BY SEIZURE AND DESTRUCTION OF HIS 2ND PCR BY PRISON STAFF.

ON JULY 14, 2022 THIS COURT PROVIDED DEFENDANT NOTICE OF HEARING THIS DATE ON STATUS CHECK RE: ORDER OF THE COURT OF APPEALS. GIVEN THAT STATE REVIEW OF THIS MATTER IS STILL ONGOING AND IN LIGHT OF STATE CREATED IMPEDIMENT WHICH OBSTRUCTED DEFENDANT'S DUE DILIGENCE IN FILING HIS 2ND PCR TIMELY, HE NOW FORMALLY SEEKS LEAVE OF COURT TO AMEND OR SUPPLEMENT HIS AFOREMENTIONED FIRST PCR TO INCLUDE THE LATER CLAIMS. 2

THIS MOTION IS MADE FOR GOOD CAUSE.

RESPECTFULLY SUBMITTED,

DATED: JULY 28, 2022

BY:

  
JONER A. WHITE III  
DEFENDANT / PRISONER

TONER A, WHITE-1214172

HDSF

P.O. BOX 650

INDIAN SPRINGS, NV

89070

LAS VEGAS NV 890

29 JUL 2022 PM 4 L



HIGH DESERT STATE PRISON

JUL 28 2022

UNIT 3 A/F

CLERK OF THE COURT  
8TH JUDICIAL DISTRICT COURT  
COUNTY OF CLARK  
200 LEWIS AVENUE, 3RD FLOOR  
LAS VEGAS, NV, 89155

LEGAL MAIL

99101-630000

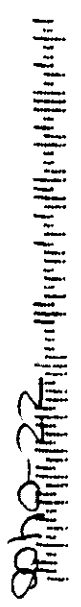




EXHIBIT '2'

*Heather S. Smith*  
CLERK OF THE COURT

AJOCP

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

TONY ANTHONY WHITE  
#8270790

Defendant.

CASE NO. C-16-313216-2

DEPT. NO. XII

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 **COUNT 1 - CONSPIRACY TO COMMIT ROBBERY** (Category B Felony) in violation of NRS 200.380, 199.480; **COUNT 2 - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON** (Category B Felony) in violation of NRS 205.060; **COUNT 3 - FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON** (Category A Felony) in violation of NRS 200.310, 200.320, 193.165; **COUNT 4 - FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON** (Category A Felony) in violation of NRS 200.310, 200.320, 193.165; **COUNT 5 - ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON** (Category B Felony) in violation of NRS 200.380, 193.330, 193.165; **COUNT 6 - ATTEMPT ROBBERY WITH**

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1 USE OF A DEADLY WEAPON (Category B Felony) in violation of NRS 200.380,  
2 193.330, 193.165; **COUNT 7 - BATTERY WITH USE OF A DEADLY WEAPON**  
3 **RESULTING IN SUBSTANTIAL BODILY HARM** (Category B Felony) in violation of  
4 NRS 200.481; and **COUNT 8 - IMPERSONATION OF AN OFFICER** (Gross  
5 Misdemeanor) in violation of NRS 199.430; thereafter, on the 19<sup>th</sup> day of March, 2019,  
6 the Defendant was present in court for sentencing with counsel MICHAEL SANFT,  
7 ESQ., and good cause appearing,

9 THE DEFENDANT IS HEREBY ADJUDGED guilty of said offenses and, in  
10 addition to the \$25.00 Administrative Assessment and \$150.00 DNA Analysis Fee  
11 including testing to determine genetic markers plus \$3.00 DNA Collection Fee, the  
12 Defendant is sentenced to the Nevada Department of Corrections (NDC) as follows:  
13 **COUNT 1 - a MAXIMUM of SEVENTY-TWO (72) MONTHS with a MINIMUM Parole**  
14 **Eligibility of TWENTY-EIGHT (28) MONTHS, CONCURRENT with COUNTS 2 & 4;**  
15 **COUNT 2 – a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS with a**  
16 **MINIMUM Parole Eligibility of SIXTY-SIX (66) MONTHS, CONCURRENT with**  
17 **COUNT 1; COUNT 3 – LIFE with a MINIMUM Parole Eligibility of FIVE (5) YEARS**  
18 **plus a CONSECUTIVE term of TWENTY (20) YEARS MAXIMUM with a parole**  
19 **eligibility of FIVE (5) YEARS for the Use of a Deadly Weapon, CONCURRENT with**  
20 **COUNT 2; COUNT 4 – LIFE with a MINIMUM Parole Eligibility of FIVE (5) YEARS**  
21 **plus a CONSECUTIVE term of TWENTY (20) YEARS MAXIMUM with a parole**  
22 **eligibility of FIVE (5) YEARS for the Use of a Deadly Weapon, CONSECUTIVE with**  
23 **COUNT 3; COUNT 5 – a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS**  
24 **with a MINIMUM Parole Eligibility of FORTY-EIGHT (48) MONTHS plus a**

1 CONSECUTIVE term of ONE HUNDRED TWENTY (120) MONTHS with a MINIMUM  
2 Parole Eligibility of FORTY-EIGHT (48) MONTHS for the Use of a Deadly Weapon,  
3 CONCURRENT with COUNT 4; **COUNT 6** - a MAXIMUM of ONE HUNDRED  
4 TWENTY (120) MONTHS with a MINIMUM Parole Eligibility of FORTY-EIGHT (48)  
5 MONTHS plus a CONSECUTIVE term of ONE HUNDRED TWENTY (120) MONTHS  
6 with a MINIMUM Parole Eligibility of FORTY-EIGHT (48) MONTHS for the Use of a  
7 Deadly Weapon, CONCURRENT with COUNT 5; **COUNT 7** - a MAXIMUM of ONE  
8 HUNDRED EIGHTY (180) MONTHS with a MINIMUM Parole Eligibility of SIXTY-SIX  
9 (66) MONTHS, CONCURRENT with COUNT 6; and **COUNT 8** - THREE HUNDRED  
10 SIXTY-FOUR (364) DAYS IN CLARK COUNTY DETENTION CENTER (CCDC),  
11 CONCURRENT with COUNT 7; with ONE THOUSAND ONE HUNDRED THIRTY-  
12 FOUR (1,134) DAYS credit for time served. The AGGREGATE TOTAL sentence is  
13 LIFE with a MINIMUM Parole Eligibility of TWENTY (20) YEARS.  
14  
15  
16

17 THEREAFTER, on the 28<sup>th</sup> day of July, 2022, the Defendant not present, and  
18 pursuant to Supreme Court Order filed on June 22, 2022, Amended Order Affirming in  
19 Part, Reversing in Part and Remanded; COURT ORDERED: **RESTITUTION IS**  
20 **VACATED.**  
21  
22

23 Dated this 4th day of August, 2022

24 *Michael A Cherry*

25  
26 hvp

27 6CA DAE 0FCD 50D7  
28 Michael Cherry  
District Court Judge

1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
6 State of Nevada

CASE NO: C-16-313216-2

7 vs

DEPT. NO. Department 12

8 Toney White  
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: 8/4/2022

15 Michael Schwartzer

michael.schwartzer@clarkcountynvda.com

16 Michael Sanft

michael@sanftlaw.com

17 Dept 12 Law Clerk

dept12lc@clarkcountycourts.us

18 Eileen Davis


Eileen.Davis@clarkcountynvda.com

19 Terrence Jackson

Terry.jackson.esq@gmail.com  
20  
21  
22  
23  
24  
25  
26  
27  
28

EXHIBIT 131

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



Toney White, Plaintiff(s)

Case No.: A-20-824261-W

vs.

Calvin Johnson, Warden, Defendant(s)

Department 12

**NOTICE OF HEARING**

Please be advised that the Defendant/ Plaintiff's Motion for Leave of Court to File Amended or Supplemental Habeas Corpus Petition in the above-entitled matter is set for hearing as follows:

**Date:** September 13, 2022

**Time:** 8:30 AM

**Location:** RJC Courtroom 14D  
Regional Justice Center  
200 Lewis Ave.  
Las Vegas, NV 89101

**NOTE:** Under NEFCR 9(d), if a party is not receiving electronic service through the Eighth Judicial District Court Electronic Filing System, the movant requesting a hearing must serve this notice on the party by traditional means.

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Michelle McCarthy  
Deputy Clerk of the Court

**CERTIFICATE OF SERVICE**

I hereby certify that pursuant to Rule 9(b) of the Nevada Electronic Filing and Conversion Rules a copy of this Notice of Hearing was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

By: /s/ Michelle McCarthy  
Deputy Clerk of the Court

EXHIBIT 4



A-20-824261-W

DISTRICT COURT  
CLARK COUNTY, NEVADA

Writ of Habeas Corpus

COURT MINUTES

September 13, 2022

A-20-824261-W Toney White, Plaintiff(s)  
vs.  
Calvin Johnson, Warden, Defendant(s)

September 13, 2022 08:30 AM Defendant/ Plaintiff's Motion for Leave of Court to File Amended  
or Supplemental Habeas Corpus Petition

HEARD BY: Leavitt, Michelle

COURTROOM: RJC Courtroom 14D

COURT CLERK: Pannullo, Haly

RECORDER: Richardson, Sara

REPORTER:

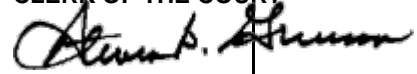
PARTIES PRESENT:

Haley Ann Jaramillo

Attorney for Defendant

JOURNAL ENTRIES

COURT STATED the Petition was denied and a Finding of Facts was filed; therefore, the Defendant can file whatever Petition or Motion he deems to be appropriate; however, cannot supplement what has already been done and ORDERED, Motion DENIED.



1 ASTA  
2  
3  
4  
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 TONEY ANTHONY WHITE,

14 Defendant(s),  
15

Case No: C-16-313216-2

Dept No: XII

16  
17 **CASE APPEAL STATEMENT**  
18

19 1. Appellant(s): Toney Anthony White

20 2. Judge: Michelle Leavitt

21 3. Appellant(s): Toney Anthony White

22 Counsel:

23 Toney Anthony White #1214172  
24 P.O. Box 650  
Indain Springs, NV 89070

25 4. Respondent: The State of Nevada

26 Counsel:

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

(702) 671-2700

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

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

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

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

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

9. Date Commenced in District Court: March 9, 2016

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

Type of Judgment or Order Being Appealed: Judgment of Conviction

11. Previous Appeal: Yes

Supreme Court Docket Number(s): 78483, 82889

12. Child Custody or Visitation: N/A

Dated This 10 day of November 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: Toney Anthony White

## EIGHTH JUDICIAL DISTRICT COURT

# CASE SUMMARY

## CASE NO. C-16-313216-2

State of Nevada  
vs  
Toney White

§ Location: Department 12  
§ Judicial Officer: Leavitt, Michelle  
§ Filed on: 03/09/2016  
§ Cross-Reference Case Number: C313216  
§ Defendant's Scope ID #: 8270790  
§ Grand Jury Case Number: 15AGJ129B  
§ ITAG Case ID: 1764700  
§ Supreme Court No.: 78483  
§ 82889

### CASE INFORMATION

Offense	Statute	Deg	Date	Case Type:	Felony/Gross Misdemeanor
1. CONSPIRACY TO COMMIT ROBBERY	200.380	F	01/20/2016	Case Status:	11/08/2019 Closed
2. BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON	205.060.4	F	01/20/2016		
3. FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON	200.310.1	F	01/20/2016		
4. FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON	200.310.1	F	01/20/2016		
5. ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON	200.380	F	01/20/2016		
6. ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON	200.380	F	01/20/2016		
7. BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM	200.481.2e2	F	01/20/2016		
8. IMPERSONATION OF AN OFFICER	199.430	G	01/20/2016		

#### Related Cases

A-20-824261-W (Writ Related Case)  
C-16-313216-1 (Multi-Defendant Case)  
C-16-313216-3 (Multi-Defendant Case)  
C-16-313216-4 (Multi-Defendant Case)

#### Statistical Closures

11/08/2019 Other Manner of Disposition - Criminal  
03/25/2019 Guilty Plea with Sentence (before trial) (CR)

#### Warrants

Indictment Warrant - White, Toney Anthony (Judicial Officer: Barker, David )  
03/17/2016 4:15 PM Returned - Served  
03/09/2016 11:45 AM Active  
Fine: \$0  
Bond: \$195,000.00 Any

### DATE

### CASE ASSIGNMENT

#### Current Case Assignment

Case Number C-16-313216-2  
Court Department 12  
Date Assigned 03/09/2016  
Judicial Officer Leavitt, Michelle

### PARTY INFORMATION

Defendant White, Toney Anthony

Lead Attorneys

Pro Se

# CASE SUMMARY

## CASE NO. C-16-313216-2

Plaintiff

State of Nevada

 Wolfson, Steven B  
 702-671-2700(W)

DATE	EVENTS & ORDERS OF THE COURT	INDEX
	<b><u>EVENTS</u></b>	
03/09/2016	 Warrant <i>[1] Indictment Warrant; Warrant for Arrest</i>	In #1
03/09/2016	 Indictment <i>[2]</i>	In #2
03/11/2016	Indictment Warrant Return <i>[3] See Redacted Version</i>	In #3
03/11/2016	 Redacted Version <i>[94] Indictment Warrant Return (Redacted Version)</i>	In #5
03/25/2016	 Transcript of Proceedings <i>[4] Transcript of Hearing Held on March 8, 2016</i>	In #4
05/18/2016	 Application <i>[5] Defendant White's Application to Recuse Counsel and for Appointment for Alternative Counsel; Memorandum of Points and Authorities.</i>	In #5
06/15/2016	 Application <i>[6] Defendant White's Application to Recuse Counsel and for Appointment for Alternative Counsel; Memorandum of Points and Authorities.</i>	In #6
10/11/2016	 Notice of Expert Witnesses <i>[7] State's Notice of Expert Witnesses [NRS 174.234(2)]</i>	In #7
10/18/2016	 Notice of Intent <i>[8] Notice of Intent to Seek Punishment as a Habitual Criminal</i>	In #8
10/21/2016	 Ex Parte Motion <i>[9] Ex Parte Motion and Order Releasing All Medical Records</i>	In #9
11/22/2016	 Motion to Withdraw As Counsel <i>[10] Motion to Withdraw as Counsel of Record</i>	In #1
12/06/2016	 Petition for Writ of Habeas Corpus <i>[11] Pretrial Petition for Writ of Habeas Corpus</i>	In #1
12/28/2016	 Motion <i>[12] Defendants Motion to Recuse Counsel and Proceed in Propria Personam in Light of Counsels Demonstrated Ineffectiveness and Case Neglect and in Light of Existing Conflict.</i>	In #1

# CASE SUMMARY

CASE NO. C-16-313216-2

03/27/2017	 Motion <i>[13] Defendant White's Motion for Trial Extension for 180 Days; Motion to Recuse Counsel and Application to Proceed in Propria Personam.</i>	In #1
05/03/2017	 Objection <i>[14] Defendant White's Objection to Courts Denial of Motion Filed 03/27/17.</i>	In #1
05/03/2017	 Petition for Writ of Habeas Corpus <i>[15]</i>	In #1
05/08/2017	 Supplemental Witness List <i>[16] State's Supplemental Notice of Expert Witnesses [NRS 174.234(2)]</i>	In #1
10/19/2017	 Guilty Plea Agreement <i>[18]</i>	In #1
12/01/2017	 PSI <i>[19] Presentence Investigation Report (Unfiled) Confidential</i>	In #1
01/09/2018	 Motion to Withdraw Plea Filed By: Defendant White, Toney Anthony <i>[20] Defendant White's Motion for Withdrawal of Guilty Plea and for Appointment of New Counsel or Alternatively to Proceed in Pro Per.; Statement of Facts</i>	In #2
01/09/2018	 Motion to Withdraw Plea Filed By: Defendant White, Toney Anthony <i>[21] Defendant White's Motion for Withdrawal of Guilty Plea and for Appointment of New Counsel or Alternatively to Proceed in Pro Per.; Statement of Facts</i>	In #2
01/12/2018	 Motion to Withdraw Plea Filed By: Defendant White, Toney Anthony <i>[22] Defendant White's Motion for Withdrawal of Guilty Plea and for Appointment of New Counsel or Alternatively to Proceed in Pro Per.; Statement of Facts</i>	In #2
05/17/2018	 Recorders Transcript of Hearing <i>[23] Transcript of Hearing Held on October 19, 2017</i>	In #2
09/05/2018	 Motion to Withdraw Plea Filed By: Defendant White, Toney Anthony <i>[24] Motion to Withdraw Guilty Plea</i>	In #2
10/12/2018	 Notice of Rescheduling of Hearing <i>[25] Notice of Hearing Date Change</i>	In #2
02/12/2019	 Notice of Witnesses <i>[26] State's Notice of Witnesses [NRS 174.234(1)(a)]</i>	In #2
02/20/2019	 Jury List	In #2

**CASE SUMMARY**  
**CASE NO. C-16-313216-2**

	[27]	
02/20/2019	 Amended Indictment [28]	In #2
03/11/2019	 PSI - Supplemental PSI [29] Supplemental Presentence Investigation Report (Unfiled) Confidential	In #2
03/15/2019	 Memorandum [30] Sentencing Memorandum	In #2
03/25/2019	 Criminal Order to Statistically Close Case [31]	In #2
03/27/2019	 Judgment of Conviction [32] Judgment of Conviction (Plea of Guilty)	In #2
03/28/2019	 Notice of Appeal (Criminal) Party: Defendant White, Toney Anthony [33] Notice of Appeal	In #2
04/01/2019	 Case Appeal Statement Filed By: Defendant White, Toney Anthony [34]	In #2
04/15/2019	 Motion for Leave to Proceed in Forma Pauperis Filed By: Defendant White, Toney Anthony [35] Motion to Proceed in Forma Pauperis (Confidential)	In #2
04/30/2019	 Order for Production of Inmate [36] Order for Production of Inmate Toney White, BAC #1214172	In #2
04/30/2019	 Motion to Reduce Filed By: Defendant White, Toney Anthony [37] Petitioner's Motion to Reduce and/or Quash Restitution.	In #2
04/30/2019	 Writ Filed by: Defendant White, Toney Anthony [38] Writ of Replevin and for Court Order Directing Return of Property.	In #2
05/21/2019	 Order Appointing Counsel [39]	In #2
06/03/2019	 Opposition to Motion Filed By: Plaintiff State of Nevada [40] State's Opposition to Defendant's Motion to Reduce or Quash Restitution	In #4
06/04/2019	 Request	In #4

**CASE SUMMARY**  
**CASE NO. C-16-313216-2**

	Filed by: Defendant White, Toney Anthony <i>[41] Request for Transcripts</i>	
06/21/2019	 Recorders Transcript of Hearing <i>[42] Transcript of Hearing Held on March 17, 2016</i>	In #4
06/21/2019	 Recorders Transcript of Hearing <i>[43] Transcript of Hearing Held on June 9, 2016</i>	In #4
06/21/2019	 Recorders Transcript of Hearing <i>[44] Transcript of Hearing Held on December 13, 2016</i>	In #4
06/21/2019	 Recorders Transcript of Hearing <i>[45] Transcript of Hearing Held on December 14, 2017</i>	In #4
06/21/2019	 Recorders Transcript of Hearing <i>[46] Transcript of Hearing Held on January 18, 2018</i>	In #4
06/21/2019	 Recorders Transcript of Hearing <i>[47] Transcript of Hearing Held on January 30, 2018</i>	In #4
06/21/2019	 Recorders Transcript of Hearing <i>[48] Transcript of Hearing Held on February 6, 2018</i>	In #4
06/21/2019	 Recorders Transcript of Hearing <i>[49] Transcript of Hearing Held on February 15, 2018</i>	In #4
06/21/2019	 Recorders Transcript of Hearing <i>[50] Transcript of Hearing Held on March 29, 2018</i>	In #4
07/10/2019	 Recorders Transcript of Hearing <i>[51] Transcript of Hearing Held on April 5, 2018</i>	In #4
07/10/2019	 Recorders Transcript of Hearing <i>[52] Transcript of Hearing Held on April 24, 2018</i>	In #4
07/10/2019	 Recorders Transcript of Hearing <i>[53] Transcript of Hearing Held on May 10, 2018</i>	In #4
07/10/2019	 Recorders Transcript of Hearing <i>[54] Transcript of Hearing Held on June 5, 2018</i>	In #4
07/10/2019	 Recorders Transcript of Hearing <i>[55] Transcript of Hearing Held on June 28, 2018</i>	In #4
07/10/2019	 Recorders Transcript of Hearing <i>[56] Transcript of Hearing Held on September 6, 2018</i>	In #4



**CASE SUMMARY**  
**CASE NO. C-16-313216-2**

07/10/2019	 Recorders Transcript of Hearing <i>[57] Transcript of Hearing Held on December 20, 2018</i>	In #5
07/10/2019	 Recorders Transcript of Hearing <i>[58] Transcript of Hearing Held on March 19, 2019</i>	In #5
07/12/2019	 Recorders Transcript of Hearing <i>[59] Transcript of Hearing Held on February 19, 2019</i>	In #5
07/12/2019	 Recorders Transcript of Hearing <i>[60] Transcript of Hearing Held on February 20, 2019</i>	In #6
07/12/2019	 Recorders Transcript of Hearing <i>[61] Transcript of Hearing Held on February 21, 2019</i>	In #6
07/26/2019	 Motion for Withdrawal Filed By: Defendant White, Toney Anthony <i>[62] Motion to Withdraw Plea of Guilty; Hearing Requested</i>	In #6
07/30/2019	 Clerk's Notice of Hearing <i>[63] Notice of Hearing</i>	In #6
08/30/2019	 Motion Filed By: Defendant White, Toney Anthony <i>[64] Motion for Certification and Request for Remand; Hearing Requested</i>	In #6
09/04/2019	 Clerk's Notice of Hearing <i>[65] Notice of Hearing</i>	In #6
09/05/2019	 Clerk's Notice of Hearing <i>[66] Notice of Hearing</i>	In #6
09/20/2019	 Order Filed By: Defendant White, Toney Anthony <i>[67]</i>	In #6
09/20/2019	 Order to Transport Defendant <i>[68] Order to Transport</i>	In #6
10/07/2019	 Opposition to Motion Filed By: Plaintiff State of Nevada <i>[69] State's Opposition to Defendant's Motion to Withdraw Guilty Plea</i>	In #6
11/08/2019	 Criminal Order to Statistically Close Case <i>[70]</i>	In #7
		In

**CASE SUMMARY****CASE NO. C-16-313216-2**


06/11/2020	 Motion to Withdraw As Counsel Filed By: Defendant White, Toney Anthony <i>[71] Motion to Withdraw as Counsel; Hearing Requested</i>	#7
06/12/2020	 Clerk's Notice of Hearing <i>[72] Notice of Hearing</i>	In #7
06/16/2020	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>[73] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed</i>	In #7
06/19/2020	 Motion to Dismiss Counsel Party: Defendant White, Toney Anthony <i>[74] Defendant's Motion to Relieve Appellate Counsel Terrence M. Jackson and for Appointment of PCR Counsel Pursuant to NRS 34.720 thru 34.830.</i>	In #7
06/26/2020	 Motion for Order Filed By: Defendant White, Toney Anthony <i>[75] Defendant's Motion for Court Order Directing Preparation of Transcript of April 18, 2017 Hearing.</i>	In #7
07/02/2020	 Order <i>[76]</i>	In #7
07/06/2020	 Motion Filed By: Defendant White, Toney Anthony <i>[77] Motion to Obtain a Copy of a Sealed Record (Presentence Investigation Report - NRS 176.156) on an Order Shortening Time</i>	In #7
07/13/2020	 Motion for Order Filed By: Defendant White, Toney Anthony <i>[78] Motion for Order for Additional Court Records</i>	In #7
08/19/2020	 Motion for Appointment of Attorney Filed By: Defendant White, Toney Anthony <i>[79] Defendant's Renewed Motion for Appointment of PCR Counsel</i>	In #7
08/19/2020	 Clerk's Notice of Hearing <i>[80] Notice of Hearing</i>	In #8
08/26/2020	 Order Denying Motion Filed By: Plaintiff State of Nevada <i>[81] Order Denying Defendant's Pro Per Motion for Order for Additional Court Records</i>	In #8
09/02/2020	 Opposition to Motion Filed By: Plaintiff State of Nevada <i>[82] State's Opposition to Defendant's Renewed Motion for Appointment of PCR Counsel</i>	In #8
09/14/2020	 Motion for Order Filed By: Defendant White, Toney Anthony <i>[83] Motion for Order for Additional Court Records.</i>	In #8

**CASE SUMMARY**  
**CASE NO. C-16-313216-2**

09/15/2020	 Order Denying Motion <i>[84] Order Denying Defendant's Renewed Motion for Appointment of PCR Counsel</i>	In #8
09/23/2020	 Opposition to Motion <i>[85] State's Opposition to Defendant's Motion for Credit for Additional Court Records</i>	In #8
10/31/2020	 Order Denying Motion Filed By: Plaintiff State of Nevada <i>[86] Order Denying Defendant's Motion for Credit for Additional Court Records</i>	In #8
04/08/2021	 Findings of Fact, Conclusions of Law and Order <i>[87]</i>	In #8
04/12/2021	 Notice of Entry Filed By: Plaintiff State of Nevada <i>[88] Notice of Entry of Findings of Fact, Conclusions of Law and Order</i>	In #8
05/06/2021	 Notice of Appeal (Criminal) <i>[89] Petitioner/ Defendant's Notice of Appeal Pursuant to NRAP R. 4.</i>	In #8
05/07/2021	 Case Appeal Statement Filed By: Defendant White, Toney Anthony <i>[90]</i>	In #9
05/13/2021	 Notice of Appeal (Criminal) <i>[91] Petitioner's Second Notice of Appeal and Request for Appointment of Counsel on Appeal.</i>	In #9
05/14/2021	 Case Appeal Statement Filed By: Defendant White, Toney Anthony <i>[93]</i>	In #9
02/22/2022	 Recorders Transcript of Hearing <i>[95] Defendant White's Pro Per Motion for Trial Extension for 180 Days; Motion to Recuse Counsel and Application to Proceed in Propria Personam, April 18, 2017</i>	In #9
07/13/2022	 NV Supreme Court Clerks Certificate/Judgment - Affd/Rev Part <i>[97] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed in Part, Reversed in Part and Remand; Petition Denied</i>	In #9
08/04/2022	 Amended Judgment of Conviction <i>[98] C313216-2 WHITE TONEY - AJOC</i>	In #9
11/07/2022	 Court Recorders Invoice for Transcript <i>[99]</i>	In #9
11/09/2022	 Notice of Appeal (Criminal) <i>[100] Notice of Appeal</i>	In #1

**CASE SUMMARY**  
**CASE NO. C-16-313216-2**

*In  
#1*

11/10/2022  Case Appeal Statement  
*[101] Case Appeal Statement*

**DISPOSITIONS**

10/20/2017	<p><b>Disposition</b> (Judicial Officer: Leavitt, Michelle)</p> <p>3. FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON Amended Information Filed/Charges Not Addressed PCN: Sequence:</p> <p>4. FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON Amended Information Filed/Charges Not Addressed PCN: Sequence:</p> <p>5. ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON Amended Information Filed/Charges Not Addressed PCN: Sequence:</p> <p>6. ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON Amended Information Filed/Charges Not Addressed PCN: Sequence:</p> <p>7. BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM Amended Information Filed/Charges Not Addressed PCN: Sequence:</p> <p>8. IMPERSONATION OF AN OFFICER Amended Information Filed/Charges Not Addressed PCN: Sequence:</p>
12/20/2018	<p><b>Amended Disposition</b> (Judicial Officer: Leavitt, Michelle) Reason: Plea Withdrawn Charge(s) Reinstated</p> <p>3. FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON Charge Reinstated PCN: Sequence:</p> <p>4. FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON Charge Reinstated PCN: Sequence:</p> <p>5. ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON Charge Reinstated PCN: Sequence:</p> <p>6. ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON Charge Reinstated PCN: Sequence:</p> <p>7. BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM Charge Reinstated PCN: Sequence:</p> <p>8. IMPERSONATION OF AN OFFICER Charge Reinstated PCN: Sequence:</p>
02/21/2019	<p><b>Plea</b> (Judicial Officer: Leavitt, Michelle)</p> <p>1. CONSPIRACY TO COMMIT ROBBERY Guilty PCN: Sequence:</p>

**CASE SUMMARY**  
**CASE NO. C-16-313216-2**

2. BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON  
Guilty  
PCN: Sequence:
3. FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON  
Guilty  
PCN: Sequence:
4. FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON  
Guilty  
PCN: Sequence:
5. ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON  
Guilty  
PCN: Sequence:
6. ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON  
Guilty  
PCN: Sequence:
7. BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM  
Guilty  
PCN: Sequence:
8. IMPERSONATION OF AN OFFICER  
Guilty  
PCN: Sequence:

03/19/2019 **Disposition** (Judicial Officer: Leavitt, Michelle)

1. CONSPIRACY TO COMMIT ROBBERY  
Guilty  
PCN: Sequence:
2. BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON  
Guilty  
PCN: Sequence:

03/19/2019 **Adult Adjudication** (Judicial Officer: Leavitt, Michelle)

1. CONSPIRACY TO COMMIT ROBBERY  
01/20/2016 (F) 200.380 (DC50147)  
PCN: Sequence:

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Sentenced to Nevada Dept. of Corrections  
Term: Minimum:28 Months, Maximum:72 Months  
Concurrent: Charge 2 & 4

03/19/2019 **Adult Adjudication** (Judicial Officer: Leavitt, Michelle)

2. BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON  
01/20/2016 (F) 205.060.4 (DC50426)  
PCN: Sequence:

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Sentenced to Nevada Dept. of Corrections  
Term: Minimum:66 Months, Maximum:180 Months  
Concurrent: Charge 1

03/19/2019 **Adult Adjudication** (Judicial Officer: Leavitt, Michelle)

3. FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON  
01/20/2016 (F) 200.310.1 (DC50055)  
PCN: Sequence:

**CASE SUMMARY****CASE NO. C-16-313216-2**

Sentenced to Nevada Dept. of Corrections

Term: Life with the possibility of parole after:5 Years

Consecutive Enhancement:For Use of a Deadly Weapon, Minimum:5 Years, Maximum:20 Years

Concurrent: Charge 2

03/19/2019 **Adult Adjudication** (Judicial Officer: Leavitt, Michelle)  
 4. FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON  
 01/20/2016 (F) 200.310.1 (DC50055)  
 PCN: Sequence:

Sentenced to Nevada Dept. of Corrections

Term: Life with the possibility of parole after:5 Years

Consecutive Enhancement:For Use of a Deadly Weapon, Minimum:5 Years, Maximum:20 Years

Consecutive: Charge 3

03/19/2019 **Adult Adjudication** (Judicial Officer: Leavitt, Michelle)  
 5. ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON  
 01/20/2016 (F) 200.380 (DC50145)  
 PCN: Sequence:

Sentenced to Nevada Dept. of Corrections

Term: Minimum:48 Months, Maximum:120 Months

Consecutive Enhancement:For Use of a Deadly Weapon, Minimum:48 Months, Maximum:120 Months

Concurrent: Charge 4

03/19/2019 **Adult Adjudication** (Judicial Officer: Leavitt, Michelle)  
 6. ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON  
 01/20/2016 (F) 200.380 (DC50145)  
 PCN: Sequence:

Sentenced to Nevada Dept. of Corrections

Term: Minimum:48 Months, Maximum:120 Months

Consecutive Enhancement:For Use of a Deadly Weapon, Minimum:48 Months, Maximum:120 Months

Concurrent: Charge 5

03/19/2019 **Adult Adjudication** (Judicial Officer: Leavitt, Michelle)  
 7. BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM  
 01/20/2016 (F) 200.481.2e2 (DC50226)  
 PCN: Sequence:

Sentenced to Nevada Dept. of Corrections

Term: Minimum:66 Months, Maximum:180 Months

Concurrent: Charge 6

03/19/2019 **Adult Adjudication** (Judicial Officer: Leavitt, Michelle)  
 8. IMPERSONATION OF AN OFFICER  
 01/20/2016 (G) 199.430 (DC53013)  
 PCN: Sequence:

Sentenced to CCDC

Term: 364 Days

Concurrent: Charge 7

Credit for Time Served: 1134 Days

Fee Totals:



Administrative Assessment Fee	25.00
\$25	
DNA Analysis Fee	150.00
\$150	
Genetic Marker Analysis AA Fee	3.00
\$3	

**CASE SUMMARY**  
**CASE NO. C-16-313216-2**

Fee Totals \$ 178.00  
Comment (Restitution Vacated 07/28/2022)

- 03/19/2019 **Amended Disposition** (Judicial Officer: Leavitt, Michelle) Reason: Amended
3. FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON  
Guilty  
PCN: Sequence:
  4. FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON  
Guilty  
PCN: Sequence:
  5. ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON  
Guilty  
PCN: Sequence:
  6. ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON  
Guilty  
PCN: Sequence:
  7. BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM  
Guilty  
PCN: Sequence:
  8. IMPERSONATION OF AN OFFICER  
Guilty  
PCN: Sequence:

**HEARINGS**

- 03/09/2016  **Grand Jury Indictment** (11:45 AM) (Judicial Officer: Barker, David)
- MINUTES**  
**Warrant**  
03/09/2016 Inactive Indictment Warrant  
Matter Heard;  
Journal Entry Details:  
*Ann Kling, Grand Jury Foreperson, stated to the Court that at least twelve members had concurred in the return of the true bill during deliberation, but had been excused for presentation to the Court. State presented Grand Jury Case Number 15AGJ129B to the Court. COURT ORDERED, the Indictment may be filed and is assigned Case Number C313216-2, Department 12. Mr. Schwartz requested a warrant and argued bail. COURT ORDERED, WARRANT TO BE ISSUED, \$195,000.00 BAIL and matter SET for initial arraignment. Exhibits 1-35 lodged with Clerk of District Court. I.W. (CUSTODY) 3/17/16 8:30 AM INITIAL ARRAIGNMENT (DEPT 12);*
- SCHEDULED HEARINGS**  
**CANCELED Initial Arraignment** (03/17/2016 at 8:30 AM) (Judicial Officer: Leavitt, Michelle)  
*Vacated - On in Error*
- 03/17/2016 **CANCELED Initial Arraignment** (8:30 AM) (Judicial Officer: Leavitt, Michelle)  
*Vacated - On in Error*
- 03/17/2016 **Initial Arraignment** (8:30 AM) (Judicial Officer: Leavitt, Michelle)  
Plea Entered;
- 03/17/2016 **Indictment Warrant Return** (8:30 AM) (Judicial Officer: Leavitt, Michelle)  
Trial Date Set;
- 03/17/2016 **CANCELED All Pending Motions** (8:30 AM) (Judicial Officer: Leavitt, Michelle)  
*Vacated - On In Error*
- 03/17/2016  **All Pending Motions** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

**CASE SUMMARY**  
**CASE NO. C-16-313216-2**

Matter Heard;

Journal Entry Details:

*INITIAL ARRAIGNMENT...INDICTMENT WARRANT RETURN DEFT. WHITE ARRAIGNED, PLED NOT GUILTY, and WAIVED the 60-DAY RULE. COURT ORDERED, matter SET for trial. CUSTODY 10/25/16 8:30 A.M. CALENDAR CALL 11/01/16 1:30 P.M. TRIAL BY JURY;*

06/09/2016



**Motion** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

*Defendant's Application to Recuse Counsel and for Appointment for Alternative Counsel; Memorandum of Points and Authorities*

Denied;

Journal Entry Details:

*Court advised Deft. it read his Motion, he did not provide a legal basis for Court to grant his Motion, it appears he is well aware of the facts, and it was made clear in the Motion that he read the discovery and knows the facts of the case. COURT ORDERED, Deft's Motion to dismiss counsel DENIED. Court further advised Deft. he cannot assert other people's constitutional rights, as he does not get the benefit of this; and it appears he wants his attorney in conjunction with another person to somehow suppress evidence, because someone else's constitutional rights were violated. Court further advised Deft. this was probably why his attorney did not file the motion, and his attorney is not permitted to file frivolous motions or motions that have no basis in law. Deft. acknowledged. COURT ORDERED, Motion DENIED. CUSTODY 10/25/16 8:30 A.M. CALENDAR CALL 11/01/16 1:30 P.M. TRIAL BY JURY ;*

07/07/2016



**Motion** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

*Defendant's Defendant White's Application to Recuse Counsel and for Appointment of Alternative Counsel; Memorandum of Points and Authorities*

Off Calendar;

Journal Entry Details:

*COURT ORDERED, motion OFF CALENDAR as previously denied. ;*

10/25/2016



**Calendar Call** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

**MINUTES**

Vacated and Reset;

Journal Entry Details:

*Based on representations made in Cases C-16-313216-3 & 4, and there being no objection by State, COURT ORDERED, Deft's motion to continue trial date GRANTED; trial date VACATED AND RESET. CUSTODY 3/14/17 8:30 A.M. CALENDAR CALL 3/20/17 1:30 P.M. TRIAL BY JURY;*

**SCHEDULED HEARINGS**



**Calendar Call** (03/14/2017 at 8:00 AM) (Judicial Officer: Leavitt, Michelle)

11/01/2016

**CANCELED Jury Trial** (1:30 PM) (Judicial Officer: Leavitt, Michelle)

*Vacated - per Judge*

12/13/2016



**Motion to Withdraw as Counsel** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

*Harvey Gruber's, Esq, Motion to Withdraw as Counsel of Record*

Motion Denied; Harvey Gruber's, Esq, Motion to Withdraw as Counsel of Record

Journal Entry Details:

*Mr. Gruber stated that his relationship with Defendant has become adversarial; that he has been unable to communicate with his client and will not be able to represent him to the best of his ability. Submitted by the State. Court stated if it were to allow counsel to withdraw that this happened it, there would be no attorneys. COURT ORDERED, Motion DENIED. CUSTODY CLERK'S NOTE: The minutes for this hearing have been prepared by a review of the JAVS recording. (tmj:12/22/16);*

01/19/2017



**Motion** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

*Defendants Pro Per Motion to Recuse Counsel and Proceed In Pro Pria Personam In Light of Counsels Demonstrated Ineffectiveness, and Case Neglect, and In Light of Existing Conflict*

Off Calendar;

Journal Entry Details:

*Deft. stated he will withdraw the motion, as Mr. Gruber and himself have been talking. Upon Court's inquiry, Mr. Gruber advised it is what it is. COURT ORDERED, Matter OFF CALENDAR. CUSTODY 3/14/17 8:30 A.M. CALENDAR CALL 3/20/17 1:30 P.M. TRIAL BY JURY;*



**CASE SUMMARY**  
**CASE NO. C-16-313216-2**

03/14/2017  **Calendar Call (8:00 AM)** (Judicial Officer: Leavitt, Michelle)

**MINUTES**

Vacated and Reset;

Journal Entry Details:

*Court TRAILED and RECALLED matter for Mr. Schwartz and Co-Deft's attorney Mr. Shetler to appear. State announced ready for trial. Mr. Gruber advised he and Co-Deft's counsel are announcing not ready for different reasons, his client was trying to remove him from the case the past two months, a bar complaint was filed, to which defense had stopped working on the case, however, his investigator met with Deft; therefore, defense needs more time for trial, and Mr. Shetler also needs more time. Additionally, an offer was made to Deft, and defense will be requesting a status check hearing be set on possible negotiations; and for trial to be vacated. State objected to trial continuance; and argued it has been over a year and a half, both Defts. are filing motions to dismiss their counsels to purposely manipulate the system and not go to trial, and no real motions were done. Court stated if the case is not Overflow eligible, the Court has to continue this case. Mr. Schwartz added State wants a firm trial setting, and he does not mind a status check hearing set in two weeks. Mr. Schwartz added he just made an offer to Mr. Shelter's client, and if the offers are not accepted by both Defts. during these two weeks, State will revoke all offers and not make any more offers. Due to Court's schedule, COURT ORDERED, trial date VACATED; and status check is SET in two weeks. Court noted it is in a capital case, and its schedule will not allow this trial to go forward next week. Court reminded Deft. if he chooses not to accept the offer, State will revoke the offers and no longer make any more offers; further noting the status check will be set, including the new trial date. Deft. acknowledged. CUSTODY 3/30/17 8:30 A.M. STATUS CHECK: NEGOTIATIONS 6/06/17 8:30 A.M. CALENDAR CALL 6/13/17 1:30 P.M. TRIAL BY JURY ;*

**SCHEDULED HEARINGS**

 **Calendar Call (06/06/2017 at 8:30 AM)** (Judicial Officer: Leavitt, Michelle)

**CANCELED Jury Trial (06/13/2017 at 1:30 PM)** (Judicial Officer: Leavitt, Michelle)

*Vacated - per Judge*

03/20/2017 **CANCELED Jury Trial (1:30 PM)** (Judicial Officer: Leavitt, Michelle)

*Vacated - per Judge*


03/30/2017  **Status Check: Negotiations/Trial Setting (8:30 AM)** (Judicial Officer: Leavitt, Michelle)

*Status Check: Negotiations*

Not Settled;

Journal Entry Details:

*Mr. Gruber advised Deft. made the decision not to take State's offer, and he acknowledged this to defense. Court canvassed Deft. on his decision, and Deft. confirmed he rejected the offer. Mr. Schwartz advised there will be no further offers, all current offers are revoked for both Deft. and Co-Deft, and State will be ready for trial. COURT ORDERED, trial date STANDS. CUSTODY 6/06/17 8:30 A.M. CALENDAR CALL 6/13/17 1:30 P.M. TRIAL BY JURY;*

04/18/2017  **Motion (8:30 AM)** (Judicial Officer: Leavitt, Michelle)

*Defendant White's Pro Per Motion for Trial Extension For 180 Days; Motion to Recuse Counsel and Application to Proceed In Propria Personam*

Denied;

Journal Entry Details:

*Court advised Deft. it read his pro per motion, and Court does not believe there is any legal basis. Court further advised Deft. this was discussed, about him filing these motions, his attorney cannot raise somebody else's Fourth Amendment right, and he cannot raise that issue. Deft. stated that is not right. Court advised Deft. that does not matter, he has no standing, and his attorney cannot raise issues that are frivolous. Deft. stated it is more than just the motion, he has been incarcerated for over a year, and he does not have all the discovery. Court asked Deft. what discovery does he think his attorney is not giving him. Mr. Schwartz noted for the record State turned over everything to defense counsel. Mr. Gruber advised he went through the file with Deft, and had also forwarded items to Deft. Deft. stated all evidence from Grand Jury was not provided to him. Mr. Schwartz confirmed the Marcum notice was served. Deft. stated there are 24 pictures not in his possession. Mr. Gruber advised he will re-check his file for the third time. Deft. stated there is a recorded statement to police, he is not sure what is going on, he has transcripts of the victims and Co-Defts, but not his transcripts. Mr. Gruber advised the case file is four inches thick, and he will endeavor and give the information to him again. Court advised Deft. even if his attorney had provided it, Mr. Gruber will provide the information to him. Court asked Deft. if there was anything else. Deft. stated he has no copies of reports. Court advised Deft. he has to be more specific than that. Deft. stated there are reports from 7 officers, which are missing from his report. Court stated generally, there is one report, and not separate ones. Court advised Deft. it does not know, however, just because he thinks there are reports, does not mean there are. Mr. Schwartz confirmed there are a lot of reports in the case, including one from the Crime Scene Analyst. Deft. stated he is concerned about the officer's report.*

# CASE SUMMARY

CASE NO. C-16-313216-2

Court advised Deft. multiple reports for one report are unusual, however, the Court will read the report, and if 7 reports exist, he is entitled to them. Court reminded Deft. just because the reports are not available, does not mean the reports exist. COURT ORDERED, Motion DENIED. Mr. Gruber advised he will send his Investigator over to Deft. again, to see what is missing, and make sure Deft. gets the stuff in two weeks. Deft. stated he asked his attorney to get all the material and the file. Court advised Deft. his attorney is not required to do that, and the District Attorney has the obligation to turn information over without a request. Deft. stated he asked why evidence is not turned over, and he was told there is only evidence that is going to be used against him at trial. Court told Deft. that is true, however, State is required to turn over any exculpatory evidence; and his argument that he wants to build his defense on State's evidence is unusual. Deft. stated he does not know the strengths and weaknesses of the case. Court advised Deft. his attorney will know. Deft. argued there has been no communication with his attorney. Mr. Gruber noted for the record he spoke with Deft. on the phone after the bar Complaint was filed, and Deft. has spoken with his staff about the case. CUSTODY 6/06/17 8:30 A.M. CALENDAR CALL 6/13/17 1:30 P.M. TRIAL BY JURY ;

06/06/2017  **Calendar Call** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

## MINUTES

Vacated and Reset;  
Journal Entry Details:

Mr. Gruber advised he sent copies of reports to Deft, Deft. is saying he is missing some, further noting defense also mailed 400 pictures, and Deft. still has not received them. Additionally, the investigator met with Deft, and defense is not ready to go to trial next week due to further investigation needed. Mr. Schwartz objected. Discussions as to Deft. and Mr. Gruber having had a contentious relationship previously, and there having been difficulties with communication. Mr. Gruber stated he does not know why the information was provided yesterday at the meeting, but defense needs to look into it further. Mr. Schwartz argued State is ready, Deft. had discovery all this time, and trial has been continued a few times. COURT ORDERED, Deft's Motion GRANTED; trial date VACATED AND RESET. Court noted parties need to be ready to go on the next trial date. CUSTODY 10/31/17 8:30 A.M. CALENDAR CALL 11/07/17 1:30 P.M. TRIAL BY JURY;

## SCHEDULED HEARINGS


**CANCELED Calendar Call** (10/31/2017 at 8:30 AM) (Judicial Officer: Leavitt, Michelle)

Vacated - per Judge

**CANCELED Jury Trial** (11/07/2017 at 1:30 PM) (Judicial Officer: Leavitt, Michelle)

Vacated - per Judge

06/13/2017 **CANCELED Jury Trial** (1:30 PM) (Judicial Officer: Leavitt, Michelle)  
Vacated - per Judge

10/19/2017  **Request** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

DA Request Re: Entry of Plea

Plea Entered;

Journal Entry Details:

AMENDED INDICTMENT FILED IN OPEN COURT. NEGOTIATIONS are as contained in the Guilty Plea Agreement FILED IN OPEN COURT. DEFT. WHITE ARRAIGNED AND PLED GUILTY TO COUNT 1- CONSPIRACY TO COMMIT ROBBERY (F) and COUNT 2 - ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON (F). Court ACCEPTED plea, and, ORDERED, matter referred to the Division of Parole and Probation (P & P) and SET for sentencing. FURTHER ORDERED, TRIAL VACATED. CUSTODY 12-14-17 8:30 AM SENTENCING (DEPT. XII);

10/31/2017 **CANCELED Calendar Call** (8:30 AM) (Judicial Officer: Leavitt, Michelle)  
Vacated - per Judge

11/07/2017 **CANCELED Jury Trial** (1:30 PM) (Judicial Officer: Leavitt, Michelle)  
Vacated - per Judge

12/14/2017  **Sentencing** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

12/14/2017, 01/18/2018, 01/30/2018, 02/06/2018, 02/15/2018, 03/29/2018, 04/05/2018, 04/24/2018, 05/10/2018, 06/05/2018

Sentencing

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**CASE SUMMARY**

**CASE NO. C-16-313216-2**

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**CASE SUMMARY**  
**CASE NO. C-16-313216-2**

**CASE SUMMARY**  
**CASE NO. C-16-313216-2**

01/30/2018	 <b>All Pending Motions</b> (8:30 AM) (Judicial Officer: Leavitt, Michelle) <i>All Pending Motions (1/30/2018)</i> Matter Heard; Journal Entry Details: <i>DEFENDANT'S MOTION FOR WITHDRAWAL OF GUILTY PLEA AND FOR APPOINTMENT OF NEW COUNSEL, OR ALTERNATIVELY, TO PROCEED IN PRO PER...DEFENDANT'S MOTION FOR WITHDRAWAL OF GUILTY PLEA AND FOR APPOINTMENT OF NEW COUNSEL, OR ALTERNATIVELY, TO PROCEED IN PRO PER...SENTENCING Mr. Gruber not present. COURT ORDERED, matters CONTINUED. CUSTODY 2/06/18 8:30 A.M. DEFENDANT'S MOTION FOR WITHDRAWAL OF GUILTY PLEA AND FOR APPOINTMENT OF NEW COUNSEL, OR ALTERNATIVELY, TO PROCEED IN PRO PER...DEFENDANT'S MOTION FOR WITHDRAWAL OF GUILTY PLEA AND FOR APPOINTMENT OF NEW COUNSEL, OR ALTERNATIVELY, TO PROCEED IN PRO PER...SENTENCING CLERK'S NOTE: Mr. Gruber appeared after Court recessed, and was informed by Clerk regarding continuance date. /// sb;</i>
02/06/2018	 <b>All Pending Motions</b> (8:30 AM) (Judicial Officer: Leavitt, Michelle) Matter Heard; Journal Entry Details: <i>DEFT'S MOTION FOR WITHDRAWAL OF GUILTY PLEA AND FOR APPOINTMENT OF NEW COUNSEL, OR ALTERNATIVELY, TO PROCEED IN PRO PER...DEFT'S MOTION TO WITHDRAWAL OF GUILTY PLEA AND FOR APPOINTMENT OF NEW COUNSEL, OR ALTERNATIVELY, TO PROCEED IN PRO PER...SENTENCING Court advised Deft. it received all of his letters and Motions after his entry of plea. Upon Court's inquiry, Deft. confirmed he wants to move to withdraw his plea. Court noted based on allegations that were made by Deft, the Court will appoint independent counsel to review the case. COURT ORDERED, Attorney Michael Sanft, Esq., APPOINTED as counsel for limited purpose of reviewing the record and making a determination as to whether or not there is a legal basis for Deft. to withdraw his plea. FURTHER, matter SET for confirmation of independent counsel. Mr. Gruber to provide a copy of the case file to Deft. Mr. Gruber noted the case file is rather large. Court advised Deft. if his independent attorney thinks there is a legal basis, the attorney will file a motion; and if there is no legal basis found, Mr. Gruber will remain on the case to handle sentencing, and Deft. can file an appeal or anything else deemed appropriate. Discussion between Court and Deft. regarding his hand and arm being bandaged. CASE RECALLED. Mr. Schwartz is not present. Mr. Sanft is now present in Court. Court informed Mr. Sanft regarding the appointment and this case being continued to February 15, 2018 for him to confirm. Court added Mr. Gruber is going to provide him the file, and Mr. Gruber had indicated the case file is quite large. Court inquired to Mr. Sanft if he needs more time to review the case. Mr. Sanft stated no; and advised this Court did the plea canvass, and he would request a copy of the JAVS recording of this plea canvass, or the transcript. Court advised Mr. Sanft Deft. had written few documents since the plea canvass, that does not appear to be the issue, and he contends there were outside forces. Mr. Sanft stated he understands there may have been some other party that had forced Deft. into taking the negotiation, and maybe the pauses in the canvass would help to determine whether Deft. actually had a problem. Court stated Deft. had told Court nobody had coerced him into entering his plea, during the plea canvass. Court offered to provide a transcript of the plea canvass and the JAVS recording. Mr. Sanft requested only the JAVS CD, and one week to review the record. COURT SO ORDERED. Court advised Mr. Sanft it is warning him that the file is voluminous. COURT ORDERED, sentencing CONTINUED; matter SET for status check. Mr. Sanft advised he thinks the issue is whether or not Deft. enters the plea knowingly and voluntarily, without the issue of coercion, he does not believe reading the entire file is going to be the issue, as that is a fact pattern that goes to something else, and he is only focusing on Deft's entry of plea. Court thanked Mr. Sanft for taking this case; and advised Mr. Sanft to let the Court know if he needs more time. CUSTODY 2/15/18 8:30 A.M. STATUS CHECK: DEFT'S MOTION TO WITHDRAW GUILTY PLEA / CONFIRMATION OF APPOINTED COUNSEL MICHAEL SANFT...SENTENCING ;</i>
02/15/2018	<b>Status Check</b> (8:30 AM) (Judicial Officer: Leavitt, Michelle) <i>Status Check: Deft's Motion To Withdraw Guilty Plea / Confirmation of Appointed Counsel Michael Sanft Briefing Schedule Set;</i>
02/15/2018	 <b>All Pending Motions</b> (8:30 AM) (Judicial Officer: Leavitt, Michelle) Matter Heard; Journal Entry Details: <i>STATUS CHECK: DEFENDANT'S MOTION TO WITHDRAW GUILTY PLEA/ CONFIRMATION OF COUNSEL MICHAEL SANFT... SENTENCING Mr. Sanft CONFIRMED as Counsel and requested a briefing schedule be set. COURT ORDERED Deft's Supplemental Brief DUE 03/01/18, State's Response DUE 03/15/18, Deft's Reply DUE 03/22/18, Status Check date SET. CUSTODY 03/29/18 8:30 A.M. STATUS CHECK: DEFENDANT'S MOTION TO WITHDRAW GUILTY PLEA... SENTENCING ;</i>
03/29/2018	<b>Status Check</b> (8:30 AM) (Judicial Officer: Leavitt, Michelle) <b>03/29/2018, 04/05/2018, 04/24/2018, 05/10/2018, 06/05/2018, 06/28/2018</b> <i>Status Check: Defendant's Motion to Withdraw Guilty Plea</i>

**CASE SUMMARY**  
**CASE NO. C-16-313216-2**

**MINUTES**

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Briefing Schedule Set;  
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**MINUTES**

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**MINUTES**

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**SCHEDULED HEARINGS**



**All Pending Motions** (03/29/2018 at 8:30 AM) (Judicial Officer: Leavitt, Michelle)

**SCHEDULED HEARINGS**

**Evidentiary Hearing** (06/28/2018 at 10:30 AM) (Judicial Officer: Leavitt, Michelle)  
**06/28/2018, 09/06/2018, 12/20/2018**

**SCHEDULED HEARINGS**

**CANCELED Motion to Withdraw Plea** (09/06/2018 at 10:30 AM) (Judicial Officer: Leavitt, Michelle)  
*Vacated - Duplicate Entry*  
*Defendant's Motion to Withdraw Plea*

03/29/2018



**All Pending Motions** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

Matter Heard;  
Journal Entry Details:

*STATUS CHECK: DEFT'S MOTION TO WITHDRAW GUILTY PLEA...SENTENCING Mr. Sanft appeared for limited purpose regarding Deft's motion to withdraw guilty plea; and informed Court he is seeking more time, he reviewed Deft's issues as to why he wants to file the motion, there is a basis, and a requirement is also getting an affidavit from a person in custody. Deft. provided the name of the person in custody to Mr. Sanft, in open Court. Mr. Sanft stated he needs this person to sign an affidavit, he does not know where the person is housed at, documents were sent to the*

**CASE SUMMARY****CASE NO. C-16-313216-2**

person, and no response was received. At request of counsel, COURT ORDERED, matters CONTINUED one week for Mr. Sanft to try to locate the person again. CUSTODY 4/05/18 8:30 A.M. STATUS CHECK: DEFT'S MOTION TO WITHDRAW GUILTY PLEA...SENTENCING ;

04/05/2018

**All Pending Motions (8:30 AM)** (Judicial Officer: Leavitt, Michelle)

All Pending Motions (4/05/2018)

Matter Heard;

Journal Entry Details:

STATUS CHECK: DEFT'S MOTION TO WITHDRAW GUILTY PLEA...SENTENCING Mr. Sanft informed Court the person was located, he drafted the affidavit for the person, however, he needs permission from the person's Public Defender first, who is out on vacation. At request of defense counsel, COURT ORDERED, matters CONTINUED two weeks. CUSTODY 4/24/18 8:30 A.M. STATUS CHECK: DEFT'S MOTION TO WITHDRAW GUILTY PLEA...SENTENCING;

04/24/2018

**All Pending Motions (8:30 AM)** (Judicial Officer: Leavitt, Michelle)

Matter Heard;

Journal Entry Details:

STATUS CHECK: DEFT'S MOTION TO WITHDRAW GUILTY PLEA...SENTENCING Mr. Sanft informed Court he was granted one week to get the affidavit signed by the witness, however, the witness is refusing to sign it, the affidavit was reviewed by the witness, and the witness is afraid to be labeled as a snitch. Additionally, Deft's sister is in custody, and defense is having the investigator come sit down with Deft's sister to get more information about the alleged threat. Mr. Sanft requested one more continuance. Court asked if defense was going to file the motion to withdraw guilty plea. Mr. Sanft advised he has evidence from Deft, however, he wanted an affidavit and declaration signed, further noting Deft's sister may know about the alleged threat, and defense wants to verify it. Ms. Derjavina advised State is fine with the continuance, she does not have the file, and this is Mr. Schwartz's case. COURT ORDERED, matters CONTINUED. CUSTODY 5/10/18 8:30 A.M. STATUS CHECK: DEFT'S MOTION TO WITHDRAW GUILTY PLEA...SENTENCING;

05/10/2018

**All Pending Motions (8:30 AM)** (Judicial Officer: Bixler, James)

All Pending Motions (5/10/2018)

Continued;

Journal Entry Details:

STATUS CHECK: DEFENDANT'S MOTION TO WITHDRAW GUILTY PLEA...SENTENCING Mr. Sanft requested another continuance of two weeks. Court stated a copy of the plea canvass or transcript will need to be provided to defense counsel. Mr. Sanft requested thirty days for the transcript to be provided. COURT SO ORDERED; matters CONTINUED. CUSTODY 6/05/18 8:30 A.M. STATUS CHECK: DEFENDANT'S MOTION TO WITHDRAW GUILTY PLEA...SENTENCING;

06/05/2018

**All Pending Motions (8:30 AM)** (Judicial Officer: Leavitt, Michelle)

All Pending Motions (6/05/2018)

Matter Heard;

Journal Entry Details:

STATUS CHECK: DEFT'S MOTION TO WITHDRAW GUILTY PLEA...SENTENCING Mr. Sanft informed Court he provided a copy of the plea canvass and transcript to Deft, his basis before was basis of coercion, the attorney for the individual said no on signing an affidavit, as the individual does not want to sign an affidavit anymore. Mr. Sanft requested an evidentiary hearing to have a witness come in and provide testimony; and argued in support of relief requested. Court told Mr. Sanft he can file a motion on the issue, the Court would give him an opportunity to bring the witness in, and with everything he is telling the Court, the Court would be inclined to grant an evidentiary hearing. Discussions. Mr. Sanft anticipated the evidentiary hearing will be short. Mr. Kern requested Court to trail the matter for Mr. Schwartz to appear. Further discussion. COURT ORDERED, status check CONTINUED; matter SET for evidentiary hearing; and briefing schedule is SET as follows: Deft's brief due June 14, 2018, and State's response is due June 21, 2018. CUSTODY 6/28/18 10:30 A.M. EVIDENTIARY HEARING...STATUS CHECK: DEFT'S MOTION TO WITHDRAW GUILTY PLEA;

06/28/2018

**Evidentiary Hearing (10:30 AM)** (Judicial Officer: Leavitt, Michelle)**06/28/2018, 09/06/2018, 12/20/2018**

Continued;

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Off Calendar;

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Off Calendar;



**CASE SUMMARY**  
**CASE NO. C-16-313216-2**

Continued;  
Continued;  
Off Calendar;

06/28/2018



**All Pending Motions** (10:30 AM) (Judicial Officer: Leavitt, Michelle)

Matter Heard;

Journal Entry Details:

*EVIDENTIARY HEARING...STATUS CHECK: DEFT'S MOTION TO WITHDRAW GUILTY PLEA Mr. Sanft informed Court a briefing schedule was set at the last hearing, and he had received a written letter by the Clerk, two days after the last hearing, to which the letter was from Deft, which caused him concern about filing any type of motion in regards to a motion to withdraw guilty plea. Thereafter, Mr. Sanft provided Deft's written letter, which was reviewed by Court. Discussions regarding Deft's handwriting in the letter being exceptionally gifted, clear, and to the point, plus what Deft. wrote in the letter. Mr. Sanft stated the person who allegedly overheard the threats made to Deft, refused to cooperate. Further discussions regarding defense counsel's reasonings of not filing the motion, and defense counsel believing there is a legal basis to file a motion on Deft's behalf. Court reminded defense counsel Deft. does not direct what the strategy is. Mr. Sanft stated the concern was about what Deft. wrote in the letter, Deft's basis was well founded, what he laid out in the letter may set the record for something else, defense wanted to let the Court know what was going on and what Deft's position was, before defense moves forward; and he did not want this to be an issue later on post conviction relief. Court advised Deft. it will make the letter a part of the record, Mr. Sanft is going to continue to represent him, he needs to discuss everything with Mr. Sanft, Mr. Sanft gets to determine what the legal strategy is, he cannot keep stalling the case from going forward, by claiming every attorney Court gives him does not do what he thinks they are supposed to do, the Court has a Guilty Plea Agreement in front of the Court, if he wants to move to withdraw his plea, that is fine, and he can talk to Mr. Sanft about it, however, he does not get to direct legal strategy, Mr. Sanft directs the strategy and is the lawyer, and he is not. Deft. made statements to Court regarding names of witnesses having been given to the investigator. Mr. Sanft stated the investigator followed up with the main person involved, being a witness regarding the alleged threat, and based upon the letter, defense can follow up with the individuals in the letter, if Court wants him to do so. Court stated it is not going to direct Mr. Sanft either, that is not appropriate for Court to do, the Court has faith in him, and he is a competent attorney. Further discussions. Court reminded Deft. again the legal strategy is Mr. Sanft's decision and he needs to speak with Mr. Sanft about the case. At request of Mr. Sanft, COURT ORDERED, CASE CONTINUED; briefing schedule SET as follows: Deft's Motion to withdraw guilty plea due July 19, 2018; State's response due August 9, 2018; and Deft's reply is due August 23, 2018. Hearing SET. Court's Exhibit ADMITTED (See Worksheets.). Mr. Sanft stated the motion is already done, and he held off on filing it, due to Deft's letter. CUSTODY 9/06/18 10:30 A.M. EVIDENTIARY HEARING...DEFT'S MOTION TO WITHDRAW GUILTY PLEA ;*

09/06/2018

**CANCELED Motion to Withdraw Plea** (10:30 AM) (Judicial Officer: Leavitt, Michelle)

*Vacated - Duplicate Entry*

*Defendant's Motion to Withdraw Plea*

09/06/2018

**Motion to Withdraw Plea** (10:30 AM) (Judicial Officer: Leavitt, Michelle)

**09/06/2018, 12/20/2018**

Events: 09/05/2018 Motion to Withdraw Plea

Continued;

Granted;

Continued;

Granted;

09/06/2018



**All Pending Motions** (10:30 AM) (Judicial Officer: Leavitt, Michelle)

*All Pending Motions (9/06/2018)*

Matter Heard;

Journal Entry Details:

*EVIDENTIARY HEARING...DEFT'S MOTION TO WITHDRAW PLEA Case called during the 8:30 A.M. criminal calendar. Discussions as to Mr. Sanft having filed the written motion yesterday afternoon, being September 5, 2018. At request of State, COURT ORDERED, State to file written response by October 25, 2018. FURTHER, matters CONTINUED. CUSTODY 10/30/18 10:30 A.M. EVIDENTIARY HEARING...DEFT'S MOTION TO WITHDRAW PLEA;*

12/20/2018



**All Pending Motions** (10:30 AM) (Judicial Officer: Leavitt, Michelle)

*All Pending Motions (12/20/2018)*

Matter Heard;

Journal Entry Details:

*Court TRAILED and RECALLED matter for Deft. and counsel to appear. Deft. is present in custody. Mr. Nadig*



# CASE SUMMARY

## CASE NO. C-16-313216-2

appeared for Mr. Sanft; on behalf of Deft. EVIDENTIARY HEARING...DEFT'S MOTION TO WITHDRAW GUILTY PLEA There being no objection by State, COURT ORDERED, Motion GRANTED; Deft's guilty plea WITHDRAWN. FURTHER, the original charges in the original Indictment filed March 9, 2016 are REINSTATED; Amended Indictment filed on October 19, 2017 is STRICKEN. Mr. Nadig requested Court to set the trial date on a date as soon as possible. COURT ADDITIONALLY ORDERED, trial date SET. CUSTODY 2/12/19 8:30 A.M. CALENDAR CALL 2/19/19 1:30 P.M. TRIAL BY JURY;


01/29/2019 CANCELED Status Check: Trial Setting (8:30 AM) (Judicial Officer: Leavitt, Michelle)  
Vacated - per Attorney or Pro Per


02/12/2019  Calendar Call (8:30 AM) (Judicial Officer: Leavitt, Michelle)

### MINUTES

Trial Date Set;  
Journal Entry Details:  
Mr. Sanft advised ready for trial. State indicated 18 - 20 witnesses, 5 - 6 days, and two out of state witnesses. TRIAL DATE STANDS. CUSTODY 2/19/19 10:30 AM JURY TRIAL;

### SCHEDULED HEARINGS

 Jury Trial (02/19/2019 at 10:30 AM) (Judicial Officer: Leavitt, Michelle)  
02/19/2019-02/21/2019

02/19/2019  Jury Trial (10:30 AM) (Judicial Officer: Leavitt, Michelle)  
02/19/2019-02/21/2019

Trial Continues;  
Trial Continues;  
Plea Entered;  
Journal Entry Details:  
OUTSIDE THE PRESENCE OF THE JURY: DEFT. WHITE ARRAIGNED AND PLED GUILTY TO COUNT 1 - CONSPIRACY TO COMMIT ROBBERY (F), COUNT 2 - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON (F), COUNTS 3-4 - FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON (F), COUNTS 5-6 - ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON (F) COUNT 7 - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM (F) and COUNT 8 - IMPERSONATION OF AN OFFICER (GM). Court ACCEPTED plea, and, ORDERED, matter referred to the Division of Parole and Probation (P & P) and SET for sentencing. JURY PRESENT: Court thanked and excused the jury. CUSTODY 03/14/19 8:30 AM SENTENCING;

Trial Continues;  
Trial Continues;  
Plea Entered;  
Journal Entry Details:  
OUTSIDE THE PRESENCE OF THE JURY: Amended Indictment FILED IN OPEN COURT. Mr. Schwartzer advised they attempted to transport the Co-Defendant, Marland Dean, and the prison stated they cannot do so until 03/01/19. Mr. Sanft confirmed they are still requesting he be transported. Court stated the Department will contact the prison for transport. Parties stipulated to exhibits #1-233 JURY PRESENT: Jury sworn. Clerk read the Amended Indictment. Testimony and exhibits presented. (See worksheets) OUTSIDE THE PRESENCE OF THE JURY: Pursuant to NRS 50.215 and NRS 50.215(4)(b), COURT STATED the Court is not permitted to Order the Co-Defendant be transported from the prison. JURY PRESENT: Testimony and exhibits presented. (See worksheets);

Trial Continues;  
Trial Continues;  
Plea Entered;  
Journal Entry Details:  
PROSPECTIVE JURORS PRESENT: Voir Dire. OUTSIDE THE PRESENCE OF THE JURY: Mr. Sanft requested the Co-Defendant, Marlan Dean, be transported as a potential witness for the Defense. COURT ORDERED, Co-Defendant, Marlan Dean, is to be transported on 02/25/19; State to prepare the Transport Order. PROSPECTIVE JURORS PRESENT: Voir Dire. Court Clerk, Teri Berkshire, now present. INSIDE THE PRESENCE OF THE PROSPECTIVE JURY:continued Voir Dire. OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY Inquiry regarding named Juror as to whether or not he is a felon. INSIDE THE PRESENCE OF THE PROSPECTIVE JURY Court noted named juror is not a felon. Continued Voir Dire. Following Voir dire, 12 Jurors selected. Court thanked and excused the remaining prospective panel. INSIDE THE PRESENCE OF THE JURY: Court admonished the Jury and instructed them to return tomorrow at the given time. OUTSIDE THE PRESENCE OF THE JURY: Mr. Sanft advised he did not see a reason to not waive the challenges as noted. Court so noted. Court adjourned for the evening.  
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# CASE SUMMARY

## CASE NO. C-16-313216-2

03/14/2019



**Sentencing** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

03/14/2019, 03/19/2019

Matter Continued;

Defendant Sentenced;

Journal Entry Details:

*DEFT WHITE ADJUDGED GUILTY of COUNT 1 - CONSPIRACY TO COMMIT ROBBERY (F), COUNT 2 - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON (F), COUNTS 3-4 - FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON (F), COUNTS 5-6 - ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON (F), COUNT 7 - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM (F) and COUNT 8 - IMPERSONATION OF AN OFFICER (GM). Statement by Defendant. Arguments by counsel. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, \$8,831.62 restitution to be paid jointly and severally with Co-Defendant, \$150.00 DNA Analysis fee including testing to determine genetic markers and \$3.00 DNA Collection fee, Deft. SENTENCED as follows: on COUNT 1 - to a MAXIMUM of SEVENTY- TWO (72) MONTHS with a MINIMUM Parole Eligibility of TWENTY-EIGHT (28) MONTHS in the Nevada Department of Corrections (NDC); on COUNT 2 - to a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS with a MINIMUM Parole Eligibility of SIXTY-SIX (66) MONTHS, CONCURRENT with COUNT 1 in the NDC; on COUNT 3 - to LIFE with a MINIMUM Parole Eligibility of FIVE (5) YEARS plus a CONSECUTIVE term of TWENTY (20) YEARS MAXIMUM with a parole eligibility of FIVE (5) YEARS for the Use of a Deadly Weapon, CONCURRENT TO COUNT 2 in the NDC; on COUNT 4 - to LIFE with a MINIMUM Parole Eligibility of FIVE (5) YEARS plus a CONSECUTIVE term of TWENTY (20) YEARS MAXIMUM with a parole eligibility of FIVE (5) YEARS for the Use of a Deadly Weapon, CONSECUTIVE with COUNT 3 in the NDC; COUNT 5 - to a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS with a MINIMUM Parole Eligibility of FORTY-EIGHT (48) MONTHS plus a CONSECUTIVE term of ONE HUNDRED TWENTY (120) MONTHS with a MINIMUM Parole Eligibility of FORTY-EIGHT (48) MONTHS for the Use of a Deadly Weapon, CONCURRENT with COUNT 4 in the NDC; COUNT 6 - to a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS with a MINIMUM Parole Eligibility of FORTY-EIGHT (48) MONTHS plus a CONSECUTIVE term of ONE HUNDRED TWENTY (120) MONTHS with a MINIMUM Parole Eligibility of FORTY-EIGHT (48) MONTHS for the Use of a Deadly Weapon, CONCURRENT with COUNT 5 in the NDC; COUNT 7 - to a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS with a MINIMUM Parole Eligibility of SIXTY-SIX (66) MONTHS, CONCURRENT with COUNT 6 in the NDC; and COUNT 8 - to THREE HUNDRED SIXTY-FOUR (364) DAYS in the Clark County Detention Center (CCDC), CONCURRENT with COUNT 7 for and AGGREGATE TOTAL of LIFE with a MINIMUM Parole Eligibility of TWENTY (20) YEARS with ONE THOUSAND ONE HUNDRED THIRTY-FOUR (1,134) DAYS credit for time served. BOND, if any, EXONERATED. NDC CLERK'S NOTE: Subsequent to Court, COURT ORDERED, COUNT 3 CONCURRENT TO COUNT 2. hvp/3/22/19;*

Matter Continued;

Defendant Sentenced;

Journal Entry Details:

*COURT ORDERED, matter CONTINUED. Pre-Sentence Investigation Report provide to Mr. Sanft in open court. CUSTODY CONTINUED TO: 03/19/19 8:30 AM;*

05/09/2019



**Appointment of Counsel** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

*Per Limited Remand from Nevada Supreme Court*

Counsel Confirmed; Per Limited Remand from Nevada Supreme Court

Journal Entry Details:

*Mr. Jackson advised he can accept appointment. COURT SO NOTED and ORDERED, Mr. Jackson APPOINTED as counsel. Mr. Jackson stated he will file the documents appointing him as counsel this week. NDC;*

06/04/2019



**Motion to Reduce** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

Events: 04/30/2019 Motion to Reduce

*Defendant / Petitioner's Motion to Reduce and/or Quash Restitution*

Off Calendar; Defendant / Petitioner's Motion to Reduce and/or Quash Restitution

Journal Entry Details:

*Court noted the Defendant is represented by counsel and directed the Defendant to give his motions to his attorney. COURT STATED Defendant's Motion is a fugitive document and ORDERED, matter OFF CALENDAR. NDC;*

08/29/2019



**Motion to Withdraw Plea** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

*Defendant's Motion to Withdraw Plea of Guilty*

Matter Heard;

This court does not have jurisdiction

Journal Entry Details:

*Defendant not present. Mr. Jackson requested this matter be continued for the Defendant's presence. State requested 45 days to respond. COURT ORDERED, State's Response due 10/10/19; matter SET for Hearing; State to prepare a Transport Order. NDC 10/17/19 8:30 AM HEARING;*


**CASE SUMMARY**  
**CASE NO. C-16-313216-2**

09/24/2019	 <b>Motion</b> (8:30 AM) (Judicial Officer: Leavitt, Michelle) <i>Defendant's Motion for Certification and Request for Remand</i> Off Calendar; Journal Entry Details: <i>Defendant not present. Mr. Jackson requested this matter be continued as the State needs to file a response. COURT STATED this matter is on Appeal and this Court has no jurisdiction; therefore, ORDERED, all matter MOOT and OFF CALENDAR. NDC;</i>
10/17/2019	 <b>Evidentiary Hearing</b> (8:30 AM) (Judicial Officer: Leavitt, Michelle) Off Calendar; Journal Entry Details: <i>Defendant not present. COURT ORDERED, matter OFF CALENDAR. NDC;</i>
06/23/2020	 <b>Motion to Withdraw as Counsel</b> (12:00 PM) (Judicial Officer: Leavitt, Michelle) <i>Motion to Withdraw as Counsel</i> Granted; Motion to Withdraw as Counsel Journal Entry Details: <i>Defendant not present. COURT ORDERED, Motion GRANTED; Mr. Jackson to prepare the Order; 07/14/20 hearing VACATED. NDC;</i>
07/14/2020	<b>CANCELED Motion to Dismiss</b> (12:00 PM) (Judicial Officer: Leavitt, Michelle) <i>Vacated - per Judge</i> <i>Motion to Relieve Appellate Counsel</i>
07/21/2020	 <b>Motion for Order</b> (12:00 PM) (Judicial Officer: Leavitt, Michelle) <i>Motion for Court Order Directing Preparation of Transcript of April 18, 2017 Hearing</i> Matter Heard; Journal Entry Details: <i>Defendant not present. COURT STATED the Defendant has indicated that his family will pay for the transcripts; therefore, ORDERED, once the family pays the Court, the transcripts will be prepared; Pre-Sentence Investigation Report (PSI) is to be mailed to the Defendant; 07/28/20 hearing VACATED. NDC CLERK'S NOTE: The above minute order and PSI has been distributed to: Toney White NDOC No. 1214172 P.O. BOX 650 INDIAN SPRINGS, NEVADA 89070 ;</i>
07/28/2020	<b>CANCELED Motion</b> (12:00 PM) (Judicial Officer: Leavitt, Michelle) <i>Vacated - per Judge</i> <i>Defendant's Pro Per Motion to Obtain a Copy of a Sealed Record (Presentence Investigation Report - NRS 176.156) on an Order Shortening Time</i>
08/11/2020	 <b>Motion for Order</b> (12:00 PM) (Judicial Officer: Leavitt, Michelle) <i>Motion for Order for Additional Court Records</i> Denied; Journal Entry Details: <i>Defendant not present. Court noted the history of the case. Court stated the Defendant is now seeking the transcripts at the State's expense and the Defendant has failed to meet his burden; therefore, ORDERED, Motion DENIED; State to prepare the Order. NDC;</i>
09/10/2020	 <b>Motion for Appointment of Attorney</b> (12:00 PM) (Judicial Officer: Leavitt, Michelle) <i>Defendant's Defendant's Renewed Motion for Appointment of PCR Counsel</i> Denied Without Prejudice; Journal Entry Details: <i>Pursuant to NRS 34.750, COURT ORDERED, Motion DENIED WITHOUT PREJUDICE as there is no Petition pending and this Court cannot make a determination as to whether the issues are difficult due to the Defendant not putting forth anything; it is clear that the Defendant understand the proceedings and the Defendant has not met his burden; State to prepare the Order. NDC;</i>
10/06/2020	 <b>Motion for Order</b> (12:00 PM) (Judicial Officer: Leavitt, Michelle) <i>Motion for Order for Additional Court Records</i>

EIGHTH JUDICIAL DISTRICT COURT

**CASE SUMMARY**

**CASE NO. C-16-313216-2**

06/03/2021	<p>Denied; Journal Entry Details: <i>Defendant not present. Court stated this is about the third time that the Defendant has filed this Motion. Further, COURT STATED the Defendant has not met his burden pursuant to the Peterson case; the Defendant does not have any type of Petition pending; the Defendant needs to demonstrate to the Court that the points he would raise have merit and that the merit in those points raised would be supported by a review of the record. COURT STATED the Defendant has not done any of that; the Defendant has simply asked for a bunch of transcripts for which he is not entitled to pursuant to Peterson vs Ward 87 Nevada 134; therefore, ORDERED, Motion DENIED; State to prepare the Order. NDC CLERK'S NOTE: The above minute order has been distributed to: Toney White NDOC No. 1214172 P.O. BOX 650 INDIAN SPRINGS, NEVADA 89070 hyp/10/27/20 ;</i></p> <p> <b>Motion for Appointment of Attorney</b> (11:00 AM) (Judicial Officer: Leavitt, Michelle) <i>Motion for Appointment of Attorney for Appeal</i> Denied; Motion for Appointment of Attorney for Appeal Journal Entry Details: <i>Defendant not present. COURT ORDERED, Motion DENIED as the Defendant is not entitled to appointed counsel; State to prepare the Order. State inquired as to the Order including that the same motion was previously denied in the C case. COURT SO ORDERED. NDC;</i></p>	
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DATE

FINANCIAL INFORMATION

<b>Defendant</b> White, Toney Anthony	
Total Charges	416.00
Total Payments and Credits	10.00
<b>Balance Due as of 11/10/2022</b>	<b>406.00</b>

*Heather S. Smith*

CLERK OF THE COURT

AJOCP

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

TONEY ANTHONY WHITE  
#8270790

Defendant.

CASE NO. C-16-313216-2

DEPT. NO. XII

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 **COUNT 1** - CONSPIRACY TO COMMIT ROBBERY (Category B Felony) in violation of NRS 200.380, 199.480; **COUNT 2** - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON (Category B Felony) in violation of NRS 205.060; **COUNT 3** - FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON (Category A Felony) in violation of NRS 200.310, 200.320, 193.165; **COUNT 4** - FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON (Category A Felony) in violation of NRS 200.310, 200.320, 193.165; **COUNT 5** - ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony) in violation of NRS 200.380, 193.330, 193.165; **COUNT 6** - ATTEMPT ROBBERY WITH

1 USE OF A DEADLY WEAPON (Category B Felony) in violation of NRS 200.380,  
2 193.330, 193.165; **COUNT 7** - BATTERY WITH USE OF A DEADLY WEAPON  
3 RESULTING IN SUBSTANTIAL BODILY HARM (Category B Felony) in violation of  
4 NRS 200.481; and **COUNT 8** - IMPERSONATION OF AN OFFICER (Gross  
5 Misdemeanor) in violation of NRS 199.430; thereafter, on the 19<sup>th</sup> day of March, 2019,  
6 the Defendant was present in court for sentencing with counsel MICHAEL SANFT,  
7 ESQ., and good cause appearing,  
8

9 THE DEFENDANT IS HEREBY ADJUDGED guilty of said offenses and, in  
10 addition to the \$25.00 Administrative Assessment and \$150.00 DNA Analysis Fee  
11 including testing to determine genetic markers plus \$3.00 DNA Collection Fee, the  
12 Defendant is sentenced to the Nevada Department of Corrections (NDC) as follows:  
13

14 **COUNT 1** - a MAXIMUM of SEVENTY-TWO (72) MONTHS with a MINIMUM Parole  
15 Eligibility of TWENTY-EIGHT (28) MONTHS, CONCURRENT with COUNTS 2 & 4;  
16

17 **COUNT 2** – a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS with a  
18 MINIMUM Parole Eligibility of SIXTY-SIX (66) MONTHS, CONCURRENT with  
19 COUNT 1; **COUNT 3** – LIFE with a MINIMUM Parole Eligibility of FIVE (5) YEARS  
20 plus a CONSECUTIVE term of TWENTY (20) YEARS MAXIMUM with a parole  
21 eligibility of FIVE (5) YEARS for the Use of a Deadly Weapon, CONCURRENT with  
22

23 COUNT 2; **COUNT 4** – LIFE with a MINIMUM Parole Eligibility of FIVE (5) YEARS  
24 plus a CONSECUTIVE term of TWENTY (20) YEARS MAXIMUM with a parole  
25 eligibility of FIVE (5) YEARS for the Use of a Deadly Weapon, CONSECUTIVE with  
26 COUNT 3; **COUNT 5** – a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS  
27 with a MINIMUM Parole Eligibility of FORTY-EIGHT (48) MONTHS plus a  
28

1 CONSECUTIVE term of ONE HUNDRED TWENTY (120) MONTHS with a MINIMUM  
2 Parole Eligibility of FORTY-EIGHT (48) MONTHS for the Use of a Deadly Weapon,  
3 CONCURRENT with COUNT 4; **COUNT 6** - a MAXIMUM of ONE HUNDRED  
4 TWENTY (120) MONTHS with a MINIMUM Parole Eligibility of FORTY-EIGHT (48)  
5 MONTHS plus a CONSECUTIVE term of ONE HUNDRED TWENTY (120) MONTHS  
6 with a MINIMUM Parole Eligibility of FORTY-EIGHT (48) MONTHS for the Use of a  
7 Deadly Weapon, CONCURRENT with COUNT 5; **COUNT 7** - a MAXIMUM of ONE  
8 HUNDRED EIGHTY (180) MONTHS with a MINIMUM Parole Eligibility of SIXTY-SIX  
9 (66) MONTHS, CONCURRENT with COUNT 6; and **COUNT 8** - THREE HUNDRED  
10 SIXTY-FOUR (364) DAYS IN CLARK COUNTY DETENTION CENTER (CCDC),  
11 CONCURRENT with COUNT 7; with ONE THOUSAND ONE HUNDRED THIRTY-  
12 FOUR (1,134) DAYS credit for time served. The AGGREGATE TOTAL sentence is  
13 LIFE with a MINIMUM Parole Eligibility of TWENTY (20) YEARS.

14  
15  
16  
17 THEREAFTER, on the 28<sup>th</sup> day of July, 2022, the Defendant not present, and  
18 pursuant to Supreme Court Order filed on June 22, 2022, Amended Order Affirming in  
19 Part, Reversing in Part and Remanded; COURT ORDERED: **RESTITUTION IS**  
20 **VACATED.**  
21

22  
23 Dated this 4th day of August, 2022

24 

25  
26 *hvp*

27 **6CA DAE 0FCD 50D7**  
28 **Michael Cherry**  
**District Court Judge**

1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
6 State of Nevada

CASE NO: C-16-313216-2

7 vs

DEPT. NO. Department 12

8 Toney White  
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: 8/4/2022

15 Michael Schwartzer michael.schwartz@clarkcountyda.com

16 Michael Sanft michael@sanftlaw.com

17 Dept 12 Law Clerk dept12lc@clarkcountycourts.us

18 Eileen Davis Eileen.Davis@clarkcountyda.com

19 Terrence Jackson Terry.jackson.esq@gmail.com  
20  
21  
22  
23  
24  
25  
26  
27  
28



**ORDR**

STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
HALEY JARAMILLO  
Deputy District Attorney  
Nevada Bar #015506  
200 Lewis Avenue  
Las Vegas, NV 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

TONEY WHITE,  
#8270790

Defendant.

CASE NO: A-20-824261-W

DEPT NO: XII

**ORDER DENYING DEFENDANT'S MOTION FOR LEAVE OF COURT TO FILE  
AMENDED OR SUPPLEMENTAL HABEAS CORPUS PETITION**

DATE OF HEARING: September 13, 2022  
TIME OF HEARING: 08:30 A.M.

THIS MATTER having come on for hearing before the above entitled Court on the 13th day of September, 2022, the Defendant not being present, IN PROPER PERSON, the Plaintiff being represented by STEVEN B. WOLFSON, District Attorney, through HALEY JARAMILLO, Deputy District Attorney, without argument and good cause appearing therefor,

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1 COURT STATED a Findings of Facts was filed; therefore, the Defendant can file  
2 whatever Petition or Motion he deems to be appropriate; however, cannot supplement what  
3 has already been done.

4 IT IS HEREBY ORDERED that the Defendant's Motion for Leave of Court to File  
5 Amended or Supplemental Habeas Corpus Petition, shall be, and it is DENIED.

6  
7 Dated this 3rd day of November, 2022

8 

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

D09 BC2 61D2 2E8A  
Michelle Leavitt  
District Court Judge

12 BY /s/ HALEY JARAMILLO  
13 HALEY JARAMILLO  
14 Deputy District Attorney  
Nevada Bar #015506

15 CERTIFICATE OF SERVICE

16 I certify that on the 2nd day of November, 2022, I mailed a copy of the foregoing Order  
17 to:

18 TONEY WHITE, BAC #1214172  
19 HIGH DESERT STATE PRISON  
20 P. O. BOX 650  
INDIAN SPRINGS, NEVADA 89070-0650

21 BY /s/ Janet Hayes  
22 Secretary for the District Attorney's Office

23  
24  
25  
26  
27  
28 16FH0191B/jh/GANG

1 **CSERV**

2  
3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA

5  
6 Toney White, Plaintiff(s)

CASE NO: A-20-824261-W

7 vs.

DEPT. NO. Department 12

8 Calvin Johnson, Warden,  
9 Defendant(s)

10  
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 11/3/2022

15 Alexander Chen

Alexander.chen@clarkcountyda.com

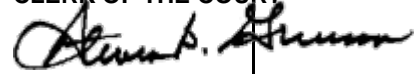
16 Dept 12 Law Clerk

dept12lc@clarkcountycourts.us

17 Steven Wolfson

18 motions@clarkcountyda.com

19  
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21  
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NEOJ

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

TONEY WHITE,

Petitioner,

Case No: A-20-824261-W

Dept. No: XII

vs.

CALVIN JOHNSON, WARDEN,

Respondent,

**NOTICE OF ENTRY OF ORDER**

**PLEASE TAKE NOTICE** that on November 3, 2022, the court entered a decision or order in this matter, a true and correct copy of which is attached to this notice.

You may appeal to the Supreme Court from the decision or order of this court. If you wish to appeal, you must file a notice of appeal with the clerk of this court within thirty-three (33) days after the date this notice is mailed to you. This notice was mailed on November 10, 2022.

STEVEN D. GRIERSON, CLERK OF THE COURT

/s/ Amanda Hampton

Amanda Hampton, Deputy Clerk

**CERTIFICATE OF E-SERVICE / MAILING**

I hereby certify that on this 10 day of November 2022, I served a copy of this Notice of Entry on the following:

☒ By e-mail:

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

☒ The United States mail addressed as follows:

Tony White # 1214172  
P.O. Box 650  
Indian Springs, NV 89070

/s/ Amanda Hampton

Amanda Hampton, Deputy Clerk

*Heaven S. Linn*

CLERK OF THE COURT

**ORDR**

STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
HALEY JARAMILLO  
Deputy District Attorney  
Nevada Bar #015506  
200 Lewis Avenue  
Las Vegas, NV 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

TONEY WHITE,  
#8270790

Defendant.

CASE NO: A-20-824261-W

DEPT NO: XII

**ORDER DENYING DEFENDANT'S MOTION FOR LEAVE OF COURT TO FILE  
AMENDED OR SUPPLEMENTAL HABEAS CORPUS PETITION**

DATE OF HEARING: September 13, 2022  
TIME OF HEARING: 08:30 A.M.

THIS MATTER having come on for hearing before the above entitled Court on the 13th day of September, 2022, the Defendant not being present, IN PROPER PERSON, the Plaintiff being represented by STEVEN B. WOLFSON, District Attorney, through HALEY JARAMILLO, Deputy District Attorney, without argument and good cause appearing therefor,

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///

1 COURT STATED a Findings of Facts was filed; therefore, the Defendant can file  
2 whatever Petition or Motion he deems to be appropriate; however, cannot supplement what  
3 has already been done.

4 IT IS HEREBY ORDERED that the Defendant's Motion for Leave of Court to File  
5 Amended or Supplemental Habeas Corpus Petition, shall be, and it is DENIED.

6  
7 Dated this 3rd day of November, 2022

8 

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

D09 BC2 61D2 2E8A  
Michelle Leavitt  
District Court Judge

12 BY /s/ HALEY JARAMILLO  
13 HALEY JARAMILLO  
14 Deputy District Attorney  
Nevada Bar #015506

15 CERTIFICATE OF SERVICE

16 I certify that on the 2nd day of November, 2022, I mailed a copy of the foregoing Order  
17 to:

18 TONEY WHITE, BAC #1214172  
19 HIGH DESERT STATE PRISON  
20 P. O. BOX 650  
INDIAN SPRINGS, NEVADA 89070-0650

21 BY /s/ Janet Hayes  
22 Secretary for the District Attorney's Office

23  
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25  
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27  
28 16FH0191B/jh/GANG

1 **CSERV**

2  
3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA

5  
6 Toney White, Plaintiff(s)

CASE NO: A-20-824261-W

7 vs.

DEPT. NO. Department 12

8 Calvin Johnson, Warden,  
9 Defendant(s)

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

14 Service Date: 11/3/2022

15 Alexander Chen

Alexander.chen@clarkcountyda.com

16 Dept 12 Law Clerk

dept12lc@clarkcountycourts.us

17 Steven Wolfson

18 motions@clarkcountyda.com

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**March 09, 2016**

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C-16-313216-2      State of Nevada  
vs  
Toney White

---

**March 09, 2016      11:45 AM      Grand Jury Indictment**

**HEARD BY:** Barker, David

**COURTROOM:** RJC Courtroom 10C

**COURT CLERK:** Louisa Garcia

**RECORDER:** Cynthia Georgilas

**REPORTER:**

**PARTIES**

**PRESENT:**      Schwartzer, Michael J.      Attorney  
State of Nevada      Plaintiff

**JOURNAL ENTRIES**

- Ann Kling, Grand Jury Foreperson, stated to the Court that at least twelve members had concurred in the return of the true bill during deliberation, but had been excused for presentation to the Court. State presented Grand Jury Case Number 15AGJ129B to the Court. COURT ORDERED, the Indictment may be filed and is assigned Case Number C313216-2, Department 12. Mr. Schwartzer requested a warrant and argued bail. COURT ORDERED, WARRANT TO BE ISSUED, \$195,000.00 BAIL and matter SET for initial arraignment. Exhibits 1-35 lodged with Clerk of District Court.

I.W. (CUSTODY)

3/17/16 8:30 AM INITIAL ARRAIGNMENT (DEPT 12)



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**March 17, 2016**

---

C-16-313216-2      State of Nevada  
                                 vs  
                                 Toney White

---

**March 17, 2016      8:30 AM      All Pending Motions**

**HEARD BY:** Leavitt, Michelle      **COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Susan Botzenhart

**RECORDER:** Kristine Santi

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Gruber, Harvey	Attorney
	Schwartz, Michael J.	Attorney
	State of Nevada	Plaintiff
	White, Toney Anthony	Defendant

**JOURNAL ENTRIES**

- INITIAL ARRAIGNMENT...INDICTMENT WARRANT RETURN

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

CUSTODY

10/25/16 8:30 A.M. CALENDAR CALL

11/01/16 1:30 P.M. TRIAL BY JURY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**June 09, 2016**

---

C-16-313216-2      State of Nevada  
                                 vs  
                                 Toney White

---

**June 09, 2016      8:30 AM      Motion**

**HEARD BY:** Leavitt, Michelle      **COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Susan Botzenhart

**RECORDER:** Kristine Santi

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Gruber, Harvey	Attorney
	O'Halloran, Rachel	Attorney
	State of Nevada	Plaintiff
	White, Toney Anthony	Defendant

**JOURNAL ENTRIES**

- Court advised Deft. it read his Motion, he did not provide a legal basis for Court to grant his Motion, it appears he is well aware of the facts, and it was made clear in the Motion that he read the discovery and knows the facts of the case. COURT ORDERED, Deft's Motion to dismiss counsel DENIED. Court further advised Deft. he cannot assert other people's constitutional rights, as he does not get the benefit of this; and it appears he wants his attorney in conjunction with another person to somehow suppress evidence, because someone else's constitutional rights were violated. Court further advised Deft. this was probably why his attorney did not file the motion, and his attorney is not permitted to file frivolous motions or motions that have no basis in law. Deft. acknowledged. COURT ORDERED, Motion DENIED.

CUSTODY

10/25/16 8:30 A.M. CALENDAR CALL

PRINT DATE: 11/10/2022

Page 3 of 59

Minutes Date: March 09, 2016

11/01/16 1:30 P.M. TRIAL BY JURY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**July 07, 2016**

---

C-16-313216-2      State of Nevada  
                                 vs  
                                 Toney White

---

**July 07, 2016      8:30 AM      Motion**

**HEARD BY:** Leavitt, Michelle      **COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Tia Everett

**RECORDER:** Kristine Santi

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Gruber, Harvey	Attorney
	O'Halloran, Rachel	Attorney
	State of Nevada	Plaintiff
	White, Toney Anthony	Defendant

**JOURNAL ENTRIES**

- COURT ORDERED, motion OFF CALENDAR as previously denied.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**October 25, 2016**

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C-16-313216-2      State of Nevada  
                                 vs  
                                 Toney White

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**October 25, 2016      8:30 AM      Calendar Call**

**HEARD BY:** Leavitt, Michelle      **COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Susan Botzenhart

**RECORDER:** Debbie Winn

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Gruber, Harvey	Attorney
	Schwartz, Michael J.	Attorney
	State of Nevada	Plaintiff
	White, Toney Anthony	Defendant

**JOURNAL ENTRIES**

- Based on representations made in Cases C-16-313216-3 & 4, and there being no objection by State, COURT ORDERED, Deft's motion to continue trial date GRANTED; trial date VACATED AND RESET.

CUSTODY

3/14/17 8:30 A.M. CALENDAR CALL

3/20/17 1:30 P.M. TRIAL BY JURY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**December 13, 2016**

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C-16-313216-2      State of Nevada  
                                 vs  
                                 Toney White

---

**December 13, 2016      8:30 AM      Motion to Withdraw as Counsel      Harvey Gruber's, Esq,  
Motion to Withdraw  
as Counsel of Record**

**HEARD BY:** Leavitt, Michelle      **COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Carole D'Aloia

**RECORDER:** Kristine Santi

**REPORTER:**

**PARTIES**

**PRESENT:**      Demonte, Noreen C.      Attorney  
                                 Gruber, Harvey      Attorney  
                                 State of Nevada      Plaintiff  
                                 White, Toney Anthony      Defendant

**JOURNAL ENTRIES**

- Mr. Gruber stated that his relationship with Defendant has become adversarial; that he has been unable to communicate with his client and will not be able to represent him to the best of his ability. Submitted by the State. Court stated if it were to allow counsel to withdraw that this happened it, there would be no attorneys. COURT ORDERED, Motion DENIED.

**CUSTODY**

**CLERK'S NOTE:** The minutes for this hearing have been prepared by a review of the JAVS recording. (tmj:12/22/16)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**January 19, 2017**

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C-16-313216-2      State of Nevada  
                                 vs  
                                 Toney White

---

**January 19, 2017      8:30 AM      Motion**

**HEARD BY:** Leavitt, Michelle      **COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Susan Botzenhart

**RECORDER:** Kristine Santi

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Gruber, Harvey	Attorney
	Schwartz, Michael J.	Attorney
	State of Nevada	Plaintiff
	White, Toney Anthony	Defendant

**JOURNAL ENTRIES**

- Deft. stated he will withdraw the motion, as Mr. Gruber and himself have been talking. Upon Court's inquiry, Mr. Gruber advised it is what it is. COURT ORDERED, Matter OFF CALENDAR.

CUSTODY

3/14/17 8:30 A.M. CALENDAR CALL

3/20/17 1:30 P.M. TRIAL BY JURY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****March 14, 2017**

C-16-313216-2      State of Nevada  
vs  
Toney White

**March 14, 2017      8:00 AM      Calendar Call**

**HEARD BY:** Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Susan Botzenhart**RECORDER:** Kristine Santi**REPORTER:****PARTIES**

<b>PRESENT:</b>	Clowers, Shanon	Attorney
	Gruber, Harvey	Attorney
	Schwartzter, Michael J.	Attorney
	State of Nevada	Plaintiff
	White, Toney Anthony	Defendant

**JOURNAL ENTRIES**

- Court TRAILED and RECALLED matter for Mr. Schwartzter and Co-Deft's attorney Mr. Shetler to appear. State announced ready for trial. Mr. Gruber advised he and Co-Deft's counsel are announcing not ready for different reasons, his client was trying to remove him from the case the past two months, a bar complaint was filed, to which defense had stopped working on the case, however, his investigator met with Deft; therefore, defense needs more time for trial, and Mr. Shetler also needs more time. Additionally, an offer was made to Deft, and defense will be requesting a status check hearing be set on possible negotiations; and for trial to be vacated. State objected to trial continuance; and argued it has been over a year and a half, both Defts. are filing motions to dismiss their counsels to purposely manipulate the system and not go to trial, and no real motions were done. Court stated if the case is not Overflow eligible, the Court has to continue this case. Mr. Schwartzter added State wants a firm trial setting, and he does not mind a status check hearing set in two weeks. Mr. Schwartzter added he just made an offer to Mr. Shelter's client, and if the offers are not accepted by



both Defts. during these two weeks, State will revoke all offers and not make any more offers. Due to Court's schedule, COURT ORDERED, trial date VACATED; and status check is SET in two weeks. Court noted it is in a capital case, and its schedule will not allow this trial to go forward next week. Court reminded Deft. if he chooses not to accept the offer, State will revoke the offers and no longer make any more offers; further noting the status check will be set, including the new trial date. Deft. acknowledged.

CUSTODY

3/30/17 8:30 A.M. STATUS CHECK: NEGOTIATIONS

6/06/17 8:30 A.M. CALENDAR CALL

6/13/17 1:30 P.M. TRIAL BY JURY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**March 30, 2017**

---

C-16-313216-2      State of Nevada  
                                 vs  
                                 Toney White

---

**March 30, 2017      8:30 AM      Status Check:  
Negotiations/Trial Setting**

**HEARD BY:** Leavitt, Michelle      **COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Susan Botzenhart

**RECORDER:** Kristine Santi

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Beverly, Leah C	Attorney
	Gruber, Harvey	Attorney
	Schwartz, Michael J.	Attorney
	State of Nevada	Plaintiff
	White, Toney Anthony	Defendant

**JOURNAL ENTRIES**

- Mr. Gruber advised Deft. made the decision not to take State's offer, and he acknowledged this to defense. Court canvassed Deft. on his decision, and Deft. confirmed he rejected the offer. Mr. Schwartz advised there will be no further offers, all current offers are revoked for both Deft. and Co-Deft, and State will be ready for trial. COURT ORDERED, trial date STANDS.

**CUSTODY**

6/06/17 8:30 A.M. CALENDAR CALL

6/13/17 1:30 P.M. TRIAL BY JURY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****April 18, 2017**

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C-16-313216-2      State of Nevada  
                                 vs  
                                 Toney White

---

**April 18, 2017      8:30 AM      Motion**

**HEARD BY:** Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Susan Botzenhart**RECORDER:** Kristine Santi**REPORTER:****PARTIES**

<b>PRESENT:</b>	Gruber, Harvey	Attorney
	Schwartzter, Michael J.	Attorney
	State of Nevada	Plaintiff
	White, Toney Anthony	Defendant

**JOURNAL ENTRIES**

- Court advised Deft. it read his pro per motion, and Court does not believe there is any legal basis. Court further advised Deft. this was discussed, about him filing these motions, his attorney cannot raise somebody else's Fourth Amendment right, and he cannot raise that issue. Deft. stated that is not right. Court advised Deft. that does not matter, he has no standing, and his attorney cannot raise issues that are frivolous. Deft. stated it is more than just the motion, he has been incarcerated for over a year, and he does not have all the discovery. Court asked Deft. what discovery does he think his attorney is not giving him. Mr. Schwartzter noted for the record State turned over everything to defense counsel. Mr. Gruber advised he went through the file with Deft, and had also forwarded items to Deft. Deft. stated all evidence from Grand Jury was not provided to him. Mr. Schwartzter confirmed the Marcum notice was served. Deft. stated there are 24 pictures not in his possession. Mr. Gruber advised he will re-check his file for the third time. Deft. stated there is a recorded statement to police, he is not sure what is going on, he has transcripts of the victims and Co-Defts, but not his transcripts. Mr. Gruber advised the case file is four inches thick, and he will endeavor and

give the information to him again. Court advised Deft. even if his attorney had provided it, Mr. Gruber will provide the information to him. Court asked Deft. if there was anything else. Deft. stated he has no copies of reports. Court advised Deft. he has to be more specific than that. Deft. stated there are reports from 7 officers, which are missing from his report. Court stated generally, there is one report, and not separate ones. Court advised Deft. it does not know, however, just because he thinks there are reports, does not mean there are. Mr. Schwartzer confirmed there are a lot of reports in the case, including one from the Crime Scene Analyst. Deft. stated he is concerned about the officer's report. Court advised Deft. multiple reports for one report are unusual, however, the Court will read the report, and if 7 reports exist, he is entitled to them. Court reminded Deft. just because the reports are not available, does not mean the reports exist. COURT ORDERED, Motion DENIED.

Mr. Gruber advised he will send his Investigator over to Deft. again, to see what is missing, and make sure Deft. gets the stuff in two weeks. Deft. stated he asked his attorney to get all the material and the file. Court advised Deft. his attorney is not required to do that, and the District Attorney has the obligation to turn information over without a request. Deft. stated he asked why evidence is not turned over, and he was told there is only evidence that is going to be used against him at trial. Court told Deft. that is true, however, State is required to turn over any exculpatory evidence; and his argument that he wants to build his defense on State's evidence is unusual. Deft. stated he does not know the strengths and weaknesses of the case. Court advised Deft. his attorney will know. Deft. argued there has been no communication with his attorney. Mr. Gruber noted for the record he spoke with Deft. on the phone after the bar Complaint was filed, and Deft. has spoken with his staff about the case.

CUSTODY

6/06/17 8:30 A.M. CALENDAR CALL

6/13/17 1:30 P.M. TRIAL BY JURY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**June 06, 2017**

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C-16-313216-2      State of Nevada  
                                 vs  
                                 Toney White

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**June 06, 2017      8:30 AM      Calendar Call**

**HEARD BY:** Leavitt, Michelle      **COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Susan Botzenhart

**RECORDER:** Kristine Santi

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Gruber, Harvey	Attorney
	Schwartzter, Michael J.	Attorney
	State of Nevada	Plaintiff
	White, Toney Anthony	Defendant

**JOURNAL ENTRIES**

- Mr. Gruber advised he sent copies of reports to Deft, Deft. is saying he is missing some, further noting defense also mailed 400 pictures, and Deft. still has not received them. Additionally, the investigator met with Deft, and defense is not ready to go to trial next week due to further investigation needed. Mr. Schwartzter objected. Discussions as to Deft. and Mr. Gruber having had a contentious relationship previously, and there having been difficulties with communication. Mr. Gruber stated he does not know why the information was provided yesterday at the meeting, but defense needs to look into it further. Mr. Schwartzter argued State is ready, Deft. had discovery all this time, and trial has been continued a few times. COURT ORDERED, Deft's Motion GRANTED; trial date VACATED AND RESET. Court noted parties need to be ready to go on the next trial date.

CUSTODY

10/31/17 8:30 A.M. CALENDAR CALL

PRINT DATE: 11/10/2022

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Minutes Date: March 09, 2016

11/07/17 1:30 P.M. TRIAL BY JURY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**October 19, 2017**

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C-16-313216-2      State of Nevada  
                                 vs  
                                 Toney White

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**October 19, 2017      8:30 AM      Request**

**HEARD BY:** Leavitt, Michelle

**COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Phyllis Irby

**RECORDER:** Kristine Santi

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Gruber, Harvey	Attorney
	Schwartz, Michael J.	Attorney
	State of Nevada	Plaintiff
	White, Toney Anthony	Defendant

**JOURNAL ENTRIES**

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

CUSTODY

12-14-17 8:30 AM SENTENCING (DEPT. XII)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**December 14, 2017**

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C-16-313216-2      State of Nevada  
                                 vs  
                                 Toney White

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**December 14, 2017      8:30 AM      Sentencing**

**HEARD BY:** Leavitt, Michelle      **COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Susan Botzenhart

**RECORDER:** Kristine Santi

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Mendoza, Erika	Attorney
	State of Nevada	Plaintiff
	White, Toney Anthony	Defendant

**JOURNAL ENTRIES**

- Deft. not present; refused to be transported. Mr. Gruber not present. At request of defense counsel, which was made to Chambers prior to today's hearing, COURT ORDERED, matter CONTINUED.

CUSTODY

1/18/18 8:30 A.M. SENTENCING

CLERK'S NOTE: After Court, Clerk notified Mr. Gruber and State regarding continuance date, as Court had granted Co-Deft's attorney's request for sentencing to be heard on or after January 18, 2018, due to scheduling conflicts. /// sb



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**January 18, 2018**

---

C-16-313216-2      State of Nevada  
                                 vs  
                                 Toney White

---

**January 18, 2018      8:30 AM      Sentencing**

**HEARD BY:** Leavitt, Michelle      **COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Susan Botzenhart

**RECORDER:** Kristine Santi

**REPORTER:**

**PARTIES**

**PRESENT:**      Gruber, Harvey      Attorney  
                                 Schwartzer, Michael J.      Attorney  
                                 State of Nevada      Plaintiff

**JOURNAL ENTRIES**

- Deft. not present; refused to appear. CONFERENCE AT BENCH. COURT ORDERED, sentencing CONTINUED, and hearing on Deft's pro per motion for withdrawal of guilty plea STANDS.

CUSTODY

1/30/18 8:30 A.M. DEFT'S MOTION FOR WITHDRAWAL OF GUILTY PLEA AND FOR APPOINTMENT OF NEW COUNSEL, OR ALTERNATIVELY, TO PROCEED IN PRO PER...SENTENCING

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**January 30, 2018**

---

C-16-313216-2      State of Nevada  
                                 vs  
                                 Toney White

---

**January 30, 2018      8:30 AM      All Pending Motions**

**HEARD BY:** Leavitt, Michelle      **COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Susan Botzenhart

**RECORDER:** Kristine Santi

**REPORTER:**

**PARTIES**

**PRESENT:**      Derjavina, Ekaterina      Attorney  
                                 State of Nevada      Plaintiff  
                                 White, Toney Anthony      Defendant

**JOURNAL ENTRIES**

- DEFENDANT'S MOTION FOR WITHDRAWAL OF GUILTY PLEA AND FOR APPOINTMENT OF NEW COUNSEL, OR ALTERNATIVELY, TO PROCEED IN PRO PER...DEFENDANT'S MOTION FOR WITHDRAWAL OF GUILTY PLEA AND FOR APPOINTMENT OF NEW COUNSEL, OR ALTERNATIVELY, TO PROCEED IN PRO PER...SENTENCING

Mr. Gruber not present. COURT ORDERED, matters CONTINUED.

CUSTODY

2/06/18 8:30 A.M. DEFENDANT'S MOTION FOR WITHDRAWAL OF GUILTY PLEA AND FOR APPOINTMENT OF NEW COUNSEL, OR ALTERNATIVELY, TO PROCEED IN PRO PER...DEFENDANT'S MOTION FOR WITHDRAWAL OF GUILTY PLEA AND FOR APPOINTMENT OF NEW COUNSEL, OR ALTERNATIVELY, TO PROCEED IN PRO PER...SENTENCING

PRINT DATE: 11/10/2022

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Minutes Date: March 09, 2016

CLERK'S NOTE: Mr. Gruber appeared after Court recessed, and was informed by Clerk regarding continuance date. /// sb

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

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

C-16-313216-2      State of Nevada  
                                 vs  
                                 Toney White

**February 06, 2018      8:30 AM      All Pending Motions**

**HEARD BY:** Leavitt, Michelle      **COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Susan Botzenhart

**RECORDER:** Patti Slattery

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Gruber, Harvey	Attorney
	Schwartz, Michael J.	Attorney
	State of Nevada	Plaintiff
	White, Toney Anthony	Defendant
	Zadrowski, Bernard B.	Attorney

**JOURNAL ENTRIES**

- DEFT'S MOTION FOR WITHDRAWAL OF GUILTY PLEA AND FOR APPOINTMENT OF NEW COUNSEL, OR ALTERNATIVELY, TO PROCEED IN PRO PER...DEFT'S MOTION TO WITHDRAWAL OF GUILTY PLEA AND FOR APPOINTMENT OF NEW COUNSEL, OR ALTERNATIVELY, TO PROCEED IN PRO PER...SENTENCING

Court advised Deft. it received all of his letters and Motions after his entry of plea. Upon Court's inquiry, Deft. confirmed he wants to move to withdraw his plea. Court noted based on allegations that were made by Deft, the Court will appoint independent counsel to review the case. COURT ORDERED, Attorney Michael Sanft, Esq., APPOINTED as counsel for limited purpose of reviewing the record and making a determination as to whether or not there is a legal basis for Deft. to withdraw his plea. FURTHER, matter SET for confirmation of independent counsel. Mr. Gruber to provide a copy of the case file to Deft. Mr. Gruber noted the case file is rather large. Court advised

Deft. if his independent attorney thinks there is a legal basis, the attorney will file a motion; and if there is no legal basis found, Mr. Gruber will remain on the case to handle sentencing, and Deft. can file an appeal or anything else deemed appropriate. Discussion between Court and Deft. regarding his hand and arm being bandaged.

CASE RECALLED. Mr. Schwartzer is not present. Mr. Sanft is now present in Court. Court informed Mr. Sanft regarding the appointment and this case being continued to February 15, 2018 for him to confirm. Court added Mr. Gruber is going to provide him the file, and Mr. Gruber had indicated the case file is quite large. Court inquired to Mr. Sanft if he needs more time to review the case. Mr. Sanft stated no; and advised this Court did the plea canvass, and he would request a copy of the JAVS recording of this plea canvass, or the transcript. Court advised Mr. Sanft Deft. had written few documents since the plea canvass, that does not appear to be the issue, and he contends there were outside forces. Mr. Sanft stated he understands there may have been some other party that had forced Deft. into taking the negotiation, and maybe the pauses in the canvass would help to determine whether Deft. actually had a problem. Court stated Deft. had told Court nobody had coerced him into entering his plea, during the plea canvass. Court offered to provide a transcript of the plea canvass and the JAVS recording. Mr. Sanft requested only the JAVS CD, and one week to review the record. COURT SO ORDERED. Court advised Mr. Sanft it is warning him that the file is voluminous. COURT ORDERED, sentencing CONTINUED; matter SET for status check. Mr. Sanft advised he thinks the issue is whether or not Deft. enters the plea knowingly and voluntarily, without the issue of coercion, he does not believe reading the entire file is going to be the issue, as that is a fact pattern that goes to something else, and he is only focusing on Deft's entry of plea.

Court thanked Mr. Sanft for taking this case; and advised Mr. Sanft to let the Court know if he needs more time.

CUSTODY

2/15/18 8:30 A.M. STATUS CHECK: DEFT'S MOTION TO WITHDRAW GUILTY PLEA /  
CONFIRMATION OF APPOINTED COUNSEL MICHAEL SANFT...SENTENCING

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**February 15, 2018**

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C-16-313216-2      State of Nevada  
                                 vs  
                                 Toney White

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**February 15, 2018      8:30 AM      All Pending Motions**

**HEARD BY:** Leavitt, Michelle      **COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Susan Botzenhart  
Kimberly Estala

**RECORDER:** Kristine Santi

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Demonte, Noreen C.	Attorney
	Gruber, Harvey	Attorney
	State of Nevada	Plaintiff
	White, Toney Anthony	Defendant

**JOURNAL ENTRIES**

- STATUS CHECK: DEFENDANT'S MOTION TO WITHDRAW GUILTY PLEA/ CONFIRMATION OF COUNSEL MICHAEL SANFT... SENTENCING

Mr. Sanft CONFIRMED as Counsel and requested a briefing schedule be set. COURT ORDERED Deft's Supplemental Brief DUE 03/01/18, State's Response DUE 03/15/18, Deft's Reply DUE 03/22/18, Status Check date SET.

CUSTODY

03/29/18 8:30 A.M. STATUS CHECK: DEFENDANT'S MOTION TO WITHDRAW GUILTY PLEA... SENTENCING



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**March 29, 2018**

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C-16-313216-2      State of Nevada  
                                 vs  
                                 Toney White

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**March 29, 2018      8:30 AM      All Pending Motions**

**HEARD BY:** Leavitt, Michelle      **COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Susan Botzenhart

**RECORDER:** Kristine Santi

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Osman, Adam B.	Attorney
	Sanft, Michael W.	Attorney
	State of Nevada	Plaintiff
	White, Toney Anthony	Defendant

**JOURNAL ENTRIES**

- STATUS CHECK: DEFT'S MOTION TO WITHDRAW GUILTY PLEA...SENTENCING

Mr. Sanft appeared for limited purpose regarding Deft's motion to withdraw guilty plea; and informed Court he is seeking more time, he reviewed Deft's issues as to why he wants to file the motion, there is a basis, and a requirement is also getting an affidavit from a person in custody. Deft. provided the name of the person in custody to Mr. Sanft, in open Court. Mr. Sanft stated he needs this person to sign an affidavit, he does not know where the person is housed at, documents were sent to the person, and no response was received. At request of counsel, COURT ORDERED, matters CONTINUED one week for Mr. Sanft to try to locate the person again.

CUSTODY

4/05/18 8:30 A.M. STATUS CHECK: DEFT'S MOTION TO WITHDRAW GUILTY

PRINT DATE: 11/10/2022

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Minutes Date: March 09, 2016



PLEA...SENTENCING

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**April 05, 2018**

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C-16-313216-2      State of Nevada  
                                 vs  
                                 Toney White

---

**April 05, 2018**

**8:30 AM**

**All Pending Motions**

**HEARD BY:** Leavitt, Michelle

**COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Susan Botzenhart

**RECORDER:** Kristine Santi

**REPORTER:**

**PARTIES**

**PRESENT:**

Clowers, Shanon  
Sanft, Michael W.

State of Nevada  
White, Toney Anthony

Attorney  
Attorney  
Plaintiff  
Defendant

**JOURNAL ENTRIES**

- STATUS CHECK: DEFT'S MOTION TO WITHDRAW GUILTY PLEA...SENTENCING

Mr. Sanft informed Court the person was located, he drafted the affidavit for the person, however, he needs permission from the person's Public Defender first, who is out on vacation. At request of defense counsel, COURT ORDERED, matters CONTINUED two weeks.

CUSTODY

4/24/18 8:30 A.M. STATUS CHECK: DEFT'S MOTION TO WITHDRAW GUILTY PLEA...SENTENCING

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****April 24, 2018**

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C-16-313216-2      State of Nevada  
                                 vs  
                                 Toney White

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**April 24, 2018      8:30 AM      All Pending Motions**

**HEARD BY:** Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Susan Botzenhart**RECORDER:** Kristine Santi**REPORTER:****PARTIES**

<b>PRESENT:</b>	Derjavina, Ekaterina	Attorney
	Sanft, Michael W.	Attorney
	State of Nevada	Plaintiff
	White, Toney Anthony	Defendant

**JOURNAL ENTRIES**

- STATUS CHECK: DEFT'S MOTION TO WITHDRAW GUILTY PLEA...SENTENCING

Mr. Sanft informed Court he was granted one week to get the affidavit signed by the witness, however, the witness is refusing to sign it, the affidavit was reviewed by the witness, and the witness is afraid to be labeled as a snitch. Additionally, Deft's sister is in custody, and defense is having the investigator come sit down with Deft's sister to get more information about the alleged threat. Mr. Sanft requested one more continuance. Court asked if defense was going to file the motion to withdraw guilty plea. Mr. Sanft advised he has evidence from Deft, however, he wanted an affidavit and declaration signed, further noting Deft's sister may know about the alleged threat, and defense wants to verify it. Ms. Derjavina advised State is fine with the continuance, she does not have the file, and this is Mr. Schwartzer's case. COURT ORDERED, matters CONTINUED.

**CUSTODY**

PRINT DATE: 11/10/2022

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Minutes Date: March 09, 2016

5/10/18 8:30 A.M. STATUS CHECK: DEFT'S MOTION TO WITHDRAW GUILTY  
PLEA...SENTENCING

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**May 10, 2018**

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C-16-313216-2      State of Nevada  
                                 vs  
                                 Toney White

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**May 10, 2018**

**8:30 AM**

**All Pending Motions**

**HEARD BY:** Bixler, James

**COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Susan Botzenhart

**RECORDER:** Kristine Santi

**REPORTER:**

**PARTIES**

**PRESENT:**

Beverly, Leah C  
Sanft, Michael W.

State of Nevada  
White, Toney Anthony

Attorney  
Attorney  
Plaintiff  
Defendant

**JOURNAL ENTRIES**

- STATUS CHECK: DEFENDANT'S MOTION TO WITHDRAW GUILTY PLEA...SENTENCING

Mr. Sanft requested another continuance of two weeks. Court stated a copy of the plea canvass or transcript will need to be provided to defense counsel. Mr. Sanft requested thirty days for the transcript to be provided. COURT SO ORDERED; matters CONTINUED.

CUSTODY

6/05/18 8:30 A.M. STATUS CHECK: DEFENDANT'S MOTION TO WITHDRAW GUILTY PLEA...SENTENCING

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****June 05, 2018**

C-16-313216-2      State of Nevada  
                                 vs  
                                 Toney White

**June 05, 2018****8:30 AM****All Pending Motions****HEARD BY:** Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Susan Botzenhart**RECORDER:** Kristine Santi**REPORTER:****PARTIES**

<b>PRESENT:</b>	Kern, Samuel R.	Attorney
	Sanft, Michael W.	Attorney
	State of Nevada	Plaintiff
	White, Toney Anthony	Defendant

**JOURNAL ENTRIES****- STATUS CHECK: DEFT'S MOTION TO WITHDRAW GUILTY PLEA...SENTENCING**

Mr. Sanft informed Court he provided a copy of the plea canvass and transcript to Deft, his basis before was basis of coercion, the attorney for the individual said no on signing an affidavit, as the individual does not want to sign an affidavit anymore. Mr. Sanft requested an evidentiary hearing to have a witness come in and provide testimony; and argued in support of relief requested. Court told Mr. Sanft he can file a motion on the issue, the Court would give him an opportunity to bring the witness in, and with everything he is telling the Court, the Court would be inclined to grant an evidentiary hearing. Discussions. Mr. Sanft anticipated the evidentiary hearing will be short. Mr. Kern requested Court to trail the matter for Mr. Schwartz to appear. Further discussion. COURT ORDERED, status check CONTINUED; matter SET for evidentiary hearing; and briefing schedule is SET as follows: Deft's brief due June 14, 2018, and State's response is due June 21, 2018.

CUSTODY

6/28/18 10:30 A.M. EVIDENTIARY HEARING...STATUS CHECK: DEFT'S MOTION TO  
WITHDRAW GUILTY PLEA

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****June 28, 2018**

C-16-313216-2      State of Nevada  
                                 vs  
                                 Toney White

**June 28, 2018****10:30 AM****All Pending Motions****HEARD BY:** Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Susan Botzenhart**RECORDER:** Kristine Santi**REPORTER:****PARTIES**

<b>PRESENT:</b>	Dickerson, Michael	Attorney
	Sanft, Michael W.	Attorney
	State of Nevada	Plaintiff
	White, Toney Anthony	Defendant

**JOURNAL ENTRIES**

- EVIDENTIARY HEARING...STATUS CHECK: DEFT'S MOTION TO WITHDRAW GUILTY PLEA

Mr. Sanft informed Court a briefing schedule was set at the last hearing, and he had received a written letter by the Clerk, two days after the last hearing, to which the letter was from Deft, which caused him concern about filing any type of motion in regards to a motion to withdraw guilty plea. Thereafter, Mr. Sanft provided Deft's written letter, which was reviewed by Court. Discussions regarding Deft's handwriting in the letter being exceptionally gifted, clear, and to the point, plus what Deft. wrote in the letter. Mr. Sanft stated the person who allegedly overheard the threats made to Deft, refused to cooperate. Further discussions regarding defense counsel's reasonings of not filing the motion, and defense counsel believing there is a legal basis to file a motion on Deft's behalf. Court reminded defense counsel Deft. does not direct what the strategy is. Mr. Sanft stated the concern was about what Deft. wrote in the letter, Deft's basis was well founded, what he laid out in the letter may set the record for something else, defense wanted to let the Court know what was



going on and what Deft's position was, before defense moves forward; and he did not want this to be an issue later on post conviction relief. Court advised Deft. it will make the letter a part of the record, Mr. Sanft is going to continue to represent him, he needs to discuss everything with Mr. Sanft, Mr. Sanft gets to determine what the legal strategy is, he cannot keep stalling the case from going forward, by claiming every attorney Court gives him does not do what he thinks they are supposed to do, the Court has a Guilty Plea Agreement in front of the Court, if he wants to move to withdraw his plea, that is fine, and he can talk to Mr. Sanft about it, however, he does not get to direct legal strategy, Mr. Sanft directs the strategy and is the lawyer, and he is not. Deft. made statements to Court regarding names of witnesses having been given to the investigator. Mr. Sanft stated the investigator followed up with the main person involved, being a witness regarding the alleged threat, and based upon the letter, defense can follow up with the individuals in the letter, if Court wants him to do so. Court stated it is not going to direct Mr. Sanft either, that is not appropriate for Court to do, the Court has faith in him, and he is a competent attorney. Further discussions. Court reminded Deft. again the legal strategy is Mr. Sanft's decision and he needs to speak with Mr. Sanft about the case. At request of Mr. Sanft, COURT ORDERED, CASE CONTINUED; briefing schedule SET as follows: Deft's Motion to withdraw guilty plea due July 19, 2018; State's response due August 9, 2018; and Deft's reply is due August 23, 2018. Hearing SET. Court's Exhibit ADMITTED (See Worksheets.). Mr. Sanft stated the motion is already done, and he held off on filing it, due to Deft's letter.

CUSTODY

9/06/18 10:30 A.M. EVIDENTIARY HEARING...DEFT'S MOTION TO WITHDRAW GUILTY PLEA

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**September 06, 2018**

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C-16-313216-2      State of Nevada  
                                 vs  
                                 Toney White

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**September 06, 2018    10:30 AM      All Pending Motions**

**HEARD BY:** Leavitt, Michelle      **COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Susan Botzenhart

**RECORDER:** Kristine Santi

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Sanft, Michael W.	Attorney
	Schwartzner, Michael J.	Attorney
	State of Nevada	Plaintiff
	White, Toney Anthony	Defendant

**JOURNAL ENTRIES**

- EVIDENTIARY HEARING...DEFT'S MOTION TO WITHDRAW PLEA

Case called during the 8:30 A.M. criminal calendar. Discussions as to Mr. Sanft having filed the written motion yesterday afternoon, being September 5, 2018. At request of State, COURT ORDERED, State to file written response by October 25, 2018. FURTHER, matters CONTINUED.

CUSTODY

10/30/18 10:30 A.M. EVIDENTIARY HEARING...DEFT'S MOTION TO WITHDRAW PLEA

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**December 20, 2018**

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C-16-313216-2      State of Nevada  
                                 vs  
                                 Toney White

---

**December 20, 2018      10:30 AM      All Pending Motions**

**HEARD BY:** Leavitt, Michelle      **COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Susan Botzenhart

**RECORDER:** Kristine Santi

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Dickerson, Michael	Attorney
	Nadig, Benjamin J.	Attorney
	Schwartzner, Michael J.	Attorney
	State of Nevada	Plaintiff
	White, Toney Anthony	Defendant

**JOURNAL ENTRIES**

- Court TRAILED and RECALLED matter for Deft. and counsel to appear. Deft. is present in custody. Mr. Nadig appeared for Mr. Sanft; on behalf of Deft.

**EVIDENTIARY HEARING...DEFT'S MOTION TO WITHDRAW GUILTY PLEA**

There being no objection by State, COURT ORDERED, Motion GRANTED; Deft's guilty plea WITHDRAWN. FURTHER, the original charges in the original Indictment filed March 9, 2016 are REINSTATED; Amended Indictment filed on October 19, 2017 is STRICKEN. Mr. Nadig requested Court to set the trial date on a date as soon as possible. COURT ADDITIONALLY ORDERED, trial date SET.

**CUSTODY**

**PRINT DATE:** 11/10/2022

**Page 36 of 59**

**Minutes Date:** March 09, 2016

2/12/19 8:30 A.M. CALENDAR CALL

2/19/19 1:30 P.M. TRIAL BY JURY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**February 12, 2019**

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C-16-313216-2      State of Nevada  
                                 vs  
                                 Toney White

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**February 12, 2019      8:30 AM      Calendar Call**

**HEARD BY:** Leavitt, Michelle      **COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Michaela Tapia

**RECORDER:** Kristine Santi

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Moskal, Thomas J.	Attorney
	Osman, Adam B.	Attorney
	Sanft, Michael W.	Attorney
	State of Nevada	Plaintiff
	White, Toney Anthony	Defendant

**JOURNAL ENTRIES**

- Mr. Sanft advised ready for trial. State indicated 18 - 20 witnesses, 5 - 6 days, and two out of state witnesses. TRIAL DATE STANDS.

CUSTODY

2/19/19 10:30 AM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**February 19, 2019**

---

C-16-313216-2      State of Nevada  
                                 vs  
                                 Toney White

---

**February 19, 2019      10:30 AM      Jury Trial**

**HEARD BY:** Leavitt, Michelle

**COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Teri Berkshire  
                         Haly Pannullo

**RECORDER:** Trisha Garcia

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Luong, Vivian	Attorney
	Sanft, Michael W.	Attorney
	Schwartz, Michael J.	Attorney
	State of Nevada	Plaintiff
	White, Toney Anthony	Defendant

**JOURNAL ENTRIES**

- PROSPECTIVE JURORS PRESENT:

Voir Dire.

OUTSIDE THE PRESENCE OF THE JURY:

Mr. Sanft requested the Co-Defendant, Marlan Dean, be transported as a potential witness for the Defense. COURT ORDERED, Co-Defendant, Marlan Dean, is to be transported on 02/25/19; State to prepare the Transport Order.

PROSPECTIVE JURORS PRESENT:

PRINT DATE: 11/10/2022

Page 39 of 59

Minutes Date: March 09, 2016

Voir Dire.

Court Clerk, Teri Berkshire, now present.

INSIDE THE PRESENCE OF THE PROSPECTIVE JURY:continued Voir Dire.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY Inquiry regarding named Juror as to whether or not he is a felon.

INSIDE THE PRESENCE OF THE PROSPECTIVE JURY Court noted named juror is not a felon. Continued Voir Dire. Following Voir dire, 12 Jurors selected. Court thanked and excused the remaining prospective panel.

INSIDE THE PRESENCE OF THE JURY: Court admonished the Jury and instructed them to return tomorrow at the given time.

OUTSIDE THE PRESENCE OF THE JURY: Mr. Sanft advised he did not see a reason to not waive the challenges as noted. Court so noted. Court adjourned for the evening.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**February 20, 2019**

---

C-16-313216-2      State of Nevada  
                                 vs  
                                 Toney White

---

**February 20, 2019      10:30 AM      Jury Trial**

**HEARD BY:**   Leavitt, Michelle

**COURTROOM:**   RJC Courtroom 14D

**COURT CLERK:**

Haly Pannullo

**RECORDER:**   Trisha Garcia

**REPORTER:**

**PARTIES**

**PRESENT:**

Luong, Vivian	Attorney
Sanft, Michael W.	Attorney
Schwartz, Michael J.	Attorney
State of Nevada	Plaintiff
White, Toney Anthony	Defendant

**JOURNAL ENTRIES**

- OUTSIDE THE PRESENCE OF THE JURY:

Amended Indictment FILED IN OPEN COURT.

Mr. Schwartz advised they attempted to transport the Co-Defendant, Marland Dean, and the prison stated they cannot do so until 03/01/19. Mr. Sanft confirmed they are still requesting he be transported. Court stated the Department will contact the prison for transport.

Parties stipulated to exhibits #1-233

**JURY PRESENT:**

**PRINT DATE:**   11/10/2022

**Page 41 of 59**

**Minutes Date:**   March 09, 2016



Jury sworn.

Clerk read the Amended Indictment.

Testimony and exhibits presented. (See worksheets)

OUTSIDE THE PRESENCE OF THE JURY:

Pursuant to NRS 50.215 and NRS 50.215(4)(b), COURT STATED the Court is not permitted to Order the Co-Defendant be transported from the prison.

JURY PRESENT:

Testimony and exhibits presented. (See worksheets)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**February 21, 2019**

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C-16-313216-2      State of Nevada  
   vs  
   Toney White

---

**February 21, 2019      10:30 AM      Jury Trial**

**HEARD BY:** Leavitt, Michelle

**COURTROOM:** RJC Courtroom 14D

**COURT CLERK:**

Haly Pannullo

**RECORDER:** Kristine Santi

**REPORTER:**

**PARTIES**

**PRESENT:**

Luong, Vivian	Attorney
Sanft, Michael W.	Attorney
Schwartzner, Michael J.	Attorney
State of Nevada	Plaintiff
White, Toney Anthony	Defendant

**JOURNAL ENTRIES**

- OUTSIDE THE PRESENCE OF THE JURY:

DEFT. WHITE ARRAIGNED AND PLED GUILTY TO COUNT 1 - CONSPIRACY TO COMMIT ROBBERY (F), COUNT 2 - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON (F), COUNTS 3-4 - FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON (F), COUNTS 5-6 - ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON (F) COUNT 7 - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM (F) and COUNT 8 - IMPERSONATION OF AN OFFICER (GM). Court ACCEPTED plea, and, ORDERED, matter referred to the Division of Parole and Probation (P & P) and SET for sentencing.

JURY PRESENT:

PRINT DATE: 11/10/2022

Page 43 of 59

Minutes Date: March 09, 2016

Court thanked and excused the jury.

CUSTODY

03/14/19 8:30 AM SENTENCING

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**March 14, 2019**

---

C-16-313216-2      State of Nevada  
                                 vs  
                                 Toney White

---

**March 14, 2019      8:30 AM      Sentencing**

**HEARD BY:** Leavitt, Michelle      **COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Haly Pannullo

**RECORDER:** Kristine Santi

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Sanft, Michael W.	Attorney
	Schwartz, Michael J.	Attorney
	State of Nevada	Plaintiff
	White, Toney Anthony	Defendant

**JOURNAL ENTRIES**

- COURT ORDERED, matter CONTINUED. Pre-Sentence Investigation Report provide to Mr. Sanft in open court.

CUSTODY

CONTINUED TO: 03/19/19 8:30 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**March 19, 2019**

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C-16-313216-2      State of Nevada  
                                 vs  
                                 Toney White

---

**March 19, 2019      8:30 AM      Sentencing**

**HEARD BY:** Leavitt, Michelle      **COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Haly Pannullo

**RECORDER:** Kristine Santi

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Sanft, Michael W.	Attorney
	Schwartzner, Michael J.	Attorney
	State of Nevada	Plaintiff
	White, Toney Anthony	Defendant

**JOURNAL ENTRIES**

- DEFT WHITE ADJUDGED GUILTY of COUNT 1 - CONSPIRACY TO COMMIT ROBBERY (F), COUNT 2 - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON (F), COUNTS 3-4 - FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON (F), COUNTS 5-6 - ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON (F), COUNT 7 - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM (F) and COUNT 8 - IMPERSONATION OF AN OFFICER (GM). Statement by Defendant. Arguments by counsel. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, \$8,831.62 restitution to be paid jointly and severally with Co-Defendant, \$150.00 DNA Analysis fee including testing to determine genetic markers and \$3.00 DNA Collection fee, Deft. SENTENCED as follows:

on COUNT 1 - to a MAXIMUM of SEVENTY- TWO (72) MONTHS with a MINIMUM Parole Eligibility of TWENTY-EIGHT (28) MONTHS in the Nevada Department of Corrections (NDC);

on COUNT 2 - to a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS with a MINIMUM Parole Eligibility of SIXTY-SIX (66) MONTHS, CONCURRENT with COUNT 1 in the NDC;

on COUNT 3 - to LIFE with a MINIMUM Parole Eligibility of FIVE (5) YEARS plus a CONSECUTIVE term of TWENTY (20) YEARS MAXIMUM with a parole eligibility of FIVE (5) YEARS for the Use of a Deadly Weapon, CONCURRENT TO COUNT 2 in the NDC;

on COUNT 4 - to LIFE with a MINIMUM Parole Eligibility of FIVE (5) YEARS plus a CONSECUTIVE term of TWENTY (20) YEARS MAXIMUM with a parole eligibility of FIVE (5) YEARS for the Use of a Deadly Weapon, CONSECUTIVE with COUNT 3 in the NDC;

COUNT 5 - to a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS with a MINIMUM Parole Eligibility of FORTY-EIGHT (48) MONTHS plus a CONSECUTIVE term of ONE HUNDRED TWENTY (120) MONTHS with a MINIMUM Parole Eligibility of FORTY-EIGHT (48) MONTHS for the Use of a Deadly Weapon, CONCURRENT with COUNT 4 in the NDC;

COUNT 6 - to a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS with a MINIMUM Parole Eligibility of FORTY-EIGHT (48) MONTHS plus a CONSECUTIVE term of ONE HUNDRED TWENTY (120) MONTHS with a MINIMUM Parole Eligibility of FORTY-EIGHT (48) MONTHS for the Use of a Deadly Weapon, CONCURRENT with COUNT 5 in the NDC;

COUNT 7 - to a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS with a MINIMUM Parole Eligibility of SIXTY-SIX (66) MONTHS, CONCURRENT with COUNT 6 in the NDC;

and COUNT 8 - to THREE HUNDRED SIXTY-FOUR (364) DAYS in the Clark County Detention Center (CCDC), CONCURRENT with COUNT 7 for and AGGREGATE TOTAL of LIFE with a MINIMUM Parole Eligibility of TWENTY (20) YEARS with ONE THOUSAND ONE HUNDRED THIRTY-FOUR (1,134) DAYS credit for time served.

BOND, if any, EXONERATED.

NDC

CLERK'S NOTE: Subsequent to Court, COURT ORDERED, COUNT 3 CONCURRENT TO COUNT 2.  
hvp/3/22/19

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

### Felony/Gross Misdemeanor

## COURT MINUTES

May 09, 2019

C-16-313216-2                      State of Nevada  
vs  
Toney White

May 09, 2019	8:30 AM	Appointment of Counsel	Per Limited Remand from Nevada Supreme Court
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**HEARD BY:** Leavitt, Michelle

**COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Haly Pannullo

**RECORDER:** Kristine Santi

**REPORTER:**

## PARTIES

**PRESENT:** Jackson, Terrence Michael Attorney  
State of Nevada Plaintiff  
White, Toney Anthony Defendant  
Zadrowski, Bernard B. Attorney

## JOURNAL ENTRIES

- Mr. Jackson advised he can accept appointment. COURT SO NOTED and ORDERED, Mr. Jackson APPOINTED as counsel. Mr. Jackson stated he will file the documents appointing him as counsel this week.

NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

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<b>Felony/Gross Misdemeanor</b>	<b>COURT MINUTES</b>	<b>June 04, 2019</b>
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C-16-313216-2	State of Nevada vs Toney White
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<b>June 04, 2019</b>	<b>8:30 AM</b>	<b>Motion to Reduce</b>	<b>Defendant / Petitioner's Motion to Reduce and/or Quash Restitution</b>
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**HEARD BY:** Leavitt, Michelle

**COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Haly Pannullo

**RECORDER:** Kristine Santi

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Beverly, Leah C	Attorney
	State of Nevada	Plaintiff
	White, Toney Anthony	Defendant

**JOURNAL ENTRIES**

- Court noted the Defendant is represented by counsel and directed the Defendant to give his motions to his attorney. COURT STATED Defendant's Motion is a fugitive document and ORDERED, matter OFF CALENDAR.

NDC



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**August 29, 2019**

---

C-16-313216-2      State of Nevada  
                                 vs  
                                 Toney White

---

**August 29, 2019      8:30 AM      Motion to Withdraw Plea**

**HEARD BY:** Leavitt, Michelle      **COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Haly Pannullo

**RECORDER:** Kristine Santi

**REPORTER:**

**PARTIES**

**PRESENT:**      Jackson, Terrence   Michael      Attorney  
                                 State of Nevada                      Plaintiff  
                                 Zadrowski, Bernard   B.                  Attorney

**JOURNAL ENTRIES**

- Defendant not present. Mr. Jackson requested this matter be continued for the Defendant's presence. State requested 45 days to respond. COURT ORDERED, State's Response due 10/10/19; matter SET for Hearing; State to prepare a Transport Order.

NDC

10/17/19 8:30 AM HEARING

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**September 24, 2019**

---

C-16-313216-2      State of Nevada  
                                 vs  
                                 Toney White

---

**September 24, 2019      8:30 AM      Motion**

**HEARD BY:** Leavitt, Michelle      **COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Haly Pannullo

**RECORDER:** Kristine Santi

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Jackson, Terrence Michael	Attorney
	Marland, Melanie H.	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Defendant not present. Mr. Jackson requested this matter be continued as the State needs to file a response. COURT STATED this matter is on Appeal and this Court has no jurisdiction; therefore, ORDERED, all matter MOOT and OFF CALENDAR.

NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**October 17, 2019**

---

C-16-313216-2      State of Nevada  
                                 vs  
                                 Toney White

---

**October 17, 2019      8:30 AM      Evidentiary Hearing**

**HEARD BY:** Leavitt, Michelle

**COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Haly Pannullo

**RECORDER:** Kristine Santi

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- Defendant not present. COURT ORDERED, matter OFF CALENDAR.

NDC

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

### Felony/Gross Misdemeanor

## COURT MINUTES

June 23, 2020

C-16-313216-2                      State of Nevada  
vs  
Toney White

**June 23, 2020**

**12:00 AM**

## Motion to Withdraw as Counsel

## Motion to Withdraw as Counsel

**HEARD BY:** Leavitt, Michelle

**COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Haly Pannullo

**RECORDER:** Sara Richardson

**REPORTER:**

## PARTIES

**PRESENT:** Jackson, Terrence Michael  
State of Nevada  
Zadrowski, Bernard B.

Plaintiff  
Attorney

## JOURNAL ENTRIES

- Defendant not present. COURT ORDERED, Motion GRANTED; Mr. Jackson to prepare the Order;  
07/14/20 hearing VACATED.

NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**July 21, 2020**

---

C-16-313216-2      State of Nevada  
   vs  
   Toney White

---

**July 21, 2020      12:00 AM      Motion for Order**

**HEARD BY:** Leavitt, Michelle      **COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Haly Pannullo

**RECORDER:** Sara Richardson

**REPORTER:**

**PARTIES**

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

**JOURNAL ENTRIES**

- Defendant not present. COURT STATED the Defendant has indicated that his family will pay for the transcripts; therefore, ORDERED, once the family pays the Court, the transcripts will be prepared; Pre-Sentence Investigation Report (PSI) is to be mailed to the Defendant; 07/28/20 hearing VACATED.

NDC

CLERK'S NOTE: The above minute order and PSI has been distributed to:

Toney White  
NDOC No. 1214172  
P.O. BOX 650  
INDIAN SPRINGS, NEVADA 89070

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**August 11, 2020**

---

C-16-313216-2      State of Nevada  
                                 vs  
                                 Toney White

---

**August 11, 2020      12:00 AM      Motion for Order**

**HEARD BY:** Leavitt, Michelle      **COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Haly Pannullo

**RECORDER:** Sara Richardson

**REPORTER:**

**PARTIES**

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

**JOURNAL ENTRIES**

- Defendant not present. Court noted the history of the case. Court stated the Defendant is now seeking the transcripts at the State's expense and the Defendant has failed to meet his burden; therefore, ORDERED, Motion DENIED; State to prepare the Order.

NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**September 10, 2020**

---

C-16-313216-2      State of Nevada  
                                 vs  
                                 Toney White

---

**September 10, 2020      12:00 AM      Motion for Appointment of  
   Attorney**

**HEARD BY:**   Leavitt, Michelle

**COURTROOM:**   RJC Courtroom 14D

**COURT CLERK:**   Haly Pannullo

**RECORDER:**   Sara Richardson

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- Pursuant to NRS 34.750, COURT ORDERED, Motion DENIED WITHOUT PREJUDICE as there is no Petition pending and this Court cannot make a determination as to whether the issues are difficult due to the Defendant not putting forth anything; it is clear that the Defendant understand the proceedings and the Defendant has not met his burden; State to prepare the Order.

NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**October 06, 2020**

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C-16-313216-2      State of Nevada  
                                 vs  
                                 Toney White

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**October 06, 2020      12:00 AM      Motion for Order**

**HEARD BY:** Leavitt, Michelle      **COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Haly Pannullo

**RECORDER:** Sara Richardson

**REPORTER:**

**PARTIES**

**PRESENT:**      Beaumont, Austin C.      Attorney  
                                 State of Nevada      Plaintiff

**JOURNAL ENTRIES**

- Defendant not present. Court stated this is about the third time that the Defendant has filed this Motion. Further, COURT STATED the Defendant has not met his burden pursuant to the Peterson case; the Defendant does not have any type of Petition pending; the Defendant needs to demonstrate to the Court that the points he would raise have merit and that the merit in those points raised would be supported by a review of the record. COURT STATED the Defendant has not done any of that; the Defendant has simply asked for a bunch of transcripts for which he is not entitled to pursuant to Peterson vs Ward 87 Nevada 134; therefore, ORDERED, Motion DENIED; State to prepare the Order.

NDC

CLERK'S NOTE: The above minute order has been distributed to:

Toney White

NDOC No. 1214172

P.O. BOX 650

INDIAN SPRINGS, NEVADA 89070

hvp/10/27/20

PRINT DATE: 11/10/2022

Page 57 of 59

Minutes Date: March 09, 2016





**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**June 03, 2021**

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C-16-313216-2      State of Nevada  
                                 vs  
                                 Toney White

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<b>June 03, 2021</b>	<b>11:00 AM</b>	<b>Motion for Appointment of Attorney</b>	<b>Motion for Appointment of Attorney for Appeal</b>
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**HEARD BY:** Leavitt, Michelle

**COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Haly Pannullo

**RECORDER:** Sara Richardson

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Brooks, Parker	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Defendant not present. COURT ORDERED, Motion DENIED as the Defendant is not entitled to appointed counsel; State to prepare the Order. State inquired as to the Order including that the same motion was previously denied in the C case. COURT SO ORDERED.

NDC

CASE NO. C-16-313216-1,-2,-3,-4  
DEPT. NO. XII  
CDDA MICHAEL SCHWARTZER (GANG)

Defendant(s): KEVIN KEKOA WONG, JR., #5410495  
TONEY ANTHONY WHITE, #8270790  
AMANDA SEXTON, #8270791  
MARLAND DEAN, aka, Marland Neal Dean, #7024742

Case No(s): 15AGJ129A-D (RANDOMLY TRACKS TO DC XII & XIX)

Charge(s): (1) CT - CONSPIRACY TO COMMIT ROBBERY (Category B Felony - NRS 200.380, 199.480 - NOC 50147);  
(1) CT - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON (Category B Felony - NRS 205.060 - NOC 50426);  
(2) CTS - FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON (Category A Felony - NRS 200.310, 200.320, 193.165 - NOC 50055);  
(2) CTS - ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.380, 193.330, 193.165 - NOC 50145);  
(1) CT - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM (Category B Felony - NRS 200.481 - NOC 50226) and  
(1) CT - IMPERSONATION OF AN OFFICER (Gross Misdemeanor - NRS 199.430 - NOC 53013)

Def. Counsel(s): WONG - EDWARD HUGHES, ESQ.  
WHITE - HARVEY GRUBER, ESQ.  
SEXTON - MICHAEL PRINTY, ESQ.  
DEAN - TRAVIS SHETLER, ESQ.

WARRANTS (1 WEEK):

WONG -

WHITE -

SEXTON -

DEAN -

> 19SK 3/17 830 Dur

DEFT'S ARE IN CUSTODY @ CCDC (16FH0191A-D - PH 4/12 IN HJC 2)

Exhibits:

1. Proposed Indictment
2. Jury Instructions
3. Photo
4. Photo
5. Photo
6. Photo
7. Photo
8. Photo
9. Photo
10. Photo

11. Photo
12. Photo
13. Photo
14. Photo
15. Photo
16. Photo
17. Photo
18. Photo
19. Photo
20. Photo

21. Photo  
22. Photo  
23. Photo  
24. Photo  
25. Photo  
26. Photo  
27. Photo  
28. Fake SW

29. U.S. Marshal Field input  
30. Federal SW  
31. Diagram  
32. Photo  
33. Photo  
34. Photo  
35. Photo

Exhibit 1 – 35 to be lodged with the Clerk of the Court.

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**EXHIBIT(S) LIST**

Case No.: <u>C-16-313216-2</u>	Date: <u>6/28/18 status check</u>
Dept. No.: <u>XII</u>	Judge: <u>Michelle Clavitt</u>
Plaintiff: <u>State of Nevada</u>	Court Clerk: <u>Susan Botzenhart</u>
vs.	Recorder: <u>Kristine Santi</u>
Defendant: <u>Toney White</u>	Counsel for Plaintiff: <u>Michael Schwartz / Michael Dickerson</u>
	Counsel for Defendant: <u>Michael Samft</u>

☐ status check HEARING BEFORE THE COURT

Court's EXHIBIT

[illegible]

## STATE'S EXHIBIT LIST

TRIAL DATES: February 19, 2019

Case No. C-16-313216-2	Clerk: <i>Haly Bonnullo</i>
Dept. XII Judge: Leavitt	Recorder: <i>Kristine Santi</i>
State of Nevada vs. Toney Anthony White	
State: Michael Schwartz & Vivian Luong	
Defense: Michael Sanft	

Exhibit No.	Description	Date Offered	Obj.	Adm.	Date Admitted
<i>WA</i> 1	Aerial Map – Horizons at Seven Hills Complex Numbers	<i>2-20-19</i>	<i>Shp</i>	<input checked="" type="checkbox"/>	<i>2-20-19</i>
<i>WA</i> 2	Aerial Map – St. Rose to Sunridge Heights				
<i>WA</i> 3	Aerial Map – Horizon Ridge to Sunridge Heights				
<i>WA</i> 4	Aerial Map – Horizons at Seven Hills				
<i>WA</i> 5	Aerial Map – Horizons at Seven Hills UNIT 2511				
<i>WA</i> 6	Aerial Map – Horizons at Seven Hills UNIT 2211				
<i>WA</i> 7	Aerial Map – Horizons at Seven Hills UNIT 1511				
<i>WA</i> 8	Scene 1 – Building 25				
<i>WA</i> 9	Scene 1 – Building 25 North End				
<i>WA</i> 10	Scene 1 – Unit 2511 Outside				
<i>WA</i> 11	Scene 1 – Bloody Shirt				
<i>WA</i> 12	Scene 1 – Bloody Shirt Close up				
<i>WA</i> 13	Scene 1 – Bloody Shirt Opened Up				
<i>WA</i> 14	Scene 1 – Sign 2511				
<i>WA</i> 15	Scene 1 – Patio				
<i>WA</i> 16	Scene 1 – Master Bedroom Window Outside				
<i>WA</i> 17	Scene 1 – Master Bedroom Window Outside North End				
<i>WA</i> 18	Scene 1 – North/West End of Building				
<i>WA</i> 19	Scene 1 – Walkway on West End of Building				
<i>WA</i> 20	Scene 1 – Fence on West End of Building				
<i>WA</i> 21	Scene 1 – Baton by Fence				
<i>WA</i> 22	Scene 1 – Gloves on Walkway				
<i>WA</i> 23	Scene 1 – Gloves on Walkway Close up	<i>✓</i>	<i>✓</i>	<i>✓</i>	<i>✓</i>
<i>WA</i> 24	Scene 1 – Gloves on Walkway Close up x 2	<i>2-20-19</i>	<i>Shp</i>	<input checked="" type="checkbox"/>	<i>2-20-19</i>

		offered	obj.	adm.	date admitted.	
WA	25	Scene 1 – Baton Close up	2-20-19	Strip	✓	2-20-19
WA	26	Scene 1 – Front of 2511 with Shirt				
WA	27	Scene 1 – Front Doorway				
WA	28	Scene 1 – View from Patio towards Dining room				
WA	29	Scene 1 – View from Dining room to Front door				
WA	30	Scene 1 – View from Couch to Front door				
WA	31	Scene 1 – View of Couch				
WA	32	Scene 1 – View from Patio towards Kitchen				
WA	33	Scene 1 – View form Dining room to Kitchen				
WA	34	Scene 1 – Two sets of Handcuffs on TV Stand				
WA	35	Scene 1 – First set of handcuffs				
WA	36	Scene 1 – Second set of handcuffs				
WA	37	Scene 1 – Blood on TV Stand				
WA	38	Scene 1 – Blood on Floor by Speaker and TV stand				
WA	39	Scene 1 – Blood on TV Stand – Close up				
WA	40	Scene 1 – Blood on Floor by Speaker				
WA	41	Scene 1 – Blood on Floor by Speaker Bottom				
WA	42	Scene 1 – Blood on Floor by Speaker Top				
WA	43	Scene 1 – Coffee Table				
WA	44	Scene 1 – Folding Table and Lamp				
WA	45	Scene 1 – Flashlight and Gloves by Folding Table				
WA	46	Scene 1 – Magazine on Rug				
WA	47	Scene 1 – Dining Table				
WA	48	Scene 1 – Office				
WA	49	Scene 1 – Office Desk				
WA	50	Scene 1 – Gun on office chair				
WA	51	Scene 1 – Master Bedroom Window				
WA	52	Scene 1 – Master Bedroom Wall blood smear				
WA	53	Scene 1 – Screen on bed				
WA	54	Scene 1 – Evidence collected – Baton				
WA	55	Scene 1 – Evidence collected – Baton close up				
WA	56	Scene 1 – Evidence collected – Baton close up x2				
WS	57	Scene 1 – Evidence collected – Partial Gloves Inside				
WA	58	Scene 1 – Evidence collected – Partial Gloves Outside				
WS	59	Scene 1 – Evidence collected – Handcuffs 1	2-20-19	Strip	✓	2-20-19

		offered	obj	adm.	date admitted
WA 60	Scene 1 – Evidence collected – Handcuffs 1 Close up	2-20-19	Ship	✓	2-20-19
WA 61	Scene 1 – Evidence collected – Handcuffs 2				
WA 62	Scene 1 – Evidence collected – Streetwise Flashlight				
WA 63	Scene 1 – Evidence collected – Energizer Flashlight				
WA 64	Scene 1 – Evidence collected – Full Glove				
WA 65	Scene 1 – Evidence collected – Black Glock .40 magazine				
WA 66	Scene 1 – Evidence collected – Black Glock .40 magazine side				
WA 67	Scene 1 – Evidence collected – Pellet rifle				
WA 68	Scene 2 – Jason Full				
WA 69	Scene 2 – Head				
WA 70	Scene 2 – Mouth close up				
WA 71	Scene 2 – Missing Teeth				
WA 72	Scene 2 – Forehead				
WA 73	Scene 2 – Right Wrist				
WA 74	Scene 2 – Right Wrist close up				
WA 75	Scene 2 – Left Wrist				
WA 76	Scene 2 – Left side of Head				
WA 77	Scene 2 – Stitches close up				
WA 78	Scene 2 – Right shoulder				
WA 79	Scene 2 – Left side of back				
WA 80	Scene 2 – Upper Back Injury close up				
WA 81	Scene 2 – Lower Back Injury Close Up				
WA 82	Scene 2 – Backside of Left Arm				
WA 83	Scene 3 – Horizons Sign and Driveway				
WA 84	Scene 3 – Horizons Sign with Police tape				
WA 85	Scene 3 – Horizons Sign on North End				
WA 86	Scene 3 – Police Tape and Bushes				
WA 87	Scene 3 – Items in Bushes				
WA 88	Scene 3 – Items Laid Out				
WA 89	Scene 3 – Uniden Radio				
WA 90	Scene 3 – Blue and Black Cap				
WA 91	Scene 3 – US Marshall ID Front				
WA 92	Scene 3 – US Marshall ID Back				
WA 93	Scene 3 – US Marshall ID only				
WA 94	Scene 3 – Black Gun in Holster	2-20-19	Ship	✓	2-20-19



		offered	obj	adm.	date admitted	
WA	95	Scene 3 – Bottom of black gun	2-20-19	Stip	✓	2-20-19
WA	96	Scene 3 – Black Gun				
WA	97	Scene 3 – BB Gun Magazine				
WA	98	Scene 3 – Black Shirt with Blue USA Patch				
WA	99	Scene 3 – Black Shirt Back with Marshal				
WA	100	Scene 3 – Tactical Vest				
WA	101	Scene 3 – Silver Gun in Belt				
WA	102	Scene 3 – Silver Smith & Wesson Gun				
WA	103	Scene 3 – Silver Smith & Wesson Gun Close Up with Blood				
WA	104	Scene 3 – Silver Smith & Wesson Gun with No Serial Number				
WA	105	Scene 3 – Black Duty Belt				
WA	106	Scene 3 – Handcuffs in Belt				
WA	107	Scene 3 – Evidence Collected – Duty Belt				
WA	108	Scene 3 – Evidence Collected – handcuffs				
WA	109	Scene 3 – Evidence Collected – Plastic Gun Holster				
WA	110	Scene 3 – Evidence Collected – Smith & Wesson				
WA	111	Scene 3 – Evidence Collected – Smith & Wesson with No Serial Number				
WA	112	Scene 3 – Evidence Collected – Handcuffs				
WA	113	Scene 3 – Evidence Collected – Handcuffs close up with print				
WA	114	Scene 3 – Evidence Collected – Holster				
WA	115	Scene 3 – Evidence Collected – Black Gun				
WA	116	Scene 3 – Evidence Collected – Uniden Radio				
WA	117	Scene 3 – Evidence Collected – US Marshal Badge				
WA	118	Scene 3 – Evidence Collected – Black Cap				
WA	119	Scene 3 – Evidence Collected – Key				
WA	120	Scene 4 – Building 11 Sign				
WA	121	Scene 4 – Building 11				
WA	122	Scene 4 – Building Apt 2085				
WA	123	Scene 4 – Building 11 Backside				
WA	124	Scene 4 – Stairs to Apt 2085				
WA	125	Scene 4 – Balcony of Apt 2085				
WA	126	Scene 4 – Chair in Balcony				
WA	127	Scene 4 – Broken Window				
WA	128	Scene 4 – Door of 2085				
WA	129	Scene 4 – Master Bedroom	2-20-19	Stip	✓	2-20-19

			offered	obj.	adm.	dated admitted
WA	130	Scene 4 – Master Bedroom with Binders	2-20-19	Tip	✓	2-20-19
WA	131	Scene 4 – Master Bedroom Suitcase				
WA	132	Scene 4 – US Marshal Michael Alvarado				
WA	133	Scene 4 – Suitcase				
WA	134	Scene 4 – US Marshall ID Dan Kessier				
WA	135	Scene 4 – US Marshall ID Alexis Sanchez				
WA	136	Scene 4 – NV ID Mary Hartshorn				
WA	137	Scene 4 – NV ID Ashley McDade				
WA	138	Scene 4 – Black Drawer				
WA	139	Scene 4 – Bullets in Drawer				
WA	140	Scene 4 – Bullets Close Up				
WA	141	Scene 4 – Master Bedroom Closet and Bed				
WA	142	Scene 4 – Master Bedroom Closet				
WA	143	Scene 4 – Gloves and Baton in Closet				
WA	144	Scene 4 – Gloves Close Up				
WA	145	Scene 4 – Pill bottle				
WA	146	Scene 4 – Second Bedroom Bed				
WA	147	Scene 4 – Second Bedroom TV				
WA	148	Scene 4 – Second Bedroom Closet				
WA	149	Scene 4 – Third Bedroom Bed				
WA	150	Scene 4 – Third Bedroom Closet				
WA	151	Scene 4 – Blue USA Patch				
WA	152	Scene 4 – Holster and pouches				
WA	153	Scene 5 – Building 15 Sign				
WA	154	Scene 5 – Building 15 West End				
WA	155	Scene 5 – Building 15 East End				
WA	156	Scene 5 – Fence Opening				
WA	157	Scene 5 – Unit 1511 Door and Patio				
WA	158	Scene 5 – Unit 1511 Sign				
WA	159	Scene 5 – Unit 1511 Doorway				
WA	160	Scene 5 – Vest Behind Pillar				
WA	161	Scene 5 – Vest on Ground as is				
WA	162	Scene 5 – Vest Laid Out				
WA	163	Scene 5 – Back of Vest				
WA	164	Scene 5 – Vest with USA Blue Patch	2-20-19	Tip	✓	2-20-19

		offered	obj.	adm.	date admitted	
WA	165	Scene 5 – Gun Holster by Bush	2-20-19	Ship	✓	2-20-19
WA	166	Scene 5 – Gun Holster Laid out				
WA	167	Scene 5 – Evidence Collected – Vest				
WA	168	Scene 5 – Evidence Collected – Back of Vest				
WA	169	Scene 5 Plus – Horizons Sign				
WA	170	Scene 5 Plus –Front Corner Overview				
WA	<del>171</del> 171	Scene 5 Plus – Fence Overview				
WA	172	Scene 5 Plus – Rocks and Corner				
WA	173	Scene 5 Plus – Headphones				
WA	174	Scene 5 Plus – Black Shirt in Fence				
WA	175	Scene 5 Plus – Black Shirt in Fence Close Up				
WA	176	Scene 5 Plus – Fence with Tree				
WA	177	Scene 5 Plus – Fence with Tree Close Up				
WA	178	Scene 5 Plus – Midland Radio in Rocks				
WA	179	Scene 5 Plus – Midland Radio Laid Out				
WA	180	Scene 5 Plus – Black Shirt Laid Out				
WA	181	Finger Print – On Handcuff				
WA	182	Finger Print – On Handcuff Close Up				
WA	183	Finger Print – Comparison				
WA	184	Finger Print – Comparison Color				
WA	185	Floral Suitcase – Overview				
WA	186	Floral Suitcase – Rental Agreement				
WA	187	Floral Suitcase – Rental Agreement Signed				
WA	188	Floral Suitcase – Map of Tahiti				
WA	189	Apartment Suitcase – Southwest Gas Bill				
WA	190	Apartment Suitcase – Amanda Letter				
WA	191	Apartment Suitcase – Horizons Note				
WA	192	Apartment Suitcase – Victims Names Note				
WA	193	Photo of Marland Dean				
WA	194	Photo of Kristin Burton				
WA	195	Magazine by Patio Door				
WA	196	Magazine and 9mm Luger Bullets				
WA	197	Map to Glen				
WA	198	Vehicle – Jeep Front	↓	↓	↓	↓
WA	199	Vehicle – Jeep Back	2-20-19	Ship	✓	2-20-19

		offered	obj.	adm.	date admitted	
UA	200	Vehicle – Jeep License Plate	2-20-19	Shp	✓	2-20-19
UA	201	Vehicle – Jeep Antenna				
UA	202	Vehicle – Jeep Front Windshield				
UA	203	Vehicle – Jeep Spotlight				
UA	204	Vehicle – Jeep Driver side interior				
UA	205	Vehicle – Jeep Dashboard				
UA	206	Vehicle – Jeep Dashboard Longview				
UA	207	Vehicle – Jeep Glove Compartment				
UA	208	Vehicle – Jeep Center Console				
UA	209	Vehicle – Jeep Under the Hood				
UA	210	Vehicle – Jeep Speaker				
UA	211	Vehicle – Jeep Speaker Close Up				
UA	212	Vehicle – Mustang Front				
UA	213	Vehicle – Mustang Back				
UA	214	Vehicle – Mustang Prints 1, 2, and 3				
UA	215	Vehicle – Mustang Prints 6, 7, 8, 9				
UA	216	Vehicle – Mustang Prints 6, 7, 8 close up				
UA	217	Vehicle – Mustang Prints 10				
UA	218	Vehicle – Mustang Passenger Door				
UA	219	Vehicle – Mustang Front Passenger View				
UA	220	Vehicle – Mustang Back Passenger View				
UA	221	Vehicle – Mustang Radio Center Console				
UA	222	Vehicle – Mustang Trunk				
UA	223	Vehicle – Evidence Collected Jeep – Paper, Rewards, Credit Card				
UA	224	Vehicle – Evidence Collected Jeep – Charleston Letter				
UA	225	Vehicle – Evidence Collected Jeep – Radio, Phones, ID				
UA	226	Vehicle – Evidence Collected Jeep – Toney White ID				
UA	227	Vehicle – Evidence Collected Jeep – Toney White SS Card				
UA	228	Vehicle – Evidence Collected Jeep – Lights and Speaker				
UA	229	Vehicle – Evidence Collected Mustang – 2 Radios and Pouch				
UA	230	Suspect Photo – Toney White				
UA	231	Suspect Photo – Marland Dean				
UA	232	Suspect Photo – Amanda Sexton				
UA	233	Suspect Photo – Kevin Wong	2-20-19	Shp	✓	2-20-19
UA	234	Disk - Body Camera				

WA

Offered OD. adm. date  
admitted

235	photo - defendant	2-20-19	Strip	✓	2-20-19
236					
237					
238					
239					
240					
241					
242					
243					
244					
245					
246					

## EXHIBIT(S) LIST

**Case No.: C313216**

Hearing / Trial Date: 2/19/19

**Dept. No.: 12**

**Judge: LEAVITT**

**Plaintiff: STATE OF NEVADA**

**Court Clerk: HALLY PANNULLO**

**Recorder / Reporter: KRISTINE SANTI**

**Counsel for Plaintiff:**

**VS.**

**Defendant: TONEY WHITE**

**Counsel for Defendant:**

## HEARING / TRIAL BEFORE THE COURT

**COURT'S EXHIBITS**

[illegible]

# Certification of Copy

State of Nevada }  
County of Clark } SS:

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

PETITIONERS NOTICE OF APPEAL; CASE APPEAL STATEMENT;  
DISTRICT COURT DOCKET ENTRIES; AMENDED JUDGMENT OF CONVICTION (PLEA OF  
GUILTY); ORDER DENYING DEFENDANT'S MOTION FOR LEAVE OF COURT TO FILE  
AMENDED OR SUPPLEMENTAL HABEAS CORPUS PETITION (FROM CASE A824261); NOTICE  
OF ENTRY OF ORDER (FROM CASE A824261); DISTRICT COURT MINUTES; EXHIBITS LIST

STATE OF NEVADA,

Plaintiff(s),

vs.

TONEY ANTHONY WHITE,

Defendant(s).

Case No: C-16-313216-2

Dept No: XII

now on file and of record in this office.

**IN WITNESS THEREOF**, I have hereunto  
Set my hand and Affixed the seal of the  
Court at my office, Las Vegas, Nevada  
This 10 day of November 2022.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk