

Steven D. Grierson

1 Davontae Wheeler
2 Petitioner, In Propria Personam
3 Post Office Box 208, S.D.C.C.
4 Indian Springs, Nevada 89018

Electronically Filed
Feb 08 2023 01:35 PM
Elizabeth A. Brown
Clerk of Supreme Court

5 IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

6 IN AND FOR THE COUNTY OF CLARK

9 DAVONTAE WHEELER

10 Petitioner

11 vs.

12 GABRIELA NAJERA, Warden
13 Respondent

Case No. A-22-957575-W
(C-17-328587-3)
Dept. No. XII
Docket _____

16 **NOTICE OF APPEAL**

17 NOTICE IS HEREBY GIVEN, That the Petitioner/Defendant,

18 Davontae Wheeler, in and through his proper person, hereby
19 appeals to the Supreme Court of Nevada from the ORDER denying and/or
20 dismissing the

21 Petition For Writ of Habeas Corpus (Post-Conviction)

22 _____
23 ruled on the 3rd day of November, 20 22.

24 _____
25 Dated this 25th day of January, 20 23

Respectfully Submitted,

Davontae Wheeler

RECEIVED

FEB 9 6 2023

CLERK OF THE COURT

CERTIFICATE OF SERVICE BY MAILING

I, Davontae Wheeler, hereby certify, pursuant to NRCP 5(b), that on this 25th day of January, 20 23, I mailed a true and correct copy of the foregoing, "NOTICE OF APPEAL"

by placing document in a sealed pre-postage paid envelope and deposited said envelope in the United State Mail addressed to the following:

District Attorney
Clark County Nevada
200 Lewis Ave
PO Box 532212
Las Vegas NV 89155

CC:FILE

DATED: this 25th day of January, 20 23.

Davontae Wheeler
Davontae Wheeler # 1235057
Petitioner /In Propria Personam
Post Office Box 208, S.D.C.C.
Indian Springs, Nevada 89018
IN FORMA PAUPERIS:

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding _____

NOTICE OF APPEAL

(Title of Document)

A-22-857575-W

filed in District Court Case number C-17-328587-3

☒ Does not contain the social security number of any person.

-OR-

☐ Contains the social security number of a person as required by:

A. A specific state or federal law, to wit:

(State specific law)

-or-

B. For the administration of a public program or for an application
for a federal or state grant.

Darontae Wheeler
Signature

01, 25, 23
Date

Darontae Wheeler
Print Name

PETITIONER PRO SE
Title

Davontae Wheeler #1235057
S.D.C.C.
P.O BOX 208
Indian Springs NV 89070

BRASS SLIP #
26-1977

quadrant

04/11/2008

04/11/2008

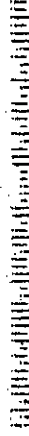
US POSTAGE \$001.50

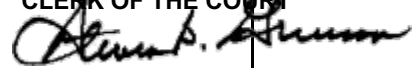


ZIP 89070

04/11/2008

Dept of the Court
8th Dist. Ct.
990 Lewis Ave
3rd Floor
Las Vegas NV 89155-1160





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 DAVONTAE AMARRI WHEELER,

14 Defendant(s),
15

Case No: C-17-328587-3

Dept No: XII

16
17 **CASE APPEAL STATEMENT**
18

19 1. Appellant(s): Davontae Wheeler

20 2. Judge: Michelle Leavitt

21 3. Appellant(s): Davontae Wheeler

22 Counsel:

23 Davontae Wheeler #1235057
24 P.O. Box 208
Indian Springs, NV 89070

25 4. Respondent: The State of Nevada

26 Counsel:

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

(702) 671-2700

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

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

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

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

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

9. Date Commenced in District Court: December 14, 2017

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

Type of Judgment or Order Being Appealed: Writ of Habeas Corpus

11. Previous Appeal: Yes

Supreme Court Docket Number(s): 76954, 78442, 81374, 81400, 83547, 84792, 85932

12. Child Custody or Visitation: N/A

Dated This 8 day of February 2023.

Steven D. Grierson, Clerk of the Court

/s/ Heather Ungermann

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

cc: Davontae Wheeler

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. C-17-328587-3

State of Nevada
vs
Davontae Wheeler

§ Location: Department 12
§ Judicial Officer: Leavitt, Michelle
§ Filed on: 12/14/2017
§ Case Number History:
§ Cross-Reference Case Number: C328587
§ Defendant's Scope ID #: 5909081
§ Grand Jury Case Number: 17BGJ017C
§ ITAG Case ID: 1940440
§ Supreme Court No.: 81374

CASE INFORMATION

Offense	Statute	Deg	Date	Case Type:	Felony/Gross Misdemeanor
1. CONSPIRACY TO COMMIT ROBBERY Arrest: 12/14/2017	200.380	F	08/09/2017	Case Status:	06/17/2020 Closed
2. ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON	200.380	F	08/09/2017		
3. SECOND DEGREE MURDER Filed As: MURDER WITH USE OF A DEADLY WEAPON	200.030.2 F	F	08/09/2017 12/14/2017		

Related Cases

A-22-857575-W (Writ Related Case)
C-17-328587-1 (Multi-Defendant Case)
C-17-328587-2 (Multi-Defendant Case)

Statistical Closures

06/17/2020 Guilty Plea with Sentence (before trial) (CR)

Warrants

Indictment Warrant - Wheeler, Davontae (Judicial Officer: Herndon, Douglas W.)
05/03/2018 11:45 AM Returned - Served
04/19/2018 11:45 AM Active
Hold Without Bond

Indictment Warrant - Wheeler, Davontae (Judicial Officer: Gonzalez, Elizabeth)

12/20/2017 4:10 PM Returned - Served
12/14/2017 11:45 AM Active
Fine: \$0
Bond: \$250,000.00

Any

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number C-17-328587-3
Court Department 12
Date Assigned 07/02/2018
Judicial Officer Leavitt, Michelle

PARTY INFORMATION

Defendant	Plaintiff	Lead Attorneys
Wheeler, Davontae Amarri	State of Nevada	Ruggeroli, James J. Retained 702-258-2022(W) Wolfson, Steven B 702-671-2700(W)

DATE









EVENTS & ORDERS OF THE COURT

INDEX













CASE SUMMARY

CASE NO. C-17-328587-3














EVENTS

12/14/2017	 Indictment <i>[2]</i>	In #2
12/14/2017	 Warrant <i>[3] Indictment Warrant</i>	In #2
12/15/2017	 Indictment Warrant Return <i>[1]</i>	In #1
01/01/2018	 Transcript of Proceedings <i>[4] Reporter's Transcript of Proceedings</i>	In #4
01/01/2018	 Transcript of Proceedings <i>[5] Reporter's Transcript of Proceedings</i>	In #5
02/08/2018	 Petition for Writ of Habeas Corpus Filed by: Defendant Wheeler, Davontae Amarri <i>[6] Petition for Writ of Habeas Corpus</i>	In #6
03/02/2018	 Return to Writ of Habeas Corpus Filed By: Plaintiff State of Nevada <i>[7] State's Return to Writ of Habeas Corpus</i>	In #7
03/07/2018	 Notice Filed By: Plaintiff State of Nevada <i>[8] State's Notice of Exhibits for State's Return to Writ of Habeas Corpus</i>	In #8
03/08/2018	 Reply Filed by: Defendant Wheeler, Davontae Amarri <i>[9] Reply to State's Return to Writ of Habeas Corpus</i>	In #9
03/13/2018	 Motion for Own Recognizance Release/Setting Reasonable Bail Filed By: Defendant Wheeler, Davontae Amarri <i>[10] Motion for Own Recognizance Release with House Arrest, or, Setting of Reasonable Bail</i>	In #1
03/19/2018	 Opposition Filed By: Plaintiff State of Nevada <i>[11] State's Opposition to Defendant's Motion for Own Recognizance Release With House Arrest, or in the Alternative, to Set Reasonable Bail</i>	In #1
04/19/2018	 Warrant <i>[12] Superseding Indictment Warrant</i>	In #1
04/19/2018	 Superseding Indictment <i>[13] Superseding Indictment</i>	In #1
04/28/2018		In








CASE SUMMARY
CASE NO. C-17-328587-3

	 Reporters Transcript Filed By: Plaintiff State of Nevada <i>[14] Reporter's Transcript of Proceedings - Grand Jury - Hearing - 04/18/18 - Superseding Indictment</i>	#1
05/10/2018	 Order Filed By: Defendant Wheeler, Davontae Amarri <i>[15] Order for Inmate Transportation from Clark County Detention Center to Western Security Located at 1920 S. Maryland Parkway, Las Vegas, Nevada 89104. ATTN.: Joseph Lombardo, Sheriff for Las Vegas Metropolitan Police Department Located at 400 S. Martin Luther King Boulevard, Las Vegas, Nevada 89106</i>	In #1
05/17/2018	 Petition for Writ of Habeas Corpus Filed by: Defendant Wheeler, Davontae Amarri <i>[16] Petition for Writ of Habeas Corpus</i>	In #1
05/29/2018	 Return Party: Plaintiff State of Nevada <i>[17] State's Return Writ of Habeas Corpus</i>	In #1
06/08/2018	 Reply Filed by: Defendant Wheeler, Davontae Amarri <i>[18] Reply to State's Return to Petition for Writ of Habeas Corpus</i>	In #1
06/28/2018	 Return Party: Plaintiff State of Nevada <i>[19] State's Supplement to Return Writ of Habeas Corpus</i>	In #1
07/02/2018	Case Reassigned to Department 12 <i>Reassigned From Judge Johnson - Dept 20</i>	
07/02/2018	 Order <i>[20] Order To Allow Ron Slay, Polygraph Examiner Expert, NV PILB Licensee No. 207, Defense Expert To Enter Clark County Detention Center And Conduct A Legal Contact And A Polygraph Exam On Davontae Wheeler</i>	In #2
07/05/2018	 Reply <i>[21] Reply to State's Supplement to Return to Writ of Habeas Corpus and, if Necessary, Motion to Amend Petition to Include a Motion to Dismiss, In the Alternative</i>	In #2
08/08/2018	 Order <i>[22] Order Denying Defendant's Pretrial Petition for Writ of Habeas Corpus</i>	In #2
08/23/2018	 Order Filed By: Defendant Wheeler, Davontae Amarri <i>[23] Order for Transcripts of Proceedings</i>	In #2
08/24/2018	 Order Filed By: Defendant Wheeler, Davontae Amarri <i>[24] Order for Transcripts of Proceedings</i>	In #2
08/31/2018	 Recorders Transcript of Hearing <i>[25] Recorder's Transcript Re: Defendant's Petition for Writ of Habeas Corpus, Thursday, August 2, 2018</i>	In #2
















CASE SUMMARY
CASE NO. C-17-328587-3

12/04/2018	 Receipt of Copy <i>[26] Receipt of Copy</i>	In #2
12/13/2018	 Notice of Witnesses and/or Expert Witnesses Filed By: Plaintiff State of Nevada <i>[27] State's Notice of Witnesses and/or Expert Witnesses [NRS 174.234]</i>	In #2
12/14/2018	 Filed Under Seal Filed By: Defendant Wheeler, Davontae Amarri <i>[28] SEALED per minute order 12/24/18 Motion to Sever</i>	In #2
12/14/2018	 Motion to Continue Trial Filed By: Defendant Wheeler, Davontae Amarri <i>[29] Motion to Continue Trial</i>	In #2
01/04/2019	 Supplement Filed by: Defendant Wheeler, Davontae Amarri <i>[30] Supplement to Motion to Sever Defendants</i>	In #2
01/15/2019	 Opposition Filed By: Plaintiff State of Nevada <i>[31] State's Opposition to Defendant's Motion to Sever Defendant's and State's Response to Defendant's Supplement to Motion to Sever Defendant</i>	In #2
01/29/2019	 Motion to Stay <i>[32] Motion to Stay Proceedings and Motion for Written Order Denying Defendant's Motion to Sever</i>	In #2
02/12/2019	 Recorders Transcript of Hearing <i>[33] Recorder's Transcript Re: Defendant's Motion to Sever Co-Defendants, Wednesday, January 16, 2019</i>	In #2
03/15/2019	 Order Filed By: Plaintiff State of Nevada <i>[34] Order Denying Defendant's Motion to Sever Co-Defendants</i>	In #2
05/01/2019	 Receipt of Copy <i>[35] Receipt of Copy</i>	In #2
10/11/2019	 Notice of Witnesses and/or Expert Witnesses <i>[36] State's Supplemental Notice of Witnesses and/or Expert Witnesses</i>	In #2
12/20/2019	 Motion to Suppress Filed By: Defendant Wheeler, Davontae Amarri <i>[37] Motion to Suppress, or, in the Alternative, Motion for Jackson v. Denno Hearing</i>	In #2
12/20/2019	 Motion Filed By: Defendant Wheeler, Davontae Amarri <i>[38] Motion to Disclose Informants</i>	In #2
12/20/2019		In













CASE SUMMARY**CASE NO. C-17-328587-3**

	 Motion to Compel Filed By: Defendant Wheeler, Davontae Amarri <i>[39] Motion to Compel Production of Inducement Index</i>	#2
12/20/2019	 Motion to Sever Filed By: Defendant Wheeler, Davontae Amarri <i>[40] Motion to Sever Counts</i>	In #4
12/20/2019	 Motion to Compel Filed By: Defendant Wheeler, Davontae Amarri <i>[41] Motion to Compel Production of Discovery & Brady Material</i>	In #4
12/20/2019	 Motion in Limine Filed By: Defendant Wheeler, Davontae Amarri <i>[42] Motion in Limine to Preclude Jail Phone Calls</i>	In #4
12/20/2019	 Clerk's Notice of Hearing <i>[43] Notice of Hearing</i>	In #4
12/26/2019	 Response Filed by: Plaintiff State of Nevada <i>[44] State's Response to Defendant's Motion to Sever Counts 1-4 from the Trial</i>	In #4
12/26/2019	 Opposition Filed By: Plaintiff State of Nevada <i>[45] State's Opposition to Defendant's Motion in Limine to Preclude Jail Phone Calls</i>	In #4
12/26/2019	 Opposition Filed By: Plaintiff State of Nevada <i>[46] State's Opposition to Defendant's Motion to Compel Production of Inducement Index</i>	In #4
12/26/2019	 Opposition Filed By: Plaintiff State of Nevada <i>[47] State's Opposition to Defendant's Motion to Disclose Informants</i>	In #4
12/27/2019	 Opposition Filed By: Plaintiff State of Nevada <i>[48] State's Opposition to Defendant's Motion to Compel Production of Discovery and Brady Material</i>	In #4
12/30/2019	 Opposition to Motion Filed By: Plaintiff State of Nevada <i>[49] State's Opposition to Defendant's Motion to Suppress, or in the Alternative, Motion for Jackson v. Denno Hearing</i>	In #4
01/13/2020	 Notice of Witnesses and/or Expert Witnesses Filed By: Plaintiff State of Nevada <i>[50] State's Second Supplemental Notice of Witnesses and/or Expert Witnesses</i>	In #2
01/28/2020	 Motion Filed By: Plaintiff State of Nevada	In #2
















CASE SUMMARY
CASE NO. C-17-328587-3

	<i>[51] Notice of Motion and Motion to Present Witness Noreen Charlton Through Audiovisual Transmission</i>	
02/06/2020	 Notice of Witnesses and/or Expert Witnesses <i>[52] State's Third Supplemental Notice of Witnesses and/or Expert Witnesses</i>	<i>In #2</i>
02/11/2020	 Stipulation and Order <i>[57] Stipulation and Order</i>	<i>In #2</i>
02/11/2020	 Superseding Indictment <i>[58] Amended Superseding Indictment</i>	<i>In #2</i>
02/12/2020	 Jury List <i>[59] Jury List</i>	<i>In #2</i>
02/13/2020	 Receipt of Copy Filed by: Plaintiff State of Nevada <i>[53] Receipt of Copy</i>	<i>In #2</i>
02/14/2020	 Amended Jury List <i>[60] Amended Jury List</i>	<i>In #6</i>
02/18/2020	 Recorders Transcript of Hearing <i>[54] Jackson v. Denno Hearing, February 11, 2020</i>	<i>In #2</i>
02/19/2020	 Amended Jury List <i>[61] Second Amended Jury List</i>	<i>In #6</i>
02/19/2020	 Instructions to the Jury <i>[62] Instructions to the Jury (Instruction No. 1)</i>	<i>In #6</i>
02/24/2020	 Verdict <i>[55] Verdict</i>	<i>In #2</i>
03/04/2020	 Order <i>[56] ORDER</i>	<i>In #2</i>
03/06/2020	 Order Filed By: Defendant Wheeler, Davontae Amarri <i>[63] Order for Expedited Transcripts at State's Expense</i>	<i>In #6</i>
03/30/2020	 PSI <i>[64]</i>	<i>In #6</i>
06/03/2020	 Order Appointing Counsel <i>[65] Order Appointing Appellate Counsel</i>	<i>In #6</i>
06/04/2020	 Memorandum	<i>In #6</i>

CASE SUMMARY
CASE NO. C-17-328587-3















	Filed By: Defendant Wheeler, Davontae Amarri <i>[66] Defendant Wheeler's Sentencing Memorandum</i>	
06/05/2020	 Request Filed by: Defendant Wheeler, Davontae Amarri <i>[67] DAVONTAE WHEELER REQUEST FOR FULL TRANSCRIPTS OF DISTRICT COURT PROCEEDINGS TO KRISTINE SANTI</i>	In #6
06/05/2020	 Request Filed by: Defendant Wheeler, Davontae Amarri <i>[68] DAVONTAE WHEELER REQUEST FOR FULL TRANSCRIPTS OF DISTRICT COURT PROCEEDINGS TO SARA RICHARDSON</i>	In #6
06/05/2020	 Request Filed by: Defendant Wheeler, Davontae Amarri <i>[69] DAVONTAE WHEELER REQUEST FOR FULL TRANSCRIPTS OF DISTRICT COURT PROCEEDINGS TO ANGIE CALVILLO</i>	In #6
06/05/2020	 Request Filed by: Defendant Wheeler, Davontae Amarri <i>[70] DAVONTAE WHEELER REQUEST FOR FULL TRANSCRIPTS OF DISTRICT COURT PROCEEDINGS TO PATTI SLATTERY</i>	In #7
06/05/2020	 Request Filed by: Defendant Wheeler, Davontae Amarri <i>[71] DAVONTAE WHEELER REQUEST FOR FULL TRANSCRIPTS OF DISTRICT COURT PROCEEDINGS TO JESSICA KIRKPATRICK</i>	In #7
06/16/2020	 Criminal Order to Statistically Close Case <i>[72] Criminal Order to Statistically Close Case</i>	In #7
06/17/2020	 Judgment of Conviction <i>[73]</i>	In #7
06/18/2020	 Notice of Appeal (Criminal) Party: Defendant Wheeler, Davontae Amarri <i>[74] Notice of Appeal</i>	In #7
06/18/2020	 Case Appeal Statement <i>[75] Case Appeal Statement</i>	In #7
06/27/2020	 Request Filed by: Defendant Wheeler, Davontae Amarri <i>[76] Davontae Wheeler Request For Full Transcripts Of District Court Proceedings To Sara Richardson</i>	In #7
07/07/2020	 Recorders Transcript of Hearing Party: Plaintiff State of Nevada <i>[77] Recorder's Transcript of Proceedings: Inital Arraignment Heard on December 19, 2017</i>	In #7
08/04/2020	 Recorders Transcript of Hearing	In #7

CASE SUMMARY
CASE NO. C-17-328587-3

	<i>[78] Status Check: Homicide Trial, September 5, 2018</i>	
08/04/2020	 Recorders Transcript of Hearing <i>[79] Status Check: Trial Readiness, December 5, 2018</i>	<i>In #7</i>
08/04/2020	 Recorders Transcript of Hearing <i>[80] Status Check: Trial Readiness; Defendant's Motion to Sever Codefendants; and Defendants Motion to Continue Trial, January 2, 2019</i>	<i>In #8</i>
08/04/2020	 Recorders Transcript of Hearing <i>[81] Defendant's Motion to Stay Proceedings and Motion for Written Order Denying Defendant's Motion to Sever, March 5, 2019</i>	<i>In #8</i>
08/04/2020	 Recorders Transcript of Hearing <i>[82] Status Check: Trial Readiness, April 17, 2019</i>	<i>In #8</i>
08/04/2020	 Recorders Transcript of Hearing <i>[83] Status Check: Trial Readiness, May 15, 2019</i>	<i>In #8</i>
08/04/2020	 Recorders Transcript of Hearing <i>[84] Calendar Call, November 5, 2019</i>	<i>In #8</i>
08/04/2020	 Recorders Transcript of Hearing <i>[85] Status Check: Trial Readiness, December 18, 2019</i>	<i>In #8</i>
08/04/2020	 Recorders Transcript of Hearing <i>[86] All Pending Motions, December 31, 2019</i>	<i>In #8</i>
08/04/2020	 Recorders Transcript of Hearing <i>[87] Status Check : Trial Readiness and All Pending Motions, January 15, 2020</i>	<i>In #8</i>
08/04/2020	 Recorders Transcript of Hearing <i>[88] Jury Trial - Day 1 (Excluding Jackson v. Denno Hearing), February 11, 2020</i>	<i>In #8</i>
08/04/2020	 Recorders Transcript of Hearing <i>[89] Jury Trial - Day 2, February 12, 2020</i>	<i>In #8</i>
08/04/2020	 Recorders Transcript of Hearing <i>[90] Jury Trial - Day 3, February 13, 2020</i>	<i>In #9</i>
08/04/2020	 Recorders Transcript of Hearing <i>[91] Jury Trial - Day 4, February 14, 2020</i>	<i>In #9</i>
08/04/2020	 Recorders Transcript of Hearing <i>[92] Jury Trial - Day 5, February 18, 2020</i>	<i>In #9</i>
08/04/2020	 Recorders Transcript of Hearing	<i>In #9</i>





CASE SUMMARY

CASE NO. C-17-328587-3

	<i>[93] Jury Trial - Day 6, February 19, 2020</i>	
08/04/2020	 Recorders Transcript of Hearing <i>[94] Jury Trial - Day 7, February 20, 2020</i>	In #5
08/04/2020	 Recorders Transcript of Hearing <i>[95] Jury Trial - Day , February 24, 2020</i>	In #5
08/04/2020	 Recorders Transcript of Hearing <i>[96] Sentencing, June 11, 2020</i>	In #5
08/06/2020	 Recorders Transcript of Hearing <i>[97] Recorder's Transcript of Hearing: Status Check: Trial Setting, January 9, 2018</i>	In #5
08/06/2020	 Recorders Transcript of Hearing <i>[98] Recorder's Transcript of Hearing: Defendant's Petition for Writ of Habeas Corpus, February 27, 2018</i>	In #5
08/06/2020	 Recorders Transcript of Hearing <i>[99] Recorder's Transcript of Hearing: Defendant's Petition for Writ of Habeas Corpus; Defendant's Motion for Own Recognizance Release/Setting Reasonable Bail, March 20, 2018</i>	In #5
08/06/2020	 Recorders Transcript of Hearing <i>[100] Recorder's Transcript of Hearing: Defendant's Petition for Writ of Habeas Corpus; Defendant's Motion for Own Recognizance Release/Setting Reasonable Bail, March 22, 2018</i>	In #1
08/06/2020	 Recorders Transcript of Hearing <i>[101] Recorder's Transcript of Hearing: Status Check: Homicide Trial, April 5, 2018</i>	In #1
08/06/2020	 Recorders Transcript of Hearing <i>[102] Recorder's Transcript of Hearing: Initial Arraignment (Superseding Indictment); Status Check: Homicide Trial, May 3, 2018</i>	In #1
08/06/2020	 Recorders Transcript of Hearing <i>[103] Recorder's Transcript of Hearing: Defendant's Petition for Writ of Habeas Corpus, May 31, 2018</i>	In #1
08/06/2020	 Recorders Transcript of Hearing <i>[104] Recorder's Transcript of Hearing: Status Check: Homicide Trial, June 6, 2018</i>	In #1
08/06/2020	 Recorders Transcript of Hearing <i>[105] Recorder's Transcript of Hearing: Status Check: Homicide Trial; Defendant's Petition for Writ of Habeas Corpus, June 14, 2018</i>	In #1
08/06/2020	 Recorders Transcript of Hearing <i>[106] Recorder's Transcript of Hearing: Defendant's Petition for Writ of Habeas Corpus, June 14, 2018</i>	In #1
08/11/2020	 Recorders Transcript of Hearing <i>[107] Status Check: Trial Readiness, August 21, 2019</i>	In #1

CASE SUMMARY

CASE NO. C-17-328587-3

09/14/2021	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>[108] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed</i>	In #1
11/14/2021	 Withdrawal of Attorney Filed by: Defendant Wheeler, Davontae Amarri <i>[109] Withdrawal Of Attorney</i>	In #1
02/07/2023	 Notice of Appeal (Criminal) <i>[110] Notice of Appeal</i>	In #1
02/08/2023	 Case Appeal Statement <i>Case Appeal Statement</i>	In #1
<u>DISPOSITIONS</u>		
05/03/2018	Plea (Judicial Officer: Leavitt, Michelle) 1. CONSPIRACY TO COMMIT ROBBERY Not Guilty PCN: Sequence: 3. SECOND DEGREE MURDER Not Guilty PCN: Sequence:	
02/24/2020	Disposition (Judicial Officer: Leavitt, Michelle) 1. CONSPIRACY TO COMMIT ROBBERY Guilty PCN: Sequence: 2. ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON Not Guilty PCN: Sequence: 3. SECOND DEGREE MURDER Guilty PCN: Sequence:	
06/11/2020	Adult Adjudication (Judicial Officer: Leavitt, Michelle) 1. CONSPIRACY TO COMMIT ROBBERY 08/09/2017 (F) 200.380 (DC50147) PCN: Sequence: <hr/> Sentenced to Nevada Dept. of Corrections Term: Minimum:24 Months, Maximum:72 Months	
06/11/2020	Adult Adjudication (Judicial Officer: Leavitt, Michelle) 3. SECOND DEGREE MURDER 08/09/2017 (F) 200.030.2 (DC50010) PCN: Sequence: <hr/> Sentenced to Nevada Dept. of Corrections Term: Life with the possibility of parole after:10 Years Consecutive: Charge 1 Credit for Time Served: 1032 Days Other Fees 1. , \$8,729.53 Fee Totals:	


CASE SUMMARY

CASE NO. C-17-328587-3

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

06/11/2020 **Amended Disposition** (Judicial Officer: Leavitt, Michelle) Reason: Amended
 2. ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON
 Dismissed
 PCN: Sequence:

HEARINGS

12/14/2017  **Grand Jury Indictment** (11:45 AM) (Judicial Officer: Gonzalez, Elizabeth)

MINUTES

Warrant

12/14/2017 Inactive Indictment Warrant

Matter Heard;

Journal Entry Details:

Howard Basch, 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 17BGJ017C to the Court. COURT ORDERED, the Indictment may be filed and is assigned Case Number C-17-328587-3, Department III. State requested a warrant, argued bail, and advised Deft is in custody. COURT ORDERED, \$250,000.00 BAIL, INDICTMENT WARRANT ISSUED, and matter SET for Arraignment. COURT FURTHER ORDERED, Exhibits 1-43 to be lodged with the Clerk of the Court. Upon inquiry of the Court, State advised there are no material witness warrants to be quashed. COURT ADDITIONALLY ORDERED, Las Vegas Justice Court case no. 17F14369C DISMISSED per the State's request. I.W. (CUSTODY) 12-19-17 9:00 AM INITIAL ARRAIGNMENT (DEPT III) ;

SCHEDULED HEARINGS

Initial Arraignment (12/19/2017 at 9:00 AM) (Judicial Officer: Herndon, Douglas W.)

12/19/2017 **Initial Arraignment** (9:00 AM) (Judicial Officer: Herndon, Douglas W.)
 Plea Entered;

12/19/2017 **Indictment Warrant Return** (9:00 AM) (Judicial Officer: Herndon, Douglas W.)

MINUTES


Matter Heard;

12/19/2017  **All Pending Motions** (9:00 AM) (Judicial Officer: Herndon, Douglas W.)

Matter Heard;

Journal Entry Details:

Also present: Codefendant Lofton-Robinson, present in custody, represented by Scott Bindrup, Esq. Codefendant Robertson, present in custody, represented by Mace Yampolsky, Esq. DEFT. WHEELER ARRAIGNED, PLED NOT GUILTY, and WAIVED the 60-DAY RULE. COURT ORDERED, matter set for trial. COURT ORDERED, counsel has 21 days after receipt of copy of any transcripts for the filing of any Writs. Pursuant to EDRC 1.30 and 1.31 this COURT ORDERS the cases C328587-1, C328587-2 and C328587-3 reassigned to Department 20, matter SET for Status Check. 1/9/18 8:30 AM STATUS CHECK: TRIAL SETTING (DEPT 20);

01/09/2018  **Status Check: Trial Setting** (8:30 AM) (Judicial Officer: Johnson, Eric)

Trial Date Set;

Journal Entry Details:

Upon Court's inquiry, Mr. Pesci advised the arrest date for Defendants was in August. Colloquy as to trial date. Mr. Ruggeroli advised the only month he is not available is April. Mr. Bindrup requested October 15th for trial. Mr. Yampolsky requested at least May. Court noted it likes to set the trial a year from the arrest. Counsel feel the trial will take 2 weeks. Following colloquy, COURT ORDERED, matter SET for trial in July with a status check in April. As to discovery, Mr. Pesci advised he has provided everything he has. Mr. Ruggeroli stated he has requested ballistic testing

CASE SUMMARY

CASE NO. C-17-328587-3

on the firearm that was allegedly obtained from Deft Wheeler's residence or a family members. Mr. Pesci advised forensics have been requested. Mr. Yampolsky stated Deft Robertson wants to have an Evidentiary Hearing, however, he does not know what it would be on. Court advised that can be addressed as the need arises. Mr. Bindrup will try and have vault review and file review done by status check. Court expects the ballistics done on a specific schedule as to when those are going to be done by April and also expects the vault and file reviews to be done as well. Mr. Bindrup advised he barely received the Grand Jury Transcript and requested 30 days from today to file any writs. **COURT SO ORDERED, as to all Defendants. CUSTODY 4/5/18 8:30 AM STATUS CHECK: HOMICIDE TRIAL 7/24/18 8:30 AM CALENDAR CALL 7/30/18 9:00 AM JURY TRIAL;**

02/27/2018  **Petition for Writ of Habeas Corpus (8:30 AM)** (Judicial Officer: Johnson, Eric)

Matter Continued;

Journal Entry Details:

Mr. Ruggeroli advised the State contacted him and requested more time for their reply; however, Mr. Ruggeroli noted Deft. wants him to go forward with the Writ today. COURT ORDERED, the following briefing schedule: State to respond by: 3/2/18 Mr. Ruggeroli's reply by: 3/9/18 COURT FURTHER ORDERED, matter CONTINUED. CONTINUED TO: 3/20/18 9:00 AM;

03/20/2018 **Petition for Writ of Habeas Corpus (8:30 AM)** (Judicial Officer: Johnson, Eric)

03/20/2018, 03/22/2018

Defendant's Pretrial Petition for Writ of Habeas Corpus

Rescheduled wrong case.

Matter Continued;

Granted in Part;

Rescheduled wrong case.

Matter Continued;

Granted in Part;

03/20/2018 **Motion for Own Recognizance Release/Setting Reasonable Bail (8:30 AM)** (Judicial Officer: Johnson, Eric)


03/20/2018, 03/22/2018

Matter Continued;

Denied;

Matter Continued;


Denied;

03/20/2018  **All Pending Motions (8:30 AM)** (Judicial Officer: Johnson, Eric)

Matter Continued;

Journal Entry Details:


DEFENDANT'S PETITION FOR WRIT OF HABEAS CORPUS...DEFENDANT'S MOTION FOR OWN RECOGNIZANCE RELEASE / SETTING OF REASONABLE BAIL Upon Court's inquiry, Mr. Ruggeroli advised he filed a response on 3/8 and requested a continuance for the Court to review it as it contains important arguments. Mr. Pesci had no objection. COURT ORDERED, matter CONTINUED to Thursday. CUSTODY ... CONTINUED 3/22/18 9:00 AM;

03/22/2018  **All Pending Motions (9:00 AM)** (Judicial Officer: Johnson, Eric)

Matter Heard;

Journal Entry Details:

DEFENDANT'S PRETRIAL PETITION FOR WRIT OF HABEAS CORPUS...DEFENDANT'S MOTION FOR OWN RECOGNIZANCE RELEASE / SETTING REASONABLE BAIL AS TO PETITION: Arguments by Mr. Pesci and Mr. Ruggeroli in support of their respective positions. Following, COURT ORDERED, GRANTED IN PART in that the State is to return to the Grand Jury to relay the additional information as to the gun and are to return a new vote. AS TO MOTION: Arguments by Mr. Ruggeroli and Mr. Pesci in support of their respective positions. Following, Court stated its FINDINGS including that he feels Defendant is a flight risk and danger to the community. Therefore, COURT ORDERED, Motion DENIED. CUSTODY;

04/05/2018  **Status Check (8:30 AM)** (Judicial Officer: Johnson, Eric)

Status Check: Homicide Trial


Matter Continued;

Journal Entry Details:

Mr. Ruggeroli also appeared for Mr. Sanft for Deft. Robertson. Upon Court's inquiry, Mr. Ruggeroli advised the State obtained the ballistics results and that they will be going back to the Grand Jury. Following statements by Deft Wheeler, Mr. Ruggeroli would like to know the time and date for the proceeding as he would like to be there. Mr. Pesci

CASE SUMMARY**CASE NO. C-17-328587-3**

advised Defendant needs to sign a waiver. Upon inquiry, Mr. Pesci advised a Marcum Notice was given. Mr. Bindrup advised he completed the vault review and needs to do the file review. Following colloquy, COURT ORDERED, matter CONTINUED to May as to all Defendants. CUSTODY ... CONTINUED 5/3/18 8:30 AM;

04/19/2018  **Grand Jury Indictment** (11:45 AM) (Judicial Officer: Herndon, Douglas W.)

Grand Jury Indictment (Superseding Indictment)

MINUTES**Warrant**

04/19/2018 Inactive Indictment Warrant

Matter Heard;

Journal Entry Details:

William Dumke, 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 17BGJ017C to the Court. COURT ORDERED, the Superseding Indictment may be filed and is assigned Case Number C-17-328587-3, Department XX. Upon Court's inquiry, Mr. Pesci confirmed Deft is in custody and advised this case is already set for status check before Judge Eric Johnson on May 3rd. COURT ORDERED, Deft to be remanded and matter SET for Arraignment on May 3, 2018 per the State's request. COURT FURTHER ORDERED, Exhibits 1a and 2a to be lodged with the Clerk of the Court. Matter RECALLED at the Court's request. Mr. Pesci not present. COURT ORDERED, SUPERSEDING INDICTMENT WARRANT ISSUED, NO BAIL. Parties can address bail as they see fit on May 3rd when they go before Judge Johnson. I.W. (CUSTODY) 5-3-18 8:30 AM INITIAL ARRAIGNMENT (SUPERSEDING INDICTMENT)...STATUS CHECK: HOMICIDE TRIAL (DEPT XX - E. Johnson) 7-24-18 8:30 AM CALENDAR CALL (DEPT XX - E. Johnson) 7-30-18 9:00 AM JURY TRIAL (DEPT XX - E. Johnson) CLERK'S NOTE: Mr. Pesci notified of the issuance of the no bail superseding indictment warrant by distributing a copy of this minute order via electronic mail. / dr;

SCHEDULED HEARINGS

Initial Arraignment (05/03/2018 at 8:30 AM) (Judicial Officer: Johnson, Eric)

Initial Arraignment (Superseding Indictment)

05/03/2018 **Status Check** (8:30 AM) (Judicial Officer: Johnson, Eric)


Status Check: Homicide Trial

Matter Continued;

05/03/2018 **Initial Arraignment** (8:30 AM) (Judicial Officer: Johnson, Eric)

Initial Arraignment (Superseding Indictment)

Matter Heard;

05/03/2018  **All Pending Motions** (8:30 AM) (Judicial Officer: Johnson, Eric)

Matter Heard;

Journal Entry Details:

INITIAL ARRAIGNMENT (SUPERSEDING INDICTMENT)...STATUS CHECK: HOMICIDE TRIAL Mr. Ruggeroli appeared for Mr. Sanft for Deft. Robertson. Mr. Pesci advised pursuant to the writ by Mr. Ruggeroli, the Court requested this go back to the Grand Jury. Mr. Pesci stated he did that, thus he has a Superseding Indictment, however, it is exactly the same as the original Indictment. DEFENDANT LOFTON-ROBINSON ARRAIGNED, PLED NOT GUILTY AND WAIVED THE SIXTY DAY RULE. DEFENDANT ROBERTSON ARRAIGNED AND PLED NOT GUILTY. However, as Defendant has not spoken with Mr. Sanft, COURT ORDERED, matter CONTINUED to next week for Mr. Sanft to be present. DEFENDANT WHEELER ARRAIGNED, PLED NOT GUILTY AND WAIVED THE SIXTY DAY RULE. Defendant stated that he wanted to INVOKE his rights. Mr. Pesci advised they have already been waived. Mr. Ruggeroli explained to Defendant that if he wanted a writ filed, he needed to waive his rights, if he insisted on invoking, he could not file a writ. Following colloquy, Defendant WAIVED his speedy trial rights. Mr. Pesci advised a trial date has already been set. Mr. Ruggeroli requested 21 days from today to file a writ. Mr. Bindrup concurred. COURT SO ORDERED, as to ALL Defendants. Mr. Ruggeroli stated that they had expressed a desire to testify before the Grand Jury. Mr. Pesci concurred, advised Mr. Ruggeroli was notified of the date and time, however, Defendant decided not to testify. COURT ORDERED, status check CONTINUED to June as to all Defendants. Further, COURT ORDERED, ARRAIGNMENT CONTINUED to next week as to Deft Robertson. CUSTODY (ALL) 5/8/18 8:30 AM ARRAIGNMENT CONTINUED (ROBERTSON) 6/6/18 9:00 AM STATUS CHECK: HOMICIDE TRIAL (ALL);

05/31/2018  **Petition for Writ of Habeas Corpus** (9:00 AM) (Judicial Officer: Johnson, Eric)




Matter Continued;

Journal Entry Details:

Upon Court's inquiry, Mr. Ruggeroli requested a continuance to respond to the State's Opposition. Ms. O'Halloran

CASE SUMMARY**CASE NO. C-17-328587-3**

had no objection. COURT ORDERED, the following: Mr. Ruggeroli to reply by 6/14 and matter CONTINUED for argument. CUSTODY ... CONTINUED 6/14/18 9:00 AM;

06/06/2018	 Status Check (9:00 AM) (Judicial Officer: Johnson, Eric) <i>Status Check: Homicide Trial</i> Matter Continued; Journal Entry Details: <i>Mr. Ruggeroli appeared for Mr. Bindrup for Deft Lofton-Robinson; for Mr. Sanft for Deft. Robertson and for Deft. Wheeler. Court noted that Mr. Ruggeroli's writ is set for 6/14. Mr. Ruggeroli concurred advised he would file his reply by end of day Friday, June 8th and that all counsel have agreed to take today's matter off calendar and continue to 6/14, especially as Mr. Sanft is so new to the case, it will give him an opportunity to tell the Court where he stands as to investigation etc. Following colloquy, Mr. Ruggeroli advised all Defendants have waived their 60 day rights. Upon Court's inquiry, Mr. Ruggeroli stated his focus has been on the issues supporting the writ and developing their understanding of the evidence as there was a fifth person present and they are still doing independent investigation. Further, in light of the writ issue and additional investigation, he does not anticipate being ready for trial on 7/30, but is not aware of any specific discovery that they do not have. Mr. Pesci concurred that he is turning over discovery as he gets it and advised that is what caused the second return to the Grand Jury was the additional discovery that came in. Mr. Pesci advised the firearm testing has been done but does not know the status of the fingerprints or DNA. Mr. Ruggeroli advised he will be in a better position next date as to the trial date. At request of the Court, Mr. Pesci to check on the fingerprint and DNA testing. COURT ORDERED, matter CONTINUED. CUSTODY ... CONTINUED 6/14/18 9:00 AM;</i>
06/14/2018	Petition for Writ of Habeas Corpus (9:00 AM) (Judicial Officer: Johnson, Eric) <i>Defendant's Petition for Writ of Habeas Corpus</i> Matter Continued;
06/14/2018	Status Check (9:00 AM) (Judicial Officer: Johnson, Eric) <i>Status Check: Homicide Trial</i> Matter Continued;
06/14/2018	 All Pending Motions (9:00 AM) (Judicial Officer: Johnson, Eric) Matter Heard; Journal Entry Details: <i>STATUS CHECK: HOMICIDE TRIAL...DEFENDANT'S PETITION FOR WRIT OF HABEAS CORPUS Upon Court's inquiry, Mr. Ruggeroli advised he has a conflict with the current trial date and that there may be grounds for a severance based on Bruton issues. Mr. Ruggeroli feels he could be ready by December, however, Defendant objects to the continuance. Mr. Bindrup advised he also has a conflict with the trial date, however, can't be ready for trial until January- February. Mr. Sanft advised he would have been ready for trial, however, understands that the Defendants need to stay together and the reasons for the continuance. Following colloquy, COURT ORDERED, trial date VACATED and RESET with a status check being set in August as to all Defendants. MATTER RECALLED: Ms. O'Halloran now present. Arguments by Mr. Ruggeroli and Ms. O'Halloran in support of their respective positions. Following, COURT ORDERED, most issues are DENIED, however, counsel can supplement the issue of Marcel Soloman's statement not being presented to the Grand Jury with the following schedule: State to reply by 6/28; Mr. Ruggeroli to respond by 7/5 and matter CONTINUED for argument. CUSTODY 8/15/18 9:00 AM DEFENDANT'S PETITION FOR WRIT OF HABEAS CORPUS;</i>
07/24/2018	CANCELED Calendar Call (8:30 AM) (Judicial Officer: Johnson, Eric) <i>Vacated</i>
07/30/2018	CANCELED Jury Trial (9:00 AM) (Judicial Officer: Johnson, Eric) <i>Vacated</i>
08/02/2018	 Petition for Writ of Habeas Corpus (8:30 AM) (Judicial Officer: Leavitt, Michelle) <i>Defendant's Petition For Writ Of Habeas Corpus</i> Denied; Journal Entry Details: <i>Deft. present in custody. Mr. Ruggeroli advised defense has no objection to this Court taking over the homicide cases from Department 20, further noting Judge Johnson may have been in the middle of ruling on this issue, and this is not contained in the minutes of the case. Additionally, there was no transcript available, the first writ involved on the gun and what Deft. was wearing and not being in the crime, Judge Johnson had issued a ruling ordering the State to go back and present additional evidence before the Grand Jury. findings were made as to insufficient evidence, defense came in on this case, with knowledge of an independent witness, Deft. had made statements regarding four individuals,</i>

CASE SUMMARY**CASE NO. C-17-328587-3**

there were four people in the video, a jogger had observed four people, Deft. said there was a fifth individual, and defense believes the statements made by Deft. are important. Court stated that witness was equivocal, the Court read the statement, the Court is not sure whether it is exculpatory, and the statement seems helpful to defense. Mr. Ruggeroli advised Judge Johnson was halfway on issuing a ruling, defense does not have a transcript, and the ruling is not in the minutes. Court asked defense counsel whether he wanted to make inquiry to Department 20 today about this; and stated there is no legal basis for this Court to send the case back to Department 20, and Judge Johnson would have had the right to retain this case, or issue a ruling and give the case to this Court, however, he did not. Mr. Pesci argued there is nothing by Court stating Department 20 was retaining the case on this issue, the murder cases are gone from Department 20, the murder cases were taken away from Department 20, Judge Johnson is done and has no jurisdiction on this case, and State would object to this Court sending this case back to Department 20. Discussions. Court stated it does not appear Judge Johnson hung on to this case. Mr. Ruggeroli submitted to the Court's discretion; and added defense is ready to proceed forward with the Petition. Court noted the State made arguments regarding timeliness on filing of Petition, and the Court will allow defense to be heard on the issue. Mr. Ruggeroli addressed the timeliness issue; and argued as to 21 day rule, review of Preliminary Hearing transcript, there being voluminous discovery, one of the statements not having been available until later, and State's arguments as to timeliness being moot. Mr. Ruggeroli added defense is on good footing to go forward on grounds to move to dismiss. **COURT ORDERED**, it will allow defense to be heard on the Petition and substantive issue. Mr. Ruggeroli argued in support of Petition; and further argued as to video surveillance, the charges, the video surveillance not showing who was in the car, there being exculpatory evidence, there having been five people in the convenience store, testimony from the jogger, weight of evidence, Babayan case law, and the evidence not having to be dispositive. Mr. Pesci opposed the Petition; and argued as to alleged phone call, claim having been made about there having been four people getting out of the car, there being four people in the store, Indigo case law, cited in State's supplemental response, and the evidence not being exculpatory. Further arguments by Mr. Ruggeroli as to case law not being applicable. **COURT ORDERED**, Petition **DENIED**. State to prepare order. **CUSTODY 9/05/18 8:30 A.M. STATUS CHECK: HOMICIDE TRIAL 2/05/19 8:30 A.M. CALENDAR CALL 2/12/19 10:30 A.M. TRIAL BY JURY;**

09/05/2018

**Status Check (8:30 AM)** (Judicial Officer: Leavitt, Michelle)*Status Check: Homicide Trial***MINUTES**

Set Status Check;

Journal Entry Details:

Mr. Ruggeroli not present. Court **TRAILED** and **RECALLED** matter. Mr. Ruggeroli now present; and informed the Court bail setting on this case should reflect for \$250,000.00, the case shows no bail, and defense would request the bail setting be re-issued. Mr. Pesci confirmed there was a Motion for own recognizance release denied by Judge Eric Johnson on March 22, 2018, and the bail setting is still accurate. **COURT ORDERED**, bail **SET** at \$250,000.00 with House Arrest through CCDC as a condition, upon bail being posted. Mr. Ruggeroli stated he needs to meet with the investigator, and he also needs the video recording from discovery. Discussions as to file review needing to be done, and trial date. **COURT ORDERED**, matter **SET** for another status check, trial date **STANDS**. **CUSTODY 12/05/18 8:30 A.M. STATUS CHECK: TRIAL READINESS 2/05/19 8:30 A.M. CALENDAR CALL 2/12/19 10:30 A.M. TRIAL BY JURY CLERK'S NOTE: Minutes amended to include the House Arrest condition. 9/24/18 /// sb;**

SCHEDULED HEARINGS**Status Check: Trial Readiness (12/05/2018 at 8:30 AM)** (Judicial Officer: Leavitt, Michelle)*Status Check: Trial Readiness*

12/05/2018

**Status Check: Trial Readiness (8:30 AM)** (Judicial Officer: Leavitt, Michelle)*Status Check: Trial Readiness***MINUTES**

Set Status Check;

Journal Entry Details:

Mr. Ruggeroli informed the Court there was a bit of a delay to go do a file review due to scheduling, as there are three attorneys on the case, however, defense completed the file review, and just received large amount of documents and discovery, defense would request a status check be set in two weeks to review the documents, and he may be filing a motion. State made no objection. **COURT ORDERED**, matter **SET** for status check. Mr. Pesci noted the other Co-Deft. on this case is still at Lakes Crossing. **CUSTODY 12/19/18 8:30 A.M. STATUS CHECK: DISCOVERY / TRIAL READINESS 2/05/19 8:30 A.M. CALENDAR CALL 2/12/19 10:30 A.M. TRIAL BY JURY ;**

SCHEDULED HEARINGS**Status Check: Discovery (12/19/2018 at 8:30 AM)** (Judicial Officer: Leavitt, Michelle)

12/19/2018

**Status Check: Discovery (8:30 AM)** (Judicial Officer: Leavitt, Michelle)

CASE SUMMARY

CASE NO. C-17-328587-3

Matter Heard;

Journal Entry Details:

Mr. Ruggeroli not present. Mr. Sanft is present on behalf of Co-Def. Raekwon Robertson from Case C328587-2. Deft. stated his lawyer had said he was coming. Mr. Sanft stated he saw a copy of the Motion to sever filed by Mr. Ruggeroli, and there is no objection, however, the defense for Mr. Robertson is requesting to keep the trial date, further noting defense for Mr. Robertson will be ready to go, there is an investigator on the case, and he received discovery. Upon Court's inquiry, Ms. Fleck noted this case is assigned to Mr. Pesci, she is not sure about whether there is an offer, and Mr. Pesci had indicated Mr. Ruggeroli filed the two motions. Mr. Sanft noted that is part of the issue with the trial date. COURT ORDERED, CASE CONTINUED for the Court to address Deft's Motion to Sever and Motion to continue trial. CASE RECALLED. Mr. Sanft not present. Mr. Ruggeroli is now present; and informed the Court he had filed a Motion to Sever and Motion to continue trial, and provided copies of the motions to all parties, further noting one of the motions was scheduled outside of the trial date, Mr. Pesci had provided large volumes of materials, and there were documents that included witnesses defense was not aware of. SO NOTED. Court advised Mr. Ruggeroli that Mr. Sanft wants to keep the current trial date for his client. COURT ORDERED, CASE CONTINUED. CUSTODY 1/02/19 8:30 A.M. DEFT'S MOTION TO CONTINUE TRIAL...DEFT'S MOTION TO SEVER 2/05/19 8:30 A.M. CALENDAR CALL 2/12/19 10:30 A.M. TRIAL BY JURY;

12/24/2018



Minute Order (3:00 AM) (Judicial Officer: Leavitt, Michelle)

Minute Order - No Hearing Held;

Journal Entry Details:

Minute Order Re: Order to Seal Motion To Sever The Court, having reviewed the Motion to Sever (filed on December 14, 2018) hereby ORDERS the document SEALED. NRS 239B.030 states that a person shall not include and a governmental agency shall not require a person to include any personal information about a person on any document that is recorded, filed or otherwise submitted to the governmental agency on or after January 1, 2007. Here, the document contains personal identifying information that is not redacted. Accordingly, the Court ORDERS that the Motion to Sever is SEALED. CLERK'S NOTE: A copy of the above minute order has been forwarded to the District Court Records Supervisor, for purposes of sealing the Motion to Sever filed by Defendant. And a copy of the above minute order was forwarded to Chief Deputy District Attorney Giancarlo Pesci, Esq., and to James Ruggeroli, Esq., counsel for Defendant. /// sb ;

01/02/2019



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

01/02/2019, 01/16/2019

Defendant's Motion to Sever Co-Defendants

Continued;

Denied;

Journal Entry Details:

Following arguments by counsel regarding the Motion to Sever, COURT ORDERED, Motion DENIED. CUSTODY;

Continued;

Denied;

01/02/2019

Motion to Continue Trial (8:30 AM) (Judicial Officer: Leavitt, Michelle)

Defendant's Motion to Continue Trial

Granted;

01/02/2019



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

All Pending Motions (1/02/2019)

Matter Heard;

Journal Entry Details:

DEFT'S MOTION TO CONTINUE TRIAL...DEFENDANT'S MOTION TO SEVER DEFENDANTS Michael Sanft, Esq., is present for Co-Defendant Raekwon Setrey Robertson. Mr. Ruggeroli expressed concerns going forward with trial with Co-Defendant Robertson, further noting defense for Mr. Wheeler has valid arguments for a severance, the merits and matters with Co-Defendants are different, and the State did not file an opposition. Mr. Pesci apologized to the Court; and noted the State had thought they had until later to file a response to the motion to sever, the State has no opposition to Co-Defendant Wheeler's Motion to continue trial, as long as it is as to all three Defendants in this case, and the State will file a response to the motion to sever, further noting the State has been preparing for another trial set before this Court for next week. Mr. Sanft noted his client wants to go forward with the current trial date, and defense is ready. Mr. Pesci noted Co-Defendant had waived previously, the other Co-Defendant is in Competency Court, and State believes all of the Co-Defendants need to be together. COURT ORDERED, Deft's Motion to Continue Trial GRANTED; trial date VACATED AND RESET in this matter; status check hearing ALSO SET. Mr. Ruggeroli noted the State filed an additional count as to his client, and defense would request to supplement the Motion to sever, to add an additional ground to the severance, as he believes what the State filed in the count gives more reason for the case to be severed. Court stated it does not have a problem, and defense can supplement. COURT FURTHER ORDERED, Deft's Motion to Sever Defendants CONTINUED. CUSTODY 1/16/19 8:30 A.M. DEFENDANT'S

EIGHTH JUDICIAL DISTRICT COURT


CASE SUMMARY


CASE NO. C-17-328587-3

MOTION TO SEVER DEFENDANTS 4/17/19 8:30 A.M. STATUS CHECK: TRIAL READINESS 6/18/19 8:30 A.M. CALENDAR CALL 6/25/19 10:30 A.M. TRIAL BY JURY;

02/05/2019 **CANCELED Calendar Call** (8:30 AM) (Judicial Officer: Johnson, Eric)
Vacated - per Judge


02/12/2019 **CANCELED Jury Trial** (10:30 AM) (Judicial Officer: Johnson, Eric)
Vacated - per Judge


03/05/2019  **Motion** (8:30 AM) (Judicial Officer: Leavitt, Michelle)
*Defendant's Motion to Stay Proceedings and Motion for Written Order Denying Defendant's Motion to Sever Denied; Defendant's Motion to Stay Proceedings and Motion for Written Order Denying Defendant's Motion to Sever Journal Entry Details:
Following the representations of Mr. Ruggeroli, COURT ORDERED, Stay DENIED; State is to prepare the Order denying the Motion to Sever. CUSTODY;*

04/17/2019  **Status Check: Trial Readiness** (8:30 AM) (Judicial Officer: Leavitt, Michelle)
04/17/2019, 05/15/2019
Matter Continued;
Vacated and Reset;
Journal Entry Details:
*Scott Bindrup, Esq., present on behalf of Co-Defendant, Lofton-Robinson. Michael Sanft, Esq., present on behalf of Co-Defendant, Robertson. Mr. Bindrup advised his client was in Lakes Crossing and requested this matter be reset as more time is needed. Mr. Ruggeroli advised his client is aware of that and there is also the issue of their Motion for Severance still being with the Appellate Court. Mr. Sanft announced ready and requested the earliest setting. State submitted. Colloquy regarding trial dates. COURT ORDERED, trial dates VACATED and RESET; matter SET for Status Check regarding trial readiness. Mr. Pesci noted Defendant, Raekwon Robertson wrote the State a letter and has provided copies to the Defense. All counsel confirmed it was received. 08/21/19 8:30 AM STATUS CHECK: TRIAL READINESS 11/05/19 8:30 AM CALENDAR CALL 11/19/19 10:30 AM JURY TRIAL ;
Matter Continued;
Vacated and Reset;
Journal Entry Details:
*Scott Bindrup, Esq., present on behalf of Co-Defendant, Demario Lofton-Robinson. Co-Defendant, Raekwon Robertson, also present. Mr. Ruggeroli stated they are doing their best to be ready for trial; however, there are still issues with discovery. Further, Mr. Ruggeroli noted the Motion to Sever is in front of the Appellate Court right now. Mr. Bindrup stated he will not be ready for trial in two months requested his client be set with this case for the next Status Check. COURT SO ORDERED. CUSTODY CONTINUED TO: 05/15/19 8:30 AM ;**

06/18/2019 **CANCELED Calendar Call** (8:30 AM) (Judicial Officer: Leavitt, Michelle)
Vacated - per Judge

06/25/2019 **CANCELED Jury Trial** (10:30 AM) (Judicial Officer: Leavitt, Michelle)
Vacated - per Judge

08/21/2019  **Status Check: Trial Readiness** (8:30 AM) (Judicial Officer: Leavitt, Michelle)
Vacated and Reset;
Journal Entry Details:
Scott Bindrup, Esq., present on behalf of Co-Defendant, Lofton-Robinson. Michael Sanft, Esq., present on behalf of Co-Defendant, Wheeler. Upon Court's inquiry, Mr. Bindrup announced ready for trial; however, requested the Court move the trial up one week with there being no objection by the parties. Court inquired as to trial readiness. Mr. Sanft confirmed all parties are ready to go forward with trial. COURT ORDERED, trial date VACATED and RESET. CUSTODY 11/05/19 8:30 AM CALENDAR CALL 11/12/19 10:30 AM JURY TRIAL CLERK'S NOTE: Due to Court's Schedule, COURT ORDERED, trial date RESCHEDULED one week. Minute Order amended to reflect so. Parties notified via email. hyp/10/07/19;


11/05/2019  **Calendar Call** (8:30 AM) (Judicial Officer: Leavitt, Michelle)
Vacated and Reset;
Journal Entry Details:
Michael Sanft, Esq., present on behalf of Co-Defendant, Robertson. Scott Bindrup, Esq., also present on behalf of Co-Defendant Lofton-Robinson. Defendant not present. CONFERENCE AT BENCH. COURT ORDERED, trial dates VACATED and RESET; matter SET for Status Check regarding trial readiness. Mr. Sanft and Mr. Ruggeroli

CASE SUMMARY

CASE NO. C-17-328587-3

announced ready for trial. Mr. Sanft made record that they have been announcing ready since the beginning of this case. Colloquy regarding trial dates. COURT FURTHER ORDERED, Defendant, Lofton-Robinson REFERRED and SET for Competency. CUSTODY 12/18/19 8:30 AM STATUS CHECK: TRIAL READINESS 12/06/19 10:00 AM FURTHER PROCEEDINGS: COMPETENCY (DEPT 7) (LOFTON-ROBINSON) 02/04/20 8:30 AM CALENDAR CALL 02/10/20 10:30 AM JURY TRIAL ;

11/18/2019 **CANCELED Jury Trial** (10:30 AM) (Judicial Officer: Leavitt, Michelle)
Vacated - per Judge

12/18/2019  **Status Check: Trial Readiness** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

12/18/2019, 01/15/2020

Matter Continued;

Journal Entry Details:

Michael Sanft, Esq., also present on behalf Defendant Robertson and James Ruggeroli, Esq., for Defendant, Wheeler. Defendant Wheeler stated he would rather have his attorney present. Mr. Pesci advised Mr. Ruggeroli is stuck in Justice Court and has indicated the Defense is on track for trial. Further, Mr. Pesci noted the Co-Defendant was to Lakes a week ago. Mr. Sanft announced ready for trial. COURT ORDERED, matter CONTINUED. Court stated Defendant Wheeler will be recalled is Mr. Ruggeroli appears. CUSTODY CONTINUED TO: 01/15/20 8:30 AM;

12/31/2019 **Motion to Suppress** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

12/31/2019, 01/15/2020

Defendant's Motion to Suppress, or, in the Alternative, Motion for Jackson v. Denno Hearing

Matter Continued;

12/31/2019 **Motion** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

12/31/2019, 01/15/2020

Defendant's Motion to Disclose Informants

Matter Continued;

12/31/2019 **Motion to Compel** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

12/31/2019, 01/15/2020

Defendant's Motion to Compel Production of Inducement Index

Matter Continued;

12/31/2019 **Motion to Sever** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

12/31/2019, 01/15/2020

Defendant's Motion to Sever Counts

Matter Continued;

12/31/2019 **Motion to Compel** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

12/31/2019, 01/15/2020

Defendant's Motion to Compel Production of Discovery & Brady Material


Matter Continued;

12/31/2019 **Motion in Limine** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

12/31/2019, 01/15/2020

Defendant's Motion in Limine to Preclude Jail Phone Calls

Matter Continued;




12/31/2019  **All Pending Motions** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

Matter Heard;

Journal Entry Details:

DEFENDANT'S MOTION TO SUPPRESS, OR, IN THE ALTERNATIVE, MOTION FOR JACKSON V. DENNO HEARING COURT ORDERED, matter CONTINUED for Mr. Ruggeroli's appearance. DEFENDANT'S MOTION IN LIMINE TO PRECLUDE JAIL PHONE CALLS COURT ORDERED, matter CONTINUED for Mr. Ruggeroli's appearance. DEFENDANT'S MOTION TO DISCLOSE INFORMANTS COURT ORDERED, matter CONTINUED for Mr. Ruggeroli's appearance. DEFENDANT'S MOTION TO SEVER COUNTS COURT ORDERED, matter CONTINUED for Mr. Ruggeroli's appearance. DEFENDANT'S MOTION TO COMPEL PRODUCTION OF DISCOVERY & BRADY MATERIAL COURT ORDERED, matter CONTINUED for Mr. Ruggeroli's appearance. DEFENDANT'S MOTION TO COMPEL PRODUCTION OF INDUCEMENT INDEX COURT ORDERED, matter CONTINUED for Mr. Ruggeroli's appearance. CUSTODY CONTINUED TO: 01/15/20 8:30 AM CLERK'S NOTE: The above minute order has been distributed to: ruggeroli@icloud.com hyp/1/2/20;

CASE SUMMARY
CASE NO. C-17-328587-3

01/15/2020	 All Pending Motions (8:30 AM) (Judicial Officer: Leavitt, Michelle) Matter Heard; Journal Entry Details: <i>DEFENDANT'S MOTION TO SUPPRESS, OR, IN THE ALTERNATIVE, MOTION FOR JACKSON V. DENNO HEARING COURT ORDERED, Motion GRANTED; matter SET for Hearing. DEFENDANT'S MOTION IN LIMINE TO PRECLUDE JAIL PHONE CALLS COURT ORDERED, Motion DENIED; any objections can be made at the time of trial. DEFENDANT'S MOTION TO DISCLOSE INFORMANTS State confirmed the Defense has already been informed. COURT ORDERED, if the State has that information, then the State needs to provide that information. DEFENDANT'S MOTION TO SEVER COUNTS There being no objection by the State, COURT ORDERED, Motion GRANTED; COUNTS 5 through 7 are to be tried first. DEFENDANT'S MOTION TO COMPEL PRODUCTION OF DISCOVERY & BRADY MATERIAL Mr. Ruggeroli stated he believes everything has been provided. COURT SO NOTED. DEFENDANT'S MOTION TO COMPEL PRODUCTION OF INDUCEMENT INDEX Mr. Ruggeroli stated he believes everything has been provided. COURT SO NOTED. STATUS CHECK: TRIAL READINESS Parties announced ready for trial. COURT SO NOTED. COURT FURTHER ORDERED, Mr. Ruggeroli is to prepare the Order. 02/10/20 10:30 AM JACKSON V DENNO HEARING;</i>
02/04/2020	Calendar Call (8:30 AM) (Judicial Officer: Leavitt, Michelle) Matter Heard;
02/04/2020	Motion (8:30 AM) (Judicial Officer: Leavitt, Michelle) <i>State's Notice of Motion and Motion to Present Witness Noreen Charlton Through Audiovisual Transmission</i> Granted;
02/04/2020	 All Pending Motions (8:30 AM) (Judicial Officer: Leavitt, Michelle) Matter Heard; Journal Entry Details: <i>STATE'S NOTICE OF MOTION AND MOTION TO PRESENT WITNESS NOREEN CHARLTON THROUGH AUDIOVISUAL TRANSMISSION ... CALENDAR CALL Upon Court's inquiry, counsel announced ready and Mr. Pesci anticipated 25 to 30 witnesses. CUSTODY 02/11/20 10:30 AM JACKSON V. DENNO HEARING 02/11/20 10:30 AM JURY TRIAL CLERK'S NOTE: Subsequent to hearing and upon representations to the Court during Co-Defendant's matter (C328587-2), State's Motion to Present Witness Noreen Charlton Through Audiovisual Transmission GRANTED; Jury Trial and Jackson Denno hearing CONTINUED as noted above. A copy of this minute order was emailed to James J. Ruggeroli at ruggeroli@icloud.com. cj 02/05/20;</i>
02/11/2020	 Jury Trial (10:30 AM) (Judicial Officer: Leavitt, Michelle) 02/11/2020-02/14/2020, 02/18/2020-02/20/2020, 02/24/2020 Trial Continues; Trial Continues; Trial Continues; Trial Continues; Trial Continues; Trial Continues; Trial Continues; Verdict; Journal Entry Details: <i>Jury returned to deliberate at the hour of 9:00 AM. JURY PRESENT: At the hour of 2:11 PM, the jury returned with a verdict of GUILTY of COUNT I - CONSPIRACY TO COMMIT ROBBERY, COUNT III - SECOND DEGREE MURDER and NOT GUILTY of COUNT II. Jury polled. Court thanked and excused the jury . OUTSIDE THE PRESENCE OF THE JURY: State requested the Defendants be remanded without bail. Mr. Ruggeroli and Mr. Sanft submitted. COURT ORDERED, Defendants REMANDED WITHOUT BAIL pending Sentencing. Further, Mr. Ruggeroli requested bail be set pending Sentencing. State opposed Mr. Ruggeroli's request and argued. COURT FURTHER ORDERED, Defendants REMANDED WITHOUT BAIL; matter referred to the Division of Parole and Probation (P & P) and SET for sentencing. CUSTODY 04/15/20 8:30 AM SENTENCING;</i> Trial Continues; Trial Continues; Trial Continues; Trial Continues; Trial Continues; Trial Continues; Trial Continues; Verdict;

CASE SUMMARY

CASE NO. C-17-328587-3

Journal Entry Details:

Michael Sanft, Esq., present on behalf of Co-Defendant. Jury returned to deliberate at the hour of 9:00 AM. COURT ORDERED, trial CONTINUED. CUSTODY;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Verdict;

Journal Entry Details:

Michael Sanft, Esq., present on behalf of Co-Defendant. JURY PRESENT: Testimony and exhibits presented. (See worksheets) OUTSIDE THE PRESENCE OF THE JURY: Defendant advised of his right not to testify. Instructions settled. JURY PRESENT: Court instructed the jury. Closing arguments. At the hour of 6:13 PM, the jury retired to deliberate OUTSIDE THE PRESENCE OF THE JURY: Mr. Ruggeroli noted his objection to the State's rebuttal closing arguments. COURT ORDERED, trial CONTINUED. CUSTODY;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Verdict;

Journal Entry Details:

Michael Sanft, Esq., present on behalf of Co-Defendant. JURY PRESENT: Testimony and exhibits presented. (See worksheets) OUTSIDE THE PRESENCE OF THE JURY: Defendants advised of their right not to testify. COURT ORDERED, trial CONTINUED.;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Verdict;

Journal Entry Details:

Michael Sanft, Esq., present on behalf of Co-Defendant. OUTSIDE THE PRESENCE OF THE JURY: Following arguments by counsel regarding the redacted Guilty Plea Agreement, COURT CANVASED Defendant Robertson and Defendant Wheeler as to waiving the redaction of the Guilty Plea Agreement as to Defendant Robinson. Defendants so agreed. JURY PRESENT: Testimony and exhibits presented. (See worksheets) Mr. Ruggeroli and Mr. Sanft INVOKED the exclusionary rule. COURT SO ORDERED. Testimony and exhibits presented. (See worksheets) COURT ORDERED, trial CONTINUED.;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Verdict;

Journal Entry Details:

Michael Sanft, Esq., present on behalf of Co-Defendant. JURY PRESENT: Jury Sworn. Clerk read the Amended Superseding Indictment to the jury and stated the defendant's plea thereto. Opening statements by counsel. Testimony and exhibits presented. (See worksheets) COURT ORDERED, Trial CONTINUED.;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY
CASE NO. C-17-328587-3

Verdict;

Journal Entry Details:

Michael Sanft, Esq., present on behalf of Co-Defendant. OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURORS: Mr. Ruggeroli moved to strike the panel and made record of Batson Challenge. Matter argued by counsel. Mr. Ruggeroli requested an Evidentiary Hearing. COURT SO ORDERED. Court made record of calculations. Stated objected to Evidentiary Hearing. Mariah Witt SWORN and TESTIFIED. COURT ORDERED, Motion to Strike Jury Venire DENIED. PROSPECTIVE JURORS PRESENT: Voir Dire. OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURORS: Mr. Sanft requested the Court consider challenge under Batson. Arguments by counsel. Mr. Ruggeroli joined Mr. Sanft's requested. COURT ORDERED, request DENIED and made the determination that there is no showing made as to the first step of analysis. JURY PRESENT: Jury selected. COURT ORDERED, trial CONTINUED.;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Verdict;

Journal Entry Details:

Michael Sanft, Esq., present on behalf of Co-Defendant. OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURORS: Amended Indictment FILED IN OPEN COURT. Mr. Pesci requested a Transcript be produced as to the Entry of Plea. COURT SO ORDERED. Mr. Pesci stated the Stipulation and Order for Waiver of Penalty is being provided to the Defense. Mr. Sanft stated his client is going to waive penalty hearing. Mr. Ruggeroli stated his client is not inclined to waive; however, needs more time. COURT SO NOTED. Mr. Sanft and Mr. Ruggeroli advised the Defendants have signed the Stipulation and Order. Court canvassed the Defendants as to waiving penalty hearing and the three possible options for first degree murder. Defendants confirmed their understanding. PROSPECTIVE JURORS PRESENT: Voir Dire. COURT ORDERED, trial CONTINUED. ;

02/11/2020



Jackson v Denno Hearing (10:30 AM) (Judicial Officer: Leavitt, Michelle)

Matter Heard;

Journal Entry Details:

Parties invoked the exclusionary rule. COURT SO ORDERED. Ryan Jaeger SWORN and TESTIFIED. State submitted. Mr. Ruggeroli argued in support of the Defendant's Motion to Suppress. COURT FINDS the Defendant's statement was made freely and voluntarily and ORDERED, Motion DENIED; Defense can continue to argue this matter in front of the Jury Panel. CUSTODY;

06/05/2020



Sentencing (12:00 PM) (Judicial Officer: Leavitt, Michelle)

06/05/2020, 06/11/2020

COVID 19 Victim Speakers

Matter Continued;

Defendant Sentenced;

Journal Entry Details:

DEFT WHEELER ADJUDGED GUILTY of COUNT 1 CONSPIRACY TO COMMIT ROBBERY (F) and COUNT 3 MURDER WITH USE OF A DEADLY WEAPON (F). Arguments by counsel. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, \$8,729.53 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: as to COUNT 1 to a MAXIMUM of SEVENTY-TWO (72) MONTHS with a MINIMUM parole eligibility of TWENTY-FOUR (24) MONTHS and as to COUNT 3 to LIFE with a MINIMUM parole eligibility of TEN (10) YEARS, CONSECUTIVE to COUNT 1, for an AGGREGATE SENTENCE of a MINIMUM PAROLE ELIGIBILITY after ONE HUNDRED FORTY-FOUR (144) MONTHS and a MAXIMUM of LIFE with ONE THOUSAND THIRTY-TWO (1,032) DAYS credit for time served. COURT FURTHER ORDERED, COUNT 2 DISMISSED pursuant to the Verdict. Mr. Ruggeroli moved to withdraw. COURT SO ORDERED. NDC;

COVID 19 Victim Speakers

Matter Continued;

Defendant Sentenced;

Journal Entry Details:

Defendant not present. All other parties present by video. Due to unexpected circumstances, COURT ORDERED, all 06/05/20 hearing CONTINUED. CONTINUED TO: 06/26/20 12:00 PM;

DATE

FINANCIAL INFORMATION

Defendant Wheeler, Davontae Amarri

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. C-17-328587-3

Total Charges	182.00
Total Payments and Credits	4.00
Balance Due as of 2/8/2023	178.00

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 14, 2017

C-17-328587-3 State of Nevada
 vs
 Davontae Wheeler

December 14, 2017 11:45 AM Grand Jury Indictment

HEARD BY: Gonzalez, Elizabeth

COURTROOM: RJC Courtroom 10B

COURT CLERK: Dulce Romea
 Nancy Maldonado

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT:	Pesci, Giancarlo	Attorney
	Raman, Jay	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Howard Basch, 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 17BGJ017C to the Court. COURT ORDERED, the Indictment may be filed and is assigned Case Number C-17-328587-3, Department III.

State requested a warrant, argued bail, and advised Deft is in custody. COURT ORDERED, \$250,000.00 BAIL, INDICTMENT WARRANT ISSUED, and matter SET for Arraignment. COURT FURTHER ORDERED, Exhibits 1-43 to be lodged with the Clerk of the Court.

Upon inquiry of the Court, State advised there are no material witness warrants to be quashed. COURT ADDITIONALLY ORDERED, Las Vegas Justice Court case no. 17F14369C DISMISSED per the State's request.

I.W. (CUSTODY)

C-17-328587-3

12-19-17 9:00 AM INITIAL ARRAIGNMENT (DEPT III)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 19, 2017

C-17-328587-3 State of Nevada
vs
Davontae Wheeler

December 19, 2017 9:00 AM All Pending Motions

HEARD BY: Herndon, Douglas W.

COURTROOM: RJC Courtroom 16C

COURT CLERK: Deborah Miller
Lauren Kidd

RECORDER: Sara Richardson

REPORTER:

PARTIES

PRESENT:	Pesci, Giancarlo	Attorney
	Ruggeroli, James J.	Attorney
	State of Nevada	Plaintiff
	Wheeler, Davontae Amarri	Defendant

JOURNAL ENTRIES

- Also present: Codefendant Lofton-Robinson, present in custody, represented by Scott Bindrup, Esq. Codefendant Robertson, present in custody, represented by Mace Yampolsky, Esq.

DEFT. WHEELER ARRAIGNED, PLED NOT GUILTY, and WAIVED the 60-DAY RULE. COURT ORDERED, matter set for trial. COURT ORDERED, counsel has 21 days after receipt of copy of any transcripts for the filing of any Writs. Pursuant to EDRC 1.30 and 1.31 this COURT ORDERS the cases C328587-1, C328587-2 and C328587-3 reassigned to Department 20, matter SET for Status Check.

1/9/18 8:30 AM STATUS CHECK: TRIAL SETTING (DEPT 20)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****January 09, 2018**

C-17-328587-3 State of Nevada
vs
Davontae Wheeler

January 09, 2018 8:30 AM Status Check: Trial Setting

HEARD BY: Johnson, Eric **COURTROOM:** RJC Courtroom 12A

COURT CLERK: Linda Skinner

RECORDER: Angie Calvillo

REPORTER:

PARTIES

PRESENT:	Pesci, Giancarlo	Attorney
	Ruggeroli, James J.	Attorney
	State of Nevada	Plaintiff
	Wheeler, Davontae Amarri	Defendant

JOURNAL ENTRIES

- Upon Court's inquiry, Mr. Pesci advised the arrest date for Defendants was in August. Colloquy as to trial date. Mr. Ruggeroli advised the only month he is not available is April. Mr. Bindrup requested October 15th for trial. Mr. Yampolsky requested at least May. Court noted it likes to set the trial a year from the arrest. Counsel feel the trial will take 2 weeks. Following colloquy, COURT ORDERED, matter SET for trial in July with a status check in April.

As to discovery, Mr. Pesci advised he has provided everything he has. Mr. Ruggeroli stated he has requested ballistic testing on the firearm that was allegedly obtained from Deft Wheeler's residence or a family members. Mr. Pesci advised forensics have been requested. Mr. Yampolsky stated Deft Robertson wants to have an Evidentiary Hearing, however, he does not know what it would be on. Court advised that can be addressed as the need arises. Mr. Bindrup will try and have vault review and file review done by status check. Court expects the ballistics done on a specific schedule as to when those are going to be done by April and also expects the vault and file reviews to be done as well.

Mr. Bindrup advised he barely received the Grand Jury Transcript and requested 30 days from today to file any writs. COURT SO ORDERED, as to all Defendants.

CUSTODY

4/5/18 8:30 AM STATUS CHECK: HOMICIDE TRIAL

7/24/18 8:30 AM CALENDAR CALL

7/30/18 9:00 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 27, 2018

C-17-328587-3 State of Nevada
 vs
 Davontae Wheeler

**February 27, 2018 8:30 AM Petition for Writ of Habeas
Corpus**

HEARD BY: Johnson, Eric

COURTROOM: RJC Courtroom 12A

COURT CLERK: Linda Skinner
Madalyn Kearney

RECORDER: Angie Calvillo

REPORTER:

PARTIES

PRESENT:	Ruggeroli, James J.	Attorney
	State of Nevada	Plaintiff
	Thomson, Megan	Attorney
	Wheeler, Davontae Amarri	Defendant

JOURNAL ENTRIES

- Mr. Ruggeroli advised the State contacted him and requested more time for their reply; however, Mr. Ruggeroli noted Deft. wants him to go forward with the Writ today. COURT ORDERED, the following briefing schedule:

State to respond by: 3/2/18

Mr. Ruggeroli's reply by: 3/9/18

COURT FURTHER ORDERED, matter CONTINUED.

CONTINUED TO: 3/20/18 9:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 20, 2018

C-17-328587-3 State of Nevada
 vs
 Davontae Wheeler

March 20, 2018 8:30 AM All Pending Motions

HEARD BY: Johnson, Eric **COURTROOM:** RJC Courtroom 12A

COURT CLERK: Linda Skinner

RECORDER: Patti Slattery

REPORTER:

PARTIES

PRESENT: Pesci, Giancarlo Attorney
 Ruggeroli, James J. Attorney
 State of Nevada Plaintiff
 Wheeler, Davontae Amarri Defendant

JOURNAL ENTRIES

- DEFENDANT'S PETITION FOR WRIT OF HABEAS CORPUS...DEFENDANT'S MOTION FOR OWN RECOGNIZANCE RELEASE / SETTING OF REASONABLE BAIL

Upon Court's inquiry, Mr. Ruggeroli advised he filed a response on 3/8 and requested a continuance for the Court to review it as it contains important arguments. Mr. Pesci had no objection. COURT ORDERED, matter CONTINUED to Thursday.

CUSTODY

... CONTINUED 3/22/18 9:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 22, 2018

C-17-328587-3 State of Nevada
 vs
 Davontae Wheeler

March 22, 2018 9:00 AM All Pending Motions

HEARD BY: Johnson, Eric **COURTROOM:** RJC Courtroom 12A

COURT CLERK: Linda Skinner

RECORDER: Angie Calvillo

REPORTER:

PARTIES

PRESENT: Pesci, Giancarlo Attorney
 Ruggeroli, James J. Attorney
 State of Nevada Plaintiff
 Wheeler, Davontae Amarri Defendant

JOURNAL ENTRIES

- DEFENDANT'S PRETRIAL PETITION FOR WRIT OF HABEAS CORPUS...DEFENDANT'S
MOTION FOR OWN RECOGNIZANCE RELEASE / SETTING REASONABLE BAIL

AS TO PETITION: Arguments by Mr. Pesci and Mr. Ruggeroli in support of their respective
positions. Following, COURT ORDERED, GRANTED IN PART in that the State is to return to the
Grand Jury to relay the additional information as to the gun and are to return a new vote.

AS TO MOTION: Arguments by Mr. Ruggeroli and Mr. Pesci in support of their respective positions.
Following, Court stated its FINDINGS including that he feels Defendant is a flight risk and danger to
the community. Therefore, COURT ORDERED, Motion DENIED.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 05, 2018

C-17-328587-3 State of Nevada
 vs
 Davontae Wheeler

April 05, 2018 8:30 AM Status Check

HEARD BY: Johnson, Eric **COURTROOM:** RJC Courtroom 12A

COURT CLERK: Linda Skinner

RECORDER: Angie Calvillo

REPORTER:

PARTIES

PRESENT: Pesci, Giancarlo Attorney
 Ruggeroli, James J. Attorney
 State of Nevada Plaintiff
 Wheeler, Davontae Amarri Defendant

JOURNAL ENTRIES

- Mr. Ruggeroli also appeared for Mr. Sanft for Deft. Robertson. Upon Court's inquiry, Mr. Ruggeroli advised the State obtained the ballistics results and that they will be going back to the Grand Jury. Following statements by Deft Wheeler, Mr. Ruggeroli would like to know the time and date for the proceeding as he would like to be there. Mr. Pesci advised Defendant needs to sign a waiver. Upon inquiry, Mr. Pesci advised a Marcum Notice was given.

Mr. Bindrup advised he completed the vault review and needs to do the file review.

Following colloquy, COURT ORDERED, matter CONTINUED to May as to all Defendants.

CUSTODY

... CONTINUED 5/3/18 8:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 19, 2018

C-17-328587-3 State of Nevada
vs
Davontae Wheeler

April 19, 2018 11:45 AM Grand Jury Indictment

HEARD BY: Herndon, Douglas W.

COURTROOM: RJC Courtroom 16C

COURT CLERK: Dulce Romea

RECORDER: Sara Richardson

REPORTER:

PARTIES

PRESENT:	Mishler, Karen	Attorney
	Pesci, Giancarlo	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- William Dumke, 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 17BGJ017C to the Court. COURT ORDERED, the Superseding Indictment may be filed and is assigned Case Number C-17-328587-3, Department XX.

Upon Court's inquiry, Mr. Pesci confirmed Deft is in custody and advised this case is already set for status check before Judge Eric Johnson on May 3rd. COURT ORDERED, Deft to be remanded and matter SET for Arraignment on May 3, 2018 per the State's request. COURT FURTHER ORDERED, Exhibits 1a and 2a to be lodged with the Clerk of the Court.

Matter RECALLED at the Court's request. Mr. Pesci not present. COURT ORDERED, SUPERSEDING INDICTMENT WARRANT ISSUED, NO BAIL. Parties can address bail as they see fit on May 3rd when they go before Judge Johnson.

I.W. (CUSTODY)

5-3-18 8:30 AM INITIAL ARRAIGNMENT (SUPERSEDING INDICTMENT)...STATUS
CHECK: HOMICIDE TRIAL (DEPT XX - E. Johnson)

7-24-18 8:30 AM CALENDAR CALL (DEPT XX - E. Johnson)

7-30-18 9:00 AM JURY TRIAL (DEPT XX - E. Johnson)

CLERK'S NOTE: Mr. Pesci notified of the issuance of the no bail superseding indictment warrant by distributing a copy of this minute order via electronic mail. / dr

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 03, 2018

C-17-328587-3 State of Nevada
vs
Davontae Wheeler

May 03, 2018

8:30 AM

All Pending Motions

HEARD BY: Johnson, Eric

COURTROOM: RJC Courtroom 12A

COURT CLERK: Linda Skinner

RECORDER: Angie Calvillo

REPORTER:

PARTIES

PRESENT: Pesci, Giancarlo Attorney
Ruggeroli, James J. Attorney
State of Nevada Plaintiff
Wheeler, Davontae Amarri Defendant

JOURNAL ENTRIES

- INITIAL ARRAIGNMENT (SUPERSEDING INDICTMENT)...STATUS CHECK: HOMICIDE TRIAL

Mr. Ruggeroli appeared for Mr. Sanft for Deft. Robertson. Mr. Pesci advised pursuant to the writ by Mr. Ruggeroli, the Court requested this go back to the Grand Jury. Mr. Pesci stated he did that, thus he has a Superseding Indictment, however, it is exactly the same as the original Indictment.

DEFENDANT LOFTON-ROBINSON ARRAIGNED, PLED NOT GUILTY AND WAIVED THE SIXTY DAY RULE.

DEFENDANT ROBERTSON ARRAIGNED AND PLED NOT GUILTY. However, as Defendant has not spoken with Mr. Sanft, COURT ORDERED, matter CONTINUED to next week for Mr. Sanft to be present.

DEFENDANT WHEELER ARRAIGNED, PLED NOT GUILTY AND WAIVED THE SIXTY DAY RULE. Defendant stated that he wanted to INVOKE his rights. Mr. Pesci advised they have already

been waived. Mr. Ruggeroli explained to Defendant that if he wanted a writ filed, he needed to waive his rights, if he insisted on invoking, he could not file a writ. Following colloquy, Defendant WAIVED his speedy trial rights.

Mr. Pesci advised a trial date has already been set. Mr. Ruggeroli requested 21 days from today to file a writ. Mr. Bindrup concurred. COURT SO ORDERED, as to ALL Defendants.

Mr. Ruggeroli stated that they had expressed a desire to testify before the Grand Jury. Mr. Pesci concurred, advised Mr. Ruggeroli was notified of the date and time, however, Defendant decided not to testify.

COURT ORDERED, status check CONTINUED to June as to all Defendants. Further, COURT ORDERED, ARRAIGNMENT CONTINUED to next week as to Deft Robertson.

CUSTODY (ALL)

5/8/18 8:30 AM ARRAIGNMENT CONTINUED (ROBERTSON)

6/6/18 9:00 AM STATUS CHECK: HOMICIDE TRIAL (ALL)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 31, 2018

C-17-328587-3 State of Nevada
vs
Davontae Wheeler

**May 31, 2018 9:00 AM Petition for Writ of Habeas
Corpus**

HEARD BY: Johnson, Eric

COURTROOM: RJC Courtroom 12A

COURT CLERK: Linda Skinner

RECORDER: Angie Calvillo

REPORTER:

PARTIES

PRESENT:	O'Halloran, Rachel	Attorney
	Ruggeroli, James J.	Attorney
	State of Nevada	Plaintiff
	Wheeler, Davontae Amarri	Defendant

JOURNAL ENTRIES

- Upon Court's inquiry, Mr. Ruggeroli requested a continuance to respond to the State's Opposition. Ms. O'Halloran had no objection. COURT ORDERED, the following:

Mr. Ruggeroli to reply by 6/14 and matter CONTINUED for argument.

CUSTODY

... CONTINUED 6/14/18 9:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 06, 2018

C-17-328587-3 State of Nevada
vs
Davontae Wheeler

June 06, 2018 9:00 AM Status Check

HEARD BY: Johnson, Eric **COURTROOM:** RJC Courtroom 12A

COURT CLERK: Linda Skinner

RECORDER: Angie Calvillo

REPORTER:

PARTIES

PRESENT:	Pesci, Giancarlo	Attorney
	Ruggeroli, James J.	Attorney
	State of Nevada	Plaintiff
	Wheeler, Davontae Amarri	Defendant

JOURNAL ENTRIES

- Mr. Ruggeroli appeared for Mr. Bindrup for Deft Lofton-Robinson; for Mr. Sanft for Deft. Robertson and for Deft. Wheeler.

Court noted that Mr. Ruggeroli's writ is set for 6/14. Mr. Ruggeroli concurred advised he would file his reply by end of day Friday, June 8th and that all counsel have agreed to take today's matter off calendar and continue to 6/14, especially as Mr. Sanft is so new to the case, it will give him an opportunity to tell the Court where he stands as to investigation etc.

Following colloquy, Mr. Ruggeroli advised all Defendants have waived their 60 day rights.

Upon Court's inquiry, Mr. Ruggeroli stated his focus has been on the issues supporting the writ and developing their understanding of the evidence as there was a fifth person present and they are still doing independent investigation. Further, in light of the writ issue and additional investigation, he does not anticipate being ready for trial on 7/30, but is not aware of any specific discovery that they do not have. Mr. Pesci concurred that he is turning over discovery as he gets it and advised that is

what caused the second return to the Grand Jury was the additional discovery that came in. Mr. Pesci advised the firearm testing has been done but does not know the status of the fingerprints or DNA. Mr. Ruggeroli advised he will be in a better position next date as to the trial date. At request of the Court, Mr. Pesci to check on the fingerprint and DNA testing.

COURT ORDERED, matter CONTINUED.

CUSTODY

... CONTINUED 6/14/18 9:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 14, 2018

C-17-328587-3 State of Nevada
vs
Davontae Wheeler

June 14, 2018

9:00 AM

All Pending Motions

HEARD BY: Johnson, Eric

COURTROOM: RJC Courtroom 12A

COURT CLERK: Linda Skinner

RECORDER: Angie Calvillo

REPORTER:

PARTIES

PRESENT:	O'Halloran, Rachel	Attorney
	Ruggeroli, James J.	Attorney
	Scheible, Melanie L.	Attorney
	State of Nevada	Plaintiff
	Wheeler, Davontae Amarri	Defendant

JOURNAL ENTRIES

- STATUS CHECK: HOMICIDE TRIAL...DEFENDANT'S PETITION FOR WRIT OF HABEAS CORPUS

Upon Court's inquiry, Mr. Ruggeroli advised he has a conflict with the current trial date and that there may be grounds for a severance based on Bruton issues. Mr. Ruggeroli feels he could be ready by December, however, Defendant objects to the continuance.

Mr. Bindrup advised he also has a conflict with the trial date, however, can't be ready for trial until January- February.

Mr. Sanft advised he would have been ready for trial, however, understands that the Defendants need to stay together and the reasons for the continuance.

Following colloquy, COURT ORDERED, trial date VACATED and RESET with a status check being

set in August as to all Defendants.

MATTER RECALLED: Ms. O'Halloran now present. Arguments by Mr. Ruggeroli and Ms. O'Halloran in support of their respective positions. Following, COURT ORDERED, most issues are DENIED, however, counsel can supplement the issue of Marcel Soloman's statement not being presented to the Grand Jury with the following schedule:

State to reply by 6/28;

Mr. Ruggeorli to respond by 7/5 and matter CONTINUED for argument.

CUSTODY

8/15/18 9:00 AM DEFENDANT'S PETITION FOR WRIT OF HABEAS CORPUS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****August 02, 2018**

C-17-328587-3 State of Nevada
vs
Davontae Wheeler

**August 02, 2018 8:30 AM Petition for Writ of Habeas
Corpus**

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

PRESENT:	Pesci, Giancarlo	Attorney
	Ruggeroli, James J.	Attorney
	State of Nevada	Plaintiff
	Wheeler, Davontae Amarri	Defendant

JOURNAL ENTRIES

- Deft. present in custody. Mr. Ruggeroli advised defense has no objection to this Court taking over the homicide cases from Department 20, further noting Judge Johnson may have been in the middle of ruling on this issue, and this is not contained in the minutes of the case. Additionally, there was no transcript available, the first writ involved on the gun and what Deft. was wearing and not being in the crime, Judge Johnson had issued a ruling ordering the State to go back and present additional evidence before the Grand Jury, findings were made as to insufficient evidence, defense came in on this case, with knowledge of an independent witness, Deft. had made statements regarding four individuals, there were four people in the video, a jogger had observed four people, Deft. said there was a fifth individual, and defense believes the statements made by Deft. are important. Court stated that witness was equivocal, the Court read the statement, the Court is not sure whether it is exculpatory, and the statement seems helpful to defense. Mr. Ruggeroli advised Judge Johnson was halfway on issuing a ruling, defense does not have a transcript, and the ruling is not in the minutes. Court asked defense counsel whether he wanted to make inquiry to Department 20 today about this; and stated there is no legal basis for this Court to send the case back to Department 20, and Judge

Johnson would have had the right to retain this case, or issue a ruling and give the case to this Court, however, he did not. Mr. Pesci argued there is nothing by Court stating Department 20 was retaining the case on this issue, the murder cases are gone from Department 20, the murder cases were taken away from Department 20, Judge Johnson is done and has no jurisdiction on this case, and State would object to this Court sending this case back to Department 20. Discussions. Court stated it does not appear Judge Johnson hung on to this case. Mr. Ruggeroli submitted to the Court's discretion; and added defense is ready to proceed forward with the Petition.

Court noted the State made arguments regarding timeliness on filing of Petition, and the Court will allow defense to be heard on the issue. Mr. Ruggeroli addressed the timeliness issue; and argued as to 21 day rule, review of Preliminary Hearing transcript, there being voluminous discovery, one of the statements not having been available until later, and State's arguments as to timeliness being moot. Mr. Ruggeroli added defense is on good footing to go forward on grounds to move to dismiss. COURT ORDERED, it will allow defense to be heard on the Petition and substantive issue. Mr. Ruggeroli argued in support of Petition; and further argued as to video surveillance, the charges, the video surveillance not showing who was in the car, there being exculpatory evidence, there having been five people in the convenience store, testimony from the jogger, weight of evidence, Babayan case law, and the evidence not having to be dispositive. Mr. Pesci opposed the Petition; and argued as to alleged phone call, claim having been made about there having been four people getting out of the car, there being four people in the store, Indigo case law, cited in State's supplemental response, and the evidence not being exculpatory. Further arguments by Mr. Ruggeroli as to case law not being applicable.

COURT ORDERED, Petition DENIED. State to prepare order.

CUSTODY

9/05/18 8:30 A.M. STATUS CHECK: HOMICIDE TRIAL

2/05/19 8:30 A.M. CALENDAR CALL

2/12/19 10:30 A.M. TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 05, 2018

C-17-328587-3 State of Nevada
vs
Davontae Wheeler

September 05, 2018 8:30 AM Status Check

HEARD BY: Leavitt, Michelle

COURTROOM: RJC Courtroom 14D

COURT CLERK: Susan Botzenhart

RECORDER: Jessica Kirkpatrick

REPORTER:

PARTIES

PRESENT:	Pesci, Giancarlo	Attorney
	Ruggeroli, James J.	Attorney
	State of Nevada	Plaintiff
	Wheeler, Davontae Amarri	Defendant

JOURNAL ENTRIES

- Mr. Ruggeroli not present. Court TRAILED and RECALLED matter. Mr. Ruggeroli now present; and informed the Court bail setting on this case should reflect for \$250,000.00, the case shows no bail, and defense would request the bail setting be re-issued. Mr. Pesci confirmed there was a Motion for own recognizance release denied by Judge Eric Johnson on March 22, 2018, and the bail setting is still accurate. COURT ORDERED, bail SET at \$250,000.00 with House Arrest through CCDC as a condition, upon bail being posted. Mr. Ruggeroli stated he needs to meet with the investigator, and he also needs the video recording from discovery. Discussions as to file review needing to be done, and trial date. COURT ORDERED, matter SET for another status check, trial date STANDS.

CUSTODY

12/05/18 8:30 A.M. STATUS CHECK: TRIAL READINESS

2/05/19 8:30 A.M. CALENDAR CALL

2/12/19 10:30 A.M. TRIAL BY JURY

CLERK'S NOTE: Minutes amended to include the House Arrest condition. 9/24/18 /// sb

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 05, 2018

C-17-328587-3 State of Nevada
vs
Davontae Wheeler

**December 05, 2018 8:30 AM Status Check: Trial
Readiness**

HEARD BY: Leavitt, Michelle

COURTROOM: RJC Courtroom 14D

COURT CLERK: Susan Botzenhart

RECORDER: Kristine Santi

REPORTER:

PARTIES

PRESENT:	Pesci, Giancarlo	Attorney
	Ruggeroli, James J.	Attorney
	State of Nevada	Plaintiff
	Wheeler, Davontae Amarri	Defendant

JOURNAL ENTRIES

- Mr. Ruggeroli informed the Court there was a bit of a delay to go do a file review due to scheduling, as there are three attorneys on the case, however, defense completed the file review, and just received large amount of documents and discovery, defense would request a status check be set in two weeks to review the documents, and he may be filing a motion. State made no objection. COURT ORDERED, matter SET for status check. Mr. Pesci noted the other Co-Deft. on this case is still at Lakes Crossing.

CUSTODY

12/19/18 8:30 A.M. STATUS CHECK: DISCOVERY / TRIAL READINESS

2/05/19 8:30 A.M. CALENDAR CALL

2/12/19 10:30 A.M. TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 19, 2018

C-17-328587-3 State of Nevada
vs
Davontae Wheeler

December 19, 2018 8:30 AM Status Check: Discovery

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

COURT CLERK: Susan Botzenhart

RECORDER: Kristine Santi

REPORTER:

PARTIES

PRESENT:	Fleck, Michelle	Attorney
	Ruggeroli, James J.	Attorney
	Sanft, Michael W.	Attorney
	State of Nevada	Plaintiff
	Wheeler, Davontae Amarri	Defendant

JOURNAL ENTRIES

- Mr. Ruggeroli not present. Mr. Sanft is present on behalf of Co-Def. Raekwon Robertson from Case C328587-2.

Def. stated his lawyer had said he was coming.

Mr. Sanft stated he saw a copy of the Motion to sever filed by Mr. Ruggeroli, and there is no objection, however, the defense for Mr. Robertson is requesting to keep the trial date, further noting defense for Mr. Robertson will be ready to go, there is an investigator on the case, and he received discovery. Upon Court's inquiry, Ms. Fleck noted this case is assigned to Mr. Pesci, she is not sure about whether there is an offer, and Mr. Pesci had indicated Mr. Ruggeroli filed the two motions. Mr. Sanft noted that is part of the issue with the trial date. **COURT ORDERED, CASE CONTINUED** for the Court to address Def's Motion to Sever and Motion to continue trial.

CASE RECALLED. Mr. Sanft not present. Mr. Ruggeroli is now present; and informed the Court he

had filed a Motion to Sever and Motion to continue trial, and provided copies of the motions to all parties, further noting one of the motions was scheduled outside of the trial date, Mr. Pesci had provided large volumes of materials, and there were documents that included witnesses defense was not aware of. SO NOTED. Court advised Mr. Ruggeroli that Mr. Sanft wants to keep the current trial date for his client. COURT ORDERED, CASE CONTINUED.

CUSTODY

1/02/19 8:30 A.M. DEFT'S MOTION TO CONTINUE TRIAL...DEFT'S MOTION TO SEVER

2/05/19 8:30 A.M. CALENDAR CALL

2/12/19 10:30 A.M. TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 24, 2018

C-17-328587-3 State of Nevada
 vs
 Davontae Wheeler

December 24, 2018 3:00 AM Minute Order

HEARD BY: Leavitt, Michelle

COURTROOM: RJC Courtroom 14D

COURT CLERK: Susan Botzenhart

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Minute Order Re: Order to Seal Motion To Sever

The Court, having reviewed the Motion to Sever (filed on December 14, 2018) hereby ORDERS the document SEALED.

NRS 239B.030 states that a person shall not include and a governmental agency shall not require a person to include any personal information about a person on any document that is recorded, filed or otherwise submitted to the governmental agency on or after January 1, 2007. Here, the document contains personal identifying information that is not redacted.

Accordingly, the Court ORDERS that the Motion to Sever is SEALED.

CLERK'S NOTE: A copy of the above minute order has been forwarded to the District Court Records Supervisor, for purposes of sealing the Motion to Sever filed by Defendant. And a copy of the above minute order was forwarded to Chief Deputy District Attorney Giancarlo Pesci, Esq., and to James Ruggeroli, Esq., counsel for Defendant. /// sb

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****January 02, 2019**

C-17-328587-3 State of Nevada
vs
Davontae Wheeler

January 02, 2019 8:30 AM All Pending Motions

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

PRESENT:	Pesci, Giancarlo	Attorney
	Ruggeroli, James J.	Attorney
	Sanft, Michael W.	Attorney
	State of Nevada	Plaintiff
	Wheeler, Davontae Amarri	Defendant

JOURNAL ENTRIES

- DEFT'S MOTION TO CONTINUE TRIAL...DEFENDANT'S MOTION TO SEVER DEFENDANTS

Michael Sanft, Esq., is present for Co-Defendant Raekwon Setrey Robertson.

Mr. Ruggeroli expressed concerns going forward with trial with Co-Defendant Robertson, further noting defense for Mr. Wheeler has valid arguments for a severance, the merits and matters with Co-Defendants are different, and the State did not file an opposition. Mr. Pesci apologized to the Court; and noted the State had thought they had until later to file a response to the motion to sever, the State has no opposition to Co-Defendant Wheeler's Motion to continue trial, as long as it is as to all three Defendants in this case, and the State will file a response to the motion to sever, further noting the State has been preparing for another trial set before this Court for next week. Mr. Sanft noted his client wants to go forward with the current trial date, and defense is ready. Mr. Pesci noted Co-Defendant had waived previously, the other Co-Defendant is in Competency Court, and State believes all of the Co-Defendants need to be together. COURT ORDERED, Deft's Motion to

Continue Trial GRANTED; trial date VACATED AND RESET in this matter; status check hearing ALSO SET. Mr. Ruggeroli noted the State filed an additional count as to his client, and defense would request to supplement the Motion to sever, to add an additional ground to the severance, as he believes what the State filed in the count gives more reason for the case to be severed. Court stated it does not have a problem, and defense can supplement. COURT FURTHER ORDERED, Deft's Motion to Sever Defendants CONTINUED.

CUSTODY

1/16/19 8:30 A.M. DEFENDANT'S MOTION TO SEVER DEFENDANTS

4/17/19 8:30 A.M. STATUS CHECK: TRIAL READINESS

6/18/19 8:30 A.M. CALENDAR CALL

6/25/19 10:30 A.M. TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 16, 2019

C-17-328587-3 State of Nevada
vs
Davontae Wheeler

January 16, 2019 8:30 AM Motion to Sever

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

COURT CLERK: Haly Pannullo

RECORDER: Kristine Santi

REPORTER:

PARTIES

PRESENT:	O'Halloran, Rachel	Attorney
	Pesci, Giancarlo	Attorney
	Ruggeroli, James J.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Following arguments by counsel regarding the Motion to Sever, COURT ORDERED, Motion DENIED.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 05, 2019

C-17-328587-3 State of Nevada
 vs
 Davontae Wheeler

March 05, 2019	8:30 AM	Motion	Defendant's Motion to Stay Proceedings and Motion for Written Order Denying Defendant's Motion to Sever
-----------------------	----------------	---------------	--

HEARD BY: Leavitt, Michelle

COURTROOM: RJC Courtroom 14D

COURT CLERK: Haly Pannullo

RECORDER: Kristine Santi

REPORTER:

PARTIES

PRESENT:	Pesci, Giancarlo	Attorney
	Ruggeroli, James J.	Attorney
	State of Nevada	Plaintiff
	Wheeler, Davontae Amarri	Defendant

JOURNAL ENTRIES

- Following the representations of Mr. Ruggeroli, COURT ORDERED, Stay DENIED; State is to prepare the Order denying the Motion to Sever.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 17, 2019

C-17-328587-3 State of Nevada
vs
Davontae Wheeler

**April 17, 2019 8:30 AM Status Check: Trial
Readiness**

HEARD BY: Leavitt, Michelle

COURTROOM: RJC Courtroom 14D

COURT CLERK: Haly Pannullo

RECORDER: Kristine Santi

REPORTER:

PARTIES

PRESENT:	Pesci, Giancarlo	Attorney
	Ruggeroli, James J.	Attorney
	State of Nevada	Plaintiff
	Wheeler, Davontae Amarri	Defendant

JOURNAL ENTRIES

- Scott Bindrup, Esq., present on behalf of Co-Defendant, Demario Lofton-Robinson. Co-Defendant, Raekwon Robertson, also present.

Mr. Ruggeroli stated they are doing their best to be ready for trial; however, there are still issues with discovery. Further, Mr. Ruggeroli noted the Motion to Sever is in front of the Appellate Court right now. Mr. Bindrup stated he will not be ready for trial in two months requested his client be set with this case for the next Status Check. COURT SO ORDERED.

CUSTODY

CONTINUED TO: 05/15/19 8:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 15, 2019

C-17-328587-3 State of Nevada
vs
Davontae Wheeler

**May 15, 2019 8:30 AM Status Check: Trial
Readiness**

HEARD BY: Leavitt, Michelle

COURTROOM: RJC Courtroom 14D

COURT CLERK: Haly Pannullo

RECORDER: Kristine Santi

REPORTER:

PARTIES

PRESENT:	Pesci, Giancarlo	Attorney
	Ruggeroli, James J.	Attorney
	State of Nevada	Plaintiff
	Wheeler, Davontae Amarri	Defendant

JOURNAL ENTRIES

- Scott Bindrup, Esq., present on behalf of Co-Defendant, Lofton-Robinson. Michael Sanft, Esq., present on behalf of Co-Defendant , Robertson.

Mr. Bindrup advised his client was in Lakes Crossing and requested this matter be reset as more time is needed. Mr. Ruggeroli advised his client is aware of that and there is also the issue of their Motion for Severance still being with the Appellate Court. Mr. Sanft announced ready and requested the earliest setting. State submitted. Colloquy regarding trial dates. COURT ORDERED, trial dates VACATED and RESET; matter SET for Status Check regarding trial readiness. Mr. Pesci noted Defendant, Raekwon Robertson wrote the State a letter and has provided copies to the Defense. All counsel confirmed it was received.

08/21/19 8:30 AM STATUS CHECK: TRIAL READINESS

11/05/19 8:30 AM CALENDAR CALL

11/19/19 10:30 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 21, 2019

C-17-328587-3 State of Nevada
vs
Davontae Wheeler

**August 21, 2019 8:30 AM Status Check: Trial
Readiness**

HEARD BY: Leavitt, Michelle

COURTROOM: RJC Courtroom 14D

COURT CLERK: Haly Pannullo

RECORDER: Kristine Santi

REPORTER:

PARTIES

PRESENT:	Pesci, Giancarlo	Attorney
	Ruggeroli, James J.	Attorney
	State of Nevada	Plaintiff
	Wheeler, Davontae Amarri	Defendant

JOURNAL ENTRIES

- Scott Bindrup, Esq., present on behalf of Co-Defendant, Lofton-Robinson. Michael Sanft, Esq., present on behalf of Co-Defendant, Wheeler.

Upon Court's inquiry, Mr. Bindrup announced ready for trial; however, requested the Court move the trial up one week with there being no objection by the parties. Court inquired as to trial readiness. Mr. Sanft confirmed all parties are ready to go forward with trial. COURT ORDERED, trial date VACATED and RESET.

CUSTODY

11/05/19 8:30 AM CALENDAR CALL

11/12/19 10:30 AM JURY TRIAL

CLERK'S NOTE: Due to Court's Schedule, COURT ORDERED, trial date RESCHEDULED one week.
Minute Order amended to reflect so. Parties notified via email. hvp/10/07/19

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 05, 2019

C-17-328587-3 State of Nevada
vs
Davontae Wheeler

November 05, 2019 8:30 AM Calendar Call

HEARD BY: Leavitt, Michelle

COURTROOM: RJC Courtroom 14D

COURT CLERK: Haly Pannullo

RECORDER: Kristine Santi

REPORTER:

PARTIES

PRESENT:	Pesci, Giancarlo	Attorney
	Ruggeroli, James J.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Michael Sanft, Esq., present on behalf of Co-Defendant, Robertson. Scott Bindrup, Esq., also present on behalf of Co-Defendant Lofton-Robinson.

Defendant not present. CONFERENCE AT BENCH. COURT ORDERED, trial dates VACATED and RESET; matter SET for Status Check regarding trial readiness. Mr. Sanft and Mr. Ruggeroli announced ready for trial. Mr. Sanft made record that they have been announcing ready since the beginning of this case. Colloquy regarding trial dates. COURT FURTHER ORDERED, Defendant, Lofton-Robinson REFERRED and SET for Competency.

CUSTODY

12/18/19 8:30 AM STATUS CHECK: TRIAL READINESS

12/06/19 10:00 AM FURTHER PROCEEDINGS: COMPETENCY (DEPT 7) (LOFTON-ROBINSON)

02/04/20 8:30 AM CALENDAR CALL

02/10/20 10:30 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 18, 2019

C-17-328587-3 State of Nevada
vs
Davontae Wheeler

**December 18, 2019 8:30 AM Status Check: Trial
Readiness**

HEARD BY: Leavitt, Michelle

COURTROOM: RJC Courtroom 14D

COURT CLERK: Haly Pannullo

RECORDER: Kristine Santi

REPORTER:

PARTIES

PRESENT: Pesci, Giancarlo Attorney
State of Nevada Plaintiff
Wheeler, Davontae Amarri Defendant

JOURNAL ENTRIES

- Michael Sanft, Esq., also present on behalf Defendant Robertson and James Ruggeroli, Esq., for Defendant, Wheeler.

Defendant Wheeler stated he would rather have his attorney present. Mr. Pesci advised Mr. Ruggeroli is stuck in Justice Court and has indicated the Defense is on track for trial. Further, Mr. Pesci noted the Co-Defendant was to Lakes a week ago. Mr. Sanft announced ready for trial. COURT ORDERED, matter CONTINUED. Court stated Defendant Wheeler will be recalled is Mr. Ruggeroli appears.

CUSTODY

CONTINUED TO: 01/15/20 8:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 31, 2019

C-17-328587-3 State of Nevada
vs
Davontae Wheeler

December 31, 2019 8:30 AM All Pending Motions

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

COURT CLERK: Haly Pannullo

RECORDER: Kristine Santi

REPORTER:

PARTIES

PRESENT: Pesci, Giancarlo Attorney
State of Nevada Plaintiff
Wheeler, Davontae Amarri Defendant

JOURNAL ENTRIES

- DEFENDANT'S MOTION TO SUPPRESS, OR, IN THE ALTERNATIVE, MOTION FOR JACKSON
V. DENNO HEARING
COURT ORDERED, matter CONTINUED for Mr. Ruggeroli's appearance.

DEFENDANT'S MOTION IN LIMINE TO PRECLUDE JAIL PHONE CALLS
COURT ORDERED, matter CONTINUED for Mr. Ruggeroli's appearance.

DEFENDANT'S MOTION TO DISCLOSE INFORMANTS
COURT ORDERED, matter CONTINUED for Mr. Ruggeroli's appearance.

DEFENDANT'S MOTION TO SEVER COUNTS
COURT ORDERED, matter CONTINUED for Mr. Ruggeroli's appearance.

DEFENDANT'S MOTION TO COMPEL PRODUCTION OF DISCOVERY & BRADY MATERIAL
COURT ORDERED, matter CONTINUED for Mr. Ruggeroli's appearance.

DEFENDANT'S MOTION TO COMPEL PRODUCTION OF INDUCEMENT INDEX
COURT ORDERED, matter CONTINUED for Mr. Ruggeroli's appearance.

CUSTODY

CONTINUED TO: 01/15/20 8:30 AM

CLERK'S NOTE: The above minute order has been distributed to:
ruggeroli@icloud.com hvp/1/2/20

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 15, 2020

C-17-328587-3 State of Nevada
 vs
 Davontae Wheeler

January 15, 2020 8:30 AM All Pending Motions

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

COURT CLERK: Haly Pannullo

RECORDER: Kristine Santi

REPORTER:

PARTIES

PRESENT: Pesci, Giancarlo Attorney
 Ruggeroli, James J. Attorney
 State of Nevada Plaintiff
 Wheeler, Davontae Amarri Defendant

JOURNAL ENTRIES

- DEFENDANT'S MOTION TO SUPPRESS, OR, IN THE ALTERNATIVE, MOTION FOR JACKSON V. DENNO HEARING

COURT ORDERED, Motion GRANTED; matter SET for Hearing.

DEFENDANT'S MOTION IN LIMINE TO PRECLUDE JAIL PHONE CALLS

COURT ORDERED, Motion DENIED; any objections can be made at the time of trial.

DEFENDANT'S MOTION TO DISCLOSE INFORMANTS

State confirmed the Defense has already been informed. COURT ORDERED, if the State has that information, then the State needs to provide that information.

DEFENDANT'S MOTION TO SEVER COUNTS

There being no objection by the State, COURT ORDERED, Motion GRANTED; COUNTS 5 through 7 are to be tried first.

DEFENDANT'S MOTION TO COMPEL PRODUCTION OF DISCOVERY & BRADY MATERIAL
Mr. Ruggeroli stated he believes everything has been provided. COURT SO NOTED.

DEFENDANT'S MOTION TO COMPEL PRODUCTION OF INDUCEMENT INDEX
Mr. Ruggeroli stated he believes everything has been provided. COURT SO NOTED.

STATUS CHECK: TRIAL READINESS

Parties announced ready for trial. COURT SO NOTED. COURT FURTHER ORDERED, Mr. Ruggeroli is to prepare the Order.

02/10/20 10:30 AM JACKSON V DENNO HEARING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 04, 2020

C-17-328587-3 State of Nevada
vs
Davontae Wheeler

February 04, 2020 8:30 AM All Pending Motions

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

COURT CLERK: Haly Pannullo
Carolyn Jackson

RECORDER: Sara Richardson

REPORTER:

PARTIES

PRESENT:	Pesci, Giancarlo	Attorney
	Ruggeroli, James J.	Attorney
	State of Nevada	Plaintiff
	Wheeler, Davontae Amarri	Defendant

JOURNAL ENTRIES

- STATE'S NOTICE OF MOTION AND MOTION TO PRESENT WITNESS NOREEN CHARLTON THROUGH AUDIOVISUAL TRANSMISSION ... CALENDAR CALL

Upon Court's inquiry, counsel announced ready and Mr. Pesci anticipated 25 to 30 witnesses.

CUSTODY

02/11/20 10:30 AM JACKSON V. DENNO HEARING

02/11/20 10:30 AM JURY TRIAL

CLERK'S NOTE: Subsequent to hearing and upon representations to the Court during Co-Defendant's matter (C328587-2), State's Motion to Present Witness Noreen Charlton Through Audiovisual Transmission GRANTED; Jury Trial and Jackson Denno hearing CONTINUED as noted

above. A copy of this minute order was emailed to James J. Ruggeroli at ruggeroli@icloud.com. cj
02/05/20

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 11, 2020

C-17-328587-3 State of Nevada
vs
Davontae Wheeler

February 11, 2020 10:30 AM Jackson v Denno Hearing

HEARD BY: Leavitt, Michelle

COURTROOM: RJC Courtroom 14D

COURT CLERK: Haly Pannullo

RECORDER: Sara Richardson

REPORTER:

PARTIES

PRESENT:	Brooks, Parker	Attorney
	Pesci, Giancarlo	Attorney
	Ruggeroli, James J.	Attorney
	State of Nevada	Plaintiff
	Wheeler, Davontae Amarri	Defendant

JOURNAL ENTRIES

- Parties invoked the exclusionary rule. COURT SO ORDERED.

Ryan Jaeger SWORN and TESTIFIED. State submitted. Mr. Ruggeroli argued in support of the Defendant's Motion to Suppress. COURT FINDS the Defendant's statement was made freely and voluntarily and ORDERED, Motion DENIED; Defense can continue to argue this matter in front of the Jury Panel.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 11, 2020

C-17-328587-3 State of Nevada
vs
Davontae Wheeler

February 11, 2020 10:30 AM Jury Trial

HEARD BY: Leavitt, Michelle

COURTROOM: RJC Courtroom 14D

COURT CLERK: Haly Pannullo

RECORDER: Sara Richardson

REPORTER:

PARTIES

PRESENT:	Brooks, Parker	Attorney
	Pesci, Giancarlo	Attorney
	Ruggeroli, James J.	Attorney
	State of Nevada	Plaintiff
	Wheeler, Davontae Amarri	Defendant

JOURNAL ENTRIES

- Michael Sanft, Esq., present on behalf of Co-Defendant.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURORS:

Amended Indictment FILED IN OPEN COURT.

Mr. Pesci requested a Transcript be produced as to the Entry of Plea. COURT SO ORDERED. Mr. Pesci stated the Stipulation and Order for Waiver of Penalty is being provided to the Defense. Mr. Sanft stated his client is going to waive penalty hearing. Mr. Ruggeroli stated his client is not inclined to waive; however, needs more time. COURT SO NOTED.

Mr. Sanft and Mr. Ruggeroli advised the Defendants have signed the Stipulation and Order. Court canvassed the Defendants as to waiving penalty hearing and the three possible options for first degree murder. Defendants confirmed their understanding.

PROSPECTIVE JURORS PRESENT:

Voir Dire.

COURT ORDERED, trial CONTINUED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 12, 2020

C-17-328587-3 State of Nevada
vs
Davontae Wheeler

February 12, 2020 8:30 AM Jury Trial

HEARD BY: Leavitt, Michelle

COURTROOM: RJC Courtroom 14D

COURT CLERK: Haly Pannullo

RECORDER: Sara Richardson

REPORTER:

PARTIES

PRESENT:	Brooks, Parker	Attorney
	Pesci, Giancarlo	Attorney
	Ruggeroli, James J.	Attorney
	State of Nevada	Plaintiff
	Wheeler, Davontae Amarri	Defendant

JOURNAL ENTRIES

- Michael Sanft, Esq., present on behalf of Co-Defendant.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURORS:

Mr. Ruggeroli moved to strike the panel and made record of Batson Challenge. Matter argued by counsel. Mr. Ruggeroli requested an Evidentiary Hearing. COURT SO ORDERED. Court made record of calculations. Stated objected to Evidentiary Hearing. Mariah Witt SWORN and TESTIFIED. COURT ORDERED, Motion to Strike Jury Venire DENIED.

PROSPECTIVE JURORS PRESENT:

Voir Dire.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURORS:

Mr. Sanft requested the Court consider challenge under Batson. Arguments by counsel. Mr. Ruggeroli joined Mr. Sanft's requested. COURT ORDERED, request DENIED and made the determination that there is no showing made as to the first step of analysis.

JURY PRESENT:

Jury selected.

COURT ORDERED, trial CONTINUED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 13, 2020

C-17-328587-3 State of Nevada
vs
Davontae Wheeler

February 13, 2020 10:30 AM Jury Trial

HEARD BY: Leavitt, Michelle

COURTROOM: RJC Courtroom 14D

COURT CLERK: Haly Pannullo

RECORDER: Sara Richardson

REPORTER:

PARTIES

PRESENT:	Brooks, Parker	Attorney
	Pesci, Giancarlo	Attorney
	Ruggeroli, James J.	Attorney
	State of Nevada	Plaintiff
	Wheeler, Davontae Amarri	Defendant

JOURNAL ENTRIES

- Michael Sanft, Esq., present on behalf of Co-Defendant.

JURY PRESENT:

Jury Sworn.

Clerk read the Amended Superseding Indictment to the jury and stated the defendant s plea thereto.

Opening statements by counsel.

Testimony and exhibits presented. (See worksheets)

COURT ORDERED, Trial CONTINUED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 14, 2020

C-17-328587-3 State of Nevada
vs
Davontae Wheeler

February 14, 2020 8:30 AM Jury Trial

HEARD BY: Leavitt, Michelle

COURTROOM: RJC Courtroom 14D

COURT CLERK: Haly Pannullo

RECORDER: Sara Richardson

REPORTER:

PARTIES

PRESENT:	Brooks, Parker	Attorney
	Pesci, Giancarlo	Attorney
	Ruggeroli, James J.	Attorney
	State of Nevada	Plaintiff
	Wheeler, Davontae Amarri	Defendant

JOURNAL ENTRIES

- Michael Sanft, Esq., present on behalf of Co-Defendant.

OUTSIDE THE PRESENCE OF THE JURY:

Following arguments by counsel regarding the redacted Guilty Plea Agreement, COURT CANVASSED Defendant Robertson and Defendant Wheeler as to waiving the redaction of the Guilty Plea Agreement as to Defendant Robinson. Defendants so agreed.

JURY PRESENT:

Testimony and exhibits presented. (See worksheets)

Mr. Ruggeroli and Mr. Sanft INVOKED the exclusionary rule. COURT SO ORDERED.

Testimony and exhibits presented. (See worksheets)

COURT ORDERED, trial CONTINUED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 18, 2020

C-17-328587-3 State of Nevada
vs
Davontae Wheeler

February 18, 2020 1:00 PM Jury Trial

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

COURT CLERK: Haly Pannullo

RECORDER: Sara Richardson

REPORTER:

PARTIES

PRESENT:	Brooks, Parker	Attorney
	Pesci, Giancarlo	Attorney
	Ruggeroli, James J.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Michael Sanft, Esq., present on behalf of Co-Defendant.

JURY PRESENT:

Testimony and exhibits presented. (See worksheets)

OUTSIDE THE PRESENCE OF THE JURY:

Defendants advised of their right not to testify.

COURT ORDERED, trial CONTINUED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 19, 2020

C-17-328587-3 State of Nevada
vs
Davontae Wheeler

February 19, 2020 10:30 AM Jury Trial

HEARD BY: Leavitt, Michelle

COURTROOM: RJC Courtroom 14D

COURT CLERK: Haly Pannullo

RECORDER: Sara Richardson

REPORTER:

PARTIES

PRESENT:	Brooks, Parker	Attorney
	Pesci, Giancarlo	Attorney
	Ruggeroli, James J.	Attorney
	State of Nevada	Plaintiff
	Wheeler, Davontae Amarri	Defendant

JOURNAL ENTRIES

- Michael Sanft, Esq., present on behalf of Co-Defendant.

JURY PRESENT:

Testimony and exhibits presented. (See worksheets)

OUTSIDE THE PRESENCE OF THE JURY:

Defendant advised of his right not to testify.

Instructions settled.

JURY PRESENT:

Court instructed the jury.

Closing arguments.

At the hour of 6:13 PM, the jury retired to deliberate

OUTSIDE THE PRESENCE OF THE JURY:

Mr. Ruggeroli noted his objection to the State's rebuttal closing arguments.

COURT ORDERED, trial CONTINUED.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 20, 2020

C-17-328587-3 State of Nevada
 vs
 Davontae Wheeler

February 20, 2020 9:00 AM Jury Trial

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

COURT CLERK: Haly Pannullo

RECORDER: Sara Richardson

REPORTER:

PARTIES

PRESENT:	Brooks, Parker	Attorney
	Pesci, Giancarlo	Attorney
	Ruggeroli, James J.	Attorney
	State of Nevada	Plaintiff
	Wheeler, Davontae Amarri	Defendant

JOURNAL ENTRIES

- Michael Sanft, Esq., present on behalf of Co-Defendant.

Jury returned to deliberate at the hour of 9:00 AM.

COURT ORDERED, trial CONTINUED.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 24, 2020

C-17-328587-3 State of Nevada
vs
Davontae Wheeler

February 24, 2020 9:00 AM Jury Trial

HEARD BY: Leavitt, Michelle

COURTROOM: RJC Courtroom 14D

COURT CLERK: Haly Pannullo

RECORDER: Sara Richardson

REPORTER:

PARTIES

PRESENT:	Brooks, Parker	Attorney
	Pesci, Giancarlo	Attorney
	Ruggeroli, James J.	Attorney
	State of Nevada	Plaintiff
	Wheeler, Davontae Amarri	Defendant

JOURNAL ENTRIES

- Jury returned to deliberate at the hour of 9:00 AM.

JURY PRESENT:

At the hour of 2:11 PM, the jury returned with a verdict of GUILTY of COUNT I - CONSPIRACY TO COMMIT ROBBERY, COUNT III - SECOND DEGREE MURDER and NOT GUILTY of COUNT II. Jury polled.

Court thanked and excused the jury .

OUTSIDE THE PRESENCE OF THE JURY:

State requested the Defendants be remanded without bail. Mr. Ruggeroli and Mr. Sanft submitted. COURT ORDERED, Defendants REMANDED WITHOUT BAIL pending Sentencing. Further, Mr.

Ruggeroli requested bail be set pending Sentencing. State opposed Mr. Ruggeroli's request and argued. COURT FURTHER ORDERED, Defendants REMANDED WITHOUT BAIL; matter referred to the Division of Parole and Probation (P & P) and SET for sentencing.

CUSTODY

04/15/20 8:30 AM SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 05, 2020

C-17-328587-3 State of Nevada
vs
Davontae Wheeler

June 05, 2020 12:00 AM Sentencing

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

COURT CLERK: Haly Pannullo

RECORDER: Sara Richardson

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Defendant not present. All other parties present by video. Due to unexpected circumstances, COURT ORDERED, all 06/05/20 hearing CONTINUED.

CONTINUED TO: 06/26/20 12:00 PM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 11, 2020**

C-17-328587-3 State of Nevada
vs
Davontae Wheeler

June 11, 2020 12:00 AM Sentencing

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

COURT CLERK: Haly Pannullo

RECORDER: Sara Richardson

REPORTER:

PARTIES

PRESENT:	Brooks, Parker	Attorney
	Pesci, Giancarlo	Attorney
	Ruggeroli, James J.	Attorney
	State of Nevada	Plaintiff
	Wheeler, Davontae Amarri	Defendant

JOURNAL ENTRIES

- DEFT WHEELER ADJUDGED GUILTY of COUNT 1 CONSPIRACY TO COMMIT ROBBERY (F) and COUNT 3 MURDER WITH USE OF A DEADLY WEAPON (F). Arguments by counsel. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, \$8,729.53 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:

as to COUNT 1 to a MAXIMUM of SEVENTY-TWO (72) MONTHS with a MINIMUM parole eligibility of TWENTY-FOUR (24) MONTHS

and as to COUNT 3 to LIFE with a MINIMUM parole eligibility of TEN (10) YEARS, CONSECUTIVE to COUNT 1, for an AGGREGATE SENTENCE of a MINIMUM PAROLE ELIGIBILITY after ONE HUNDRED FORTY-FOUR (144) MONTHS and a MAXIMUM of LIFE with ONE THOUSAND THIRTY-TWO (1,032) DAYS credit for time served. COURT FURTHER ORDERED, COUNT 2 DISMISSED pursuant to the Verdict.

Mr. Ruggeroli moved to withdraw. COURT SO ORDERED.

NDC

GRAND JURY INDICTMENTS RETURNED IN OPEN COURT DECEMBER 14, 2017
(From Grand Jury sessions held on November 29 & December 13, 2017)

JUDGE ELIZABETH GONZALEZ
FOREPERSON HOWARD BASCH

CHIEF DEPUTY DISTRICT ATTORNEY GIANCARLO PESCI (007135)
CHIEF DEPUTY DISTRICT ATTORNEY J. TIMOTHY FATTIG (006639)
CHIEF DEPUTY DISTRICT ATTORNEY CHRISTOPHER HAMNER (011390)
CHIEF DEPUTY DISTRICT ATTORNEY PETER THUNELL (010779)
CHIEF DEPUTY DISTRICT ATTORNEY NICOLE CANNIZZARO (011930)

CASE NO. C-17-328587-1, -2, -2
DEPT. NO. III
CDDA GIANCARLO PESCI (MVU)

Defendant(s): DEMARIO LOFTON-ROBINSON, aka, Demario Loftonrobinson, #5318925
RAEKWON SETREY ROBERTSON, aka, Raekwon Robertson, #8252804
DAVONTAE AMARRI WHEELER, #5909081

Case No(s): 17BGJ017A-C (RANDOMLY TRACKS TO DC III)

Charge(s): *As to Deft Lofton-Robinson:*
(1) CT - CONSPIRACY TO COMMIT ROBBERY (Category B Felony - NRS 200.380, 199.480 - NOC 50147);
(1) CT - ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.380, 193.330, 193.165 - NOC 50145) and
(1) CT - MURDER WITH USE OF A DEADLY WEAPON (Category A Felony - NRS 200.010, 200.030, 193.165 - NOC 50001)

As to Deft Robertson:
(1) CT - BURGLARY WHILE IN POSSESSION OF A FIREARM (Category B Felony - NRS 205.060 - NOC 50426);
(2) CTS - CONSPIRACY TO COMMIT ROBBERY (Category B Felony - NRS 200.380, 199.480 - NOC 50147);
(2) CTS - ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.380, 193.165 - NOC 50138);
(1) CT - ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.380, 193.330, 193.165 - NOC 50145) and
(1) CT - MURDER WITH USE OF A DEADLY WEAPON (Category A Felony - NRS 200.010, 200.030, 193.165 - NOC 50001)

As to Deft Wheeler:
(1) CT - CONSPIRACY TO COMMIT ROBBERY (Category B Felony - NRS 200.380, 199.480 - NOC 50147);
(1) CT - ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.380, 193.330, 193.165 - NOC 50145) and
(1) CT - MURDER WITH USE OF A DEADLY WEAPON (Category A Felony - NRS 200.010, 200.030, 193.165 - NOC 50001)

Def. Counsel(s): LOFTON-ROBINSON - SPECIAL PD
ROBERTSON - MACE YAMPOLSKY
WHEELER - JAMES RUGGEROLI

WARRANTS (1 WEEK):

LOFTON-ROBINSON - NO BAIL
ROBERTSON - NO BAIL
WHEELER - 250 K

12/19 9AM
DC3

DEFT'S ARE IN CUSTODY @ CCDC (17F14369A-C - PH 12/18/17 IN JC 3)

LVJC CASE TO BE DISM'D: 17F14369A-C

Exhibits:

Ex 1. Proposed Indictment
Ex 2. Jury Instructions
Ex 3. CD/DVD
Ex 4. CD/DVD
Ex 5. Photo
Ex 6. Photo
Ex 7. Photo
Ex 8. Photo
Ex 9. Photo
Ex 10. Photo
Ex 11. Photo
Ex 12. Photo
Ex 13. Photo
Ex 14. Photo
Ex 15. Photo
Ex 16. Photo
Ex 17. Photo
Ex 18. Photo
Ex 19. Photo
Ex 20. Photo
Ex 21. Photo
Ex 22. Photo

Ex 23. Photo
Ex 24. Photo
Ex 25. Photo
Ex 26. Photo
Ex 27. Photo
Ex 28. Photo
Ex 29. Photo
Ex 30. Photo
Ex 31. Photo
Ex 32. Photo
Ex 33. Photo
Ex 34. Photo
Ex 35. Photo
Ex 36. Photo
Ex 37. Photo
Ex 38. Photo
Ex 39. Photo
Ex 40. Photo
Ex 41. Photo
Ex 42. Photo
Ex 43. LVMPD Voluntary Statement

Exhibits 1 - 43 to be lodged with the Clerk of the Court.

CASE NO. C-17-328587-1, -2, -3
DEPT. NO. XX
CDDA GIANCARLO PESCI (MVU)

SUPERSEDING - NO CHANGES

Defendant(s): DEMARIO LOFTON-ROBINSON, aka, Demario Loftonrobinson, #5318925
RAEKWON SETREY ROBERTSON, aka, Raekwon Robertson, #8252804
DAVONTAE AMARRI WHEELER, #5909081

Case No(s): 17BGJ017A-C (PREVIOUSLY TRACKED TO DC XX)

Charge(s): *As to Deft Lofton-Robinson:*
(1) CT - CONSPIRACY TO COMMIT ROBBERY (Category B Felony - NRS 200.380, 199.480 - NOC 50147);
(1) CT - ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.380, 193.330, 193.165 - NOC 50145) and
(1) CT - MURDER WITH USE OF A DEADLY WEAPON (Category A Felony - NRS 200.010, 200.030, 193.165 - NOC 50001)

As to Deft Robertson:
(1) CT - BURGLARY WHILE IN POSSESSION OF A FIREARM (Category B Felony - NRS 205.060 - NOC 50426);
(2) CTS - CONSPIRACY TO COMMIT ROBBERY (Category B Felony - NRS 200.380, 199.480 - NOC 50147);
(2) CTS - ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.380, 193.165 - NOC 50138);
(1) CT - ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.380, 193.330, 193.165 - NOC 50145) and
(1) CT - MURDER WITH USE OF A DEADLY WEAPON (Category A Felony - NRS 200.010, 200.030, 193.165 - NOC 50001)

As to Deft Wheeler:
(1) CT - CONSPIRACY TO COMMIT ROBBERY (Category B Felony - NRS 200.380, 199.480 - NOC 50147);
(1) CT - ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.380, 193.330, 193.165 - NOC 50145) and
(1) CT - MURDER WITH USE OF A DEADLY WEAPON (Category A Felony - NRS 200.010, 200.030, 193.165 - NOC 50001)

Def. Counsel(s): LOFTON-ROBINSON - SPECIAL PD
ROBERTSON - MICHAEL SANFT, ESQ.
WHEELER - JAMES RUGGEROLI

WARRANTS (1 WEEK)

LOFTON-ROBINSON: No Bail
ROBERTSON: No Bail
WHEELER: No Bail

5/3 @ 830 DC20

DEFT'S ARE IN CUSTODY @ CCDC (C328587 SCK 5/3 DC20)

CONTINUED TO NEXT PAGE...

Exhibits:

- | | |
|-------------------------------------|-------------------------------|
| 1. Proposed Indictment | 21. Photo |
| 1a. Proposed Superseding Indictment | 22. Photo |
| 2. Jury Instructions | 23. Photo |
| 2a. Forensic Lab Report | 24. Photo |
| 3. CD/DVD | 25. Photo |
| 4. CD/DVD | 26. Photo |
| 5. Photo | 27. Photo |
| 6. Photo | 28. Photo |
| 7. Photo | 29. Photo |
| 8. Photo | 30. Photo |
| 9. Photo | 31. Photo |
| 10. Photo | 32. Photo |
| 11. Photo | 33. Photo |
| 12. Photo | 34. Photo |
| 13. Photo | 35. Photo |
| 14. Photo | 36. Photo |
| 15. Photo | 37. Photo |
| 16. Photo | 38. Photo |
| 17. Photo | 39. Photo |
| 18. Photo | 40. Photo |
| 19. Photo | 41. Photo |
| 20. Photo | 42. Photo |
| | 43. LVMPD Voluntary Statement |

Exhibits 1 - 43 were previously lodged.

Exhibits 1a & 2a to be lodged with the Clerk of the Court.

EXHIBIT(S) LIST

Case No.: C328587-2&3

Hearing / Trial Date: 02/11/20

Dept. No.: XII

Judge: MICHELLE LEAVITT

Plaintiff: STATE OF NEVADA

Court Clerk: HALY PANNULLO

Recorder / Reporter: SARA RICHARDSON

Counsel for Plaintiff: GIANCARLO PESCI &

PARKER BROOKS

Defendant: RAEKWON ROBERTSON &

Counsel for Defendant: MICHAEL SANFT
(ROBERTSON)

DAVONTAE Wheeler

JAMES RUGGEROLI (WHEELER)

vs.

HEARING / TRIAL BEFORE THE COURT

STATE'S EXHIBITS

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted
1	map	2-13-20	NO	2-13-20
2	map	2-19-20	NO	2-19-20
3	map	2-13-20	NO	2-13-20
4	map	2-13-20	NO	2-13-20
5	map	2-13-20	NO	2-13-20
6	map	2-19-20	NO	2-19-20
7	map	2-19-20	NO	2-19-20
8	map	2-19-20	NO	2-19-20
9	Photo- 5536 address	2-13-20	STIP	2-13-20
10	Photo- house - outside	2-13-20	NO	2-13-20
11	Photo- house - outside	2-13-20	NO	2-13-20
12	Photo- house - outside - drive way	2-13-20	NO	2-13-20
13	Photo- driveway	2-13-20	STIP	2-13-20
14	Photo- driveway	2-13-20	NO	2-13-20
15	Photo- driveway - side walk	2-13-20	STIP	2-13-20
16	Photo- side walk + street	↓	↓	↓
17	Photo- Crime Scene	2-13-20	STIP	2-13-20

EXHIBIT(S) LIST

Case No: C328587-2&3

STATE OF NEVADA

VS. RAEKWON ROBERTSON & DAVONTAE Wheeler

STATE'S EXHIBITS

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted
18	Photo - Crime scene	2-13-20	Stip	2-13-20
19	Photo - Crime scene			
20	Photo - Crime scene			
21	Photo - back of car + drive way			
22	Photo - drive way + green vehicle			
23	Photo - drive way + green vehicle			
24	Photo - green vehicle + open driver door			
25	Photo - front of green car vehicle			
26	Photo - back of green vehicle			
27	Photo - front of green vehicle			
28	Photo - drive side vehicle			
29	Photo - inside front of vehicle			
30	Photo - speedometer area of vehicle	2-13-20	Stip	2-13-20
31	Photo - back seats of vehicle	2-13-20	NO	2-13-20
32	Photo - back seats of vehicle			
33	Photo - front seats of vehicle	2-13-20	NO	2-13-20
34	Photo - passenger seat of vehicle	2-13-20	Stip	2-13-20
35	Photo - drivers licence	2-13-20	NO	2-13-20
36	Photo - receipt	2-13-20	NO	2-13-20
37	Dewey Dr. map	2-13-20	Stip	2-13-20
38	Photo - house - street view			
39	Photo - side walk / drive way			
40	Photo - 1, 3 & 4 markers			
41	Photo - markers + crime scene			
42	Photo - orange cones (2) + sidewalk	2-13-20	Stip	2-13-20

EXHIBIT(S) LIST

Case No: C328587-2&3

STATE OF NEVADA

VS.

RAEKWON ROBERTSON & DAVONTAE Wheeler

STATE'S EXHIBITS

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted
43	Photo - Crime Scene	2-13-20	Stip	2-13-20
44	Photo - Shell on cement			
45	Photo - yellow ruler + shell			
46	Photo - yellow ruler + shell			
47	Photo - Shell + side walk			
48	Photo - " " "			
49	Photo - #2 yellow ruler + shell			
50	Photo - " " " "			
51	Photo - Crack of sidewalk + shell			
52	Photo - #3 yellow marker + shell			
53	Photo - " " " "			
54	Photo - Shell on cement			
55	Photo - #4 yellow ruler + shell			
56	Photo - " " " "	2-13-20	Stip	2-13-20
57	Photo - Crime scene - day time	2-13-20	Stip	2-13-20
58	Photo - Police vehicle on road			
59	Photo - house - street view			
60	Photo - front of honda vehicle			
61	Photo - Close up - yard			
62	Photo - grass			
63	Photo - Side yard + orange cone			
64	Photo - Orange cone in grass			
65	Photo - white ruler + item			
66	Photo - " " " "			
67	Photo - back of green vehicle	2-13-20	Stip	2-13-20

EXHIBIT(S) LIST

Case No: C328587-2&3

STATE OF NEVADA

VS. RAEKWON ROBERTSON & DAVONTAE Wheeler

STATE'S EXHIBITS

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted
68	Photo - Orange cone on cement	2-13-20	Stip	2-13-20
69	Photo - White ruler + item	↓	↓	↓
70	Photo - White ruler + item	↓	↓	↓
71	Photo - front of Market	2-13-20	Stip	2-13-20
72	Photo - Phone screenshot	2-13-20	NO	2-13-20
73	Photo - 2 orange cones - Street	2-13-20	Stip	2-13-20
74	Photo - 3 orange cones - Crime scene	↓	↓	↓
75	Photo - 1 orange cone - Crime scene	2-13-20	Stip	2-13-20
76	Photo - Orange cone + apple phone	2-13-20	NO	2-13-20
77	Photo - Orange cone + glasses	↓	↓	↓
78	Photo - ripped mail	2-13-20	NO	2-13-20
79	Photo - Orange cone - Street	2-13-20	Stip	2-13-20
80	Photo - Orange cone + item	2-13-20	Stip	2-13-20
81	Photo - Fire fighter	2-13-20	Stip	2-13-20
82	Photo - Man - face	↓	↓	↓
83	Photo - bottom of shoe	↓	↓	↓
84	Photo - paramedic	↓	↓	↓
85	Photo - man - blonde hair	↓	↓	↓
86	Photo - bottom of shoe	↓	↓	↓
87	Photo - bottom of Nike shoe	↓	↓	↓
88	Photo - shoe prints	↓	↓	↓
89	Photo - shoe prints + items on sidewalk	↓	↓	↓
90	Photo - shoe prints	↓	↓	↓
91	Photo - Crime scene	↓	↓	↓
92	Photo - Crime scene	2-13-20	Stip	2-13-20

EXHIBIT(S) LIST

Case No: C328587-2&3

STATE OF NEVADA

VS. RAEKWON ROBERTSON & DAVONTAE Wheeler

STATE'S EXHIBITS

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted
93	Photo-Coroner- Case tag	2-14-20	NO	2-14-20
94	Photo-Coroner- Wound		NO	↓
95	Photo-Coroner- Wound - closeup		NO	2-14-20
96	Photo-Coroner- Wound - front		Obj	
97	Photo-Coroner- Wound - front		Obj	2-14-20
98	Photo-Coroner- left side		Obj	
99	Photo-Coroner- Wound		NO	
100	Photo-Coroner- back right foot			
101	Photo-Coroner- Wound			
102	Photo-Coroner- Wound - right ankle			
103	Photo-Coroner- front of hand			
104	Photo-Coroner- bullet + ruler			
105	Photo-Coroner- bullet + ruler			
106	Photo-Coroner- back of bullet			
107	Photo-Coroner- bullet + ruler			
108	Photo-Coroner- ruler + item			
109	Photo-Coroner- 3 pieces + ruler			
110	Photo-Coroner- blue lock			
111	Photo-Coroner- back left ankle		NO	
112	Photo-Coroner- back lower half		Obj	
113	Photo-Coroner- Wound + ruler		NO	
114	Photo-Coroner- back upper half		NO	
115	Photo-Coroner- Wound		Obj	
116	Photo-Coroner- green arrow	↓	NO	↓
117	Photo-Coroner- X-ray	2-14-20	NO	2-14-20

EXHIBIT(S) LIST

Case No: C328587-2&3

STATE OF NEVADA

VS.

RAEKWON ROBERTSON & DAVONTAE Wheeler

STATE'S EXHIBITS

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted	
118	Photo - Coroner - Xray	2-14-20	NO	2-14-20	wa
119	Photo - Coroner - #13 mark & item	↓	↓	↓	wa
120	Photo - Coroner - " " "	↓	↓	↓	wa
121	Photo - Coroner - Shorts - beige	↓	NO	↓	wa
122	Photo - Coroner - Xray	↓	obj	↓	wa
123	Photo - Coroner - Xray	↓	obj	↓	wa
124	Photo - Coroner - #12 mark & item	↓	NO	↓	wa
125	Photo - Coroner - #12 mark & items(3)	↓	↓	↓	wa
126	Photo - Coroner - Xray	↓	↓	↓	wa
127	Photo - Coroner - Xray	↓	↓	↓	wa
128	Photo - Coroner - #14 mark & item	↓	↓	↓	wa
129	Photo - Coroner - " " "	2-14-20	NO	2-14-20	wa
130	Photo - Defendant - black shirt & jeans	2-14-20	NO	2-14-20	wa
131	Photo - " " "	↓	↓	↓	wa
132	Photo - " " "	↓	↓	↓	wa
133	Photo - " " "	↓	↓	↓	wa
134	Photo - " " "	2-14-20	NO	2-14-20	wa
135	Photo - Defendant - Stripe shirt	2-18-20	NO	2-18-20	wa
136	Photo - " " "	↓	↓	↓	wa
137	Photo - " " "	↓	↓	↓	wa
138	Photo - " " "	↓	↓	↓	wa
139	Photo - tattoo on chest	↓	↓	↓	wa
140	Photo - defendant - White shirt & shorts	↓	↓	↓	wa
141	Photo - " " "	↓	↓	↓	wa
142	Photo - " " "	2-18-20	NO	2-18-20	wa

EXHIBIT(S) LIST

Case No: C328587-2&3

STATE OF NEVADA

VS. RAEKWON ROBERTSON & DAVONTAE Wheeler

STATE'S EXHIBITS

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted	
143	Photo - defendant - white shirt + shorts	2.18.20	NO	2.18.20	wt
144	Photo - defendant - blue shirt	2.14.20	NO	2.14.20	wt
145	Photo - Espana shirt - defendant	↓	↓	↓	wt
146	Photo - " " - "	↓	↓	↓	wt
147	Photo - " " - "	↓	↓	↓	wt
148	Photo - defendant - front face	2.14.20	2 NO	2.14.20	wt
149	Photo - 2 defendants	2.14.20	Obj	2.14.20	wt
150	Photo - white car - front	2.14.20	NO	2.14.20	wt
151	Photo - " " - back	2.14.20	NO	2.14.20	wt
152	Photo - " " - driver side	↓	↓	↓	wt
153	Photo - " " - front left	↓	↓	↓	wt
154	Photo - " " - driver door	2.14.20	NO	2.14.20	wt
155	Photo - " " - front	2.13.20	NO	2.13.20	wt
156	Photo - " " - top	2.14.20	NO	2.14.20	wt
157	Photo - " " - back left	↓	↓	↓	wt
158	Photo - " " - back	↓	↓	↓	wt
159	Photo - " " - back right	2.14.20	NO	2.14.20	wt
160	Photo - lab - vehicle	2.14.20	NO	2.14.20	wt
161	Photo - lab - vehicle	↓	↓	↓	wt
162	Photo - lab - vehicle	↓	↓	↓	wt
163	Photo - lab - vehicle	↓	↓	↓	wt
164	Photo - lab - vehicle	↓	↓	↓	wt
165	Photo - lab - vehicle - window	↓	↓	↓	wt
166	Photo - lab - vehicle - window	↓	↓	↓	wt
167	Photo - lab - vehicle - outside mirror	2.14.20	NO	2.14.20	wt

EXHIBIT(S) LIST

Case No: C328587-2&3

STATE OF NEVADA

VS. RAEKWON ROBERTSON & DAVONTAE Wheeler

STATE'S EXHIBITS

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted	
168	Photo-lab-vehicle	2-14-20	NO	2-14-20	WA
169	Photo-lab-vehicle	↓	↓	↓	WA
170	Photo-lab-vehicle	↓	↓	↓	WA
171	Photo-lab- "	↓	↓	↓	WA
172	Photo-lab- "	↓	↓	↓	WA
173	Photo-lab- " warning tape	↓	↓	↓	WA
174	Photo-lab-vehicle	↓	↓	↓	WA
175	Photo-lab-vehicle	2-14-20	NO	2-14-20	WA
176	Photo-receipt-hand written	2-14-20	NO	2-14-20	WA
177	Photo-barcode on green surface	↓	↓	↓	WA
178	Photo- " " " "	↓	↓	↓	WA
179	Photo-Ammunition	↓	↓	↓	WA
180	Photo-Ammunition	2-14-20	NO	2-14-20	WA
181	Photo-2 red shoes	2-14-20	NO	2-14-20	WA
182	Photo- " " " - Side	↓	↓	↓	WA
183	Photo- " " " - Inside	↓	↓	↓	WA
184	Photo- " " " - top	↓	↓	↓	WA
185	Photo- " " " - side	↓	↓	↓	WA
186	Photo- " " " - Inside-size 9	↓	↓	↓	WA
187	Photo-black sweater	↓	↓	↓	WA
188	Photo- " " - back	↓	↓	↓	WA
189	Photo-receipt	↓	↓	↓	WA
190	Photo-records	↓	↓	↓	WA
191	Photo-back seats	↓	↓	↓	WA
192	Photo-Inside vehicle at lab	2-14-20	NO	2-14-20	WA

EXHIBIT(S) LIST

Case No: C328587-2&3

STATE OF NEVADA

VS.

RAEKWON ROBERTSON & DAVONTAE Wheeler

STATE'S EXHIBITS

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted	
193	Photo - trunk of vehicle	2-14-20	NO	2-14-20	WA
194	Photo - NIKE boxes	↓	↓	↓	WA
195	Photo - back of passenger seat	↓	↓	↓	WA
196	Photo - mark & ruler	↓	↓	↓	WA
197	Photo - car door - inside	↓	↓	↓	WA
198	Photo - mark & ruler	↓	↓	↓	WA
199	Photo - inside car door	↓	↓	↓	WA
200	Photo - mark & ruler	↓	↓	↓	WA
201	Photo - items pulled from car	↓	↓	↓	WA
202	Photo - " " " "	↓	↓	↓	WA
203	Photo - " " " "	↓	↓	↓	WA
204	Photo - " " " "	↓	↓	↓	WA
205	Photo - " " " "	↓	↓	↓	WA
206	Photo - " " " "	↓	↓	↓	WA
207	Photo - driver rear seat items	↓	↓	↓	WA
208	Photo - LR floor items	↓	↓	↓	WA
209	Photo - RF seat items	↓	↓	↓	WA
210	Photo - RR floor items	↓	↓	↓	WA
211	Photo - Autozone receipt	↓	↓	↓	WA
212	Photo - Terribles receipt	↓	↓	↓	WA
213	Photo - shoe palace receipt	↓	↓	↓	WA
214	Photo - Cigar packages	2-14-20	NO	2-14-20	WA
215	Photo - 3 vehicle drive way	2-13-20	Stop	2-13-20	WA
216	photo - front porch porch	↓	↓	↓	WA
217	photo - inside house	2-13-20	Stop	2-13-20	WA

EXHIBIT(S) LIST

Case No: C328587-2&3

STATE OF NEVADA

VS. RAEKWON ROBERTSON & DAVONTAE Wheeler

STATE'S EXHIBITS

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted	
218	Photo - hallway	2-13-20	Stip	2-13-20	WA
219	Photo - 2 doorways				WA
220	Photo - bedroom				WA
221	Photo - bedroom				WA
222	Photo - pink backpack				WA
223	Photo - inside backpack				WA
224	Photo - Firearm				WA
225	Photo - firearm				WA
226	Photo - "				WA
227	Photo - "	2-13-20	Stip	2-13-20	WA
228	Photo - "	2-19-20	NO	2-19-20	WA
229	Photo - Ammunition	2-19-20	NO	2-19-20	WA
230	Photo - shoes + items	2-13-20	Stip	2-13-20	WA
231	Photo - shoes				WA
232	Photo - top of red shoes				WA
233	Photo - red shoes - side				WA
234	Photo - red shoes - bottom	2-13-20	Stip	2-13-20	WA
235	Photo - 6647 address	2-14-20	NO	2-14-20	WA
236	Photo - stairs attached to building	2-18-20	NO	2-18-20	WA
237	Photo - front door				WA
238	Photo - living room				WA
239	Photo - bedroom				WA
240	Photo - bedroom				WA
241	Photo - dresser				WA
242	Photo - dresser	2-18-20	NO	2-18-20	WA

EXHIBIT(S) LIST

Case No: C328587-2&3

STATE OF NEVADA

VS. RAEKWON ROBERTSON & DAVONTAE Wheeler

STATE'S EXHIBITS

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted	
243	Photo- MISSING drawer	2-18-20	NO	2-18-20	wa
244	Photo- firearm & ammunition				wa
245	Photo- Ammunition				wa
246	Photo- firearm & ammunition				wa
247	Photo- 2 boxes - ammunition				wa
248	Photo- Hem on floor				wa
249	Photo- Mini-mag				wa
250	Photo- Firearm				wa
251	Photo- firearm				wa
252	photo- firearm				wa
253	Photo- Firearm				wa
254	Photo- Ammunition				wa
255	Photo- fire arm-open				wa
256	Photo- fire arm				wa
257	Photo- Ammunition				wa
258	Photo- Ammunition				wa
259	Photo- Ammunition				wa
260	Photo- hanging sweater				wa
261	Photo- tag for clothing				wa
262	Photo- Shelf & items				wa
263	Photo- belts & hats on hook				wa
264	Photo- black sweater				wa
265	Photo- shoes on shelf				wa
266	Photo- 1 pair of shoes	2-18-20	NO	2-18-20	wa
267	Intentionally left blank				

EXHIBIT(S) LIST

Case No: C328587-2&3

STATE OF NEVADA

VS. RAEKWON ROBERTSON & DAVONTAE Wheeler

STATE'S EXHIBITS

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted
267	Intentionally left blank			
268				
269				
270				
271				
272				
273				
274				
275				
276	Intentionally left blank			
277	Photo - yard	2-14-20	NO	2-14-20 WA
278	Photo - 2 doorways			WA
279	Photo - doorway & courtyard			WA
280	Photo - door way (2F)			WA
281	Photo - doorway - inside view			WA
282	Photo - items on arm of couch			WA
283	Photo - Samsung phone			WA
284	Photo - Samsung phone - back			WA
285	Photo - pile of clothes			WA
286	Photo - black sweater/shirt & belt			WA
287	Photo - items & lighter on furniture			WA
288	Photo - items on arm of furniture			WA
289	Photo - gun holster & water bottle			WA
290	Photo - furniture	✓	✓	✓ WA
291	Photo - part of firearm in furniture	2-14-20	NO	2-14-20 WA

EXHIBIT(S) LIST

Case No: C328587-2&3

STATE OF NEVADA

VS. RAEKWON ROBERTSON & DAVONTAE Wheeler

STATE'S EXHIBITS

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted	
292	Photo - Millennium firearm	2-14-20	NO	2-14-20	WA
293	Photo - " "	↓	↓	↓	WA
294	Photo - " "	↓	↓	↓	WA
295	Photo - " "	↓	↓	↓	WA
296	Photo - part of firearm	↓	↓	↓	WA
297	Photo - part of firearm	↓	↓	↓	WA
298	Photo - " " + Ammunition	↓	↓	↓	WA
299	Photo - Ammunition	↓	↓	↓	WA
300	Photo - closet doorway	↓	↓	↓	WA
301	Photo - bullet on floor	↓	↓	↓	WA
302	Photo - " " "	↓	↓	↓	WA
303	Photo - 2 bullets	↓	↓	↓	WA
304	Photo - 1 bullet	↓	↓	↓	WA
305	Photo - 1 Bullet	↓	↓	↓	WA
306	Photo - marked part of gun	↓	↓	↓	WA
307	Photo - metric ruler	↓	↓	↓	WA
308	Photo - Kitchen	2-14-20	NO	2-14-20	WA
309	Photo - Hat	2-14-20	NO	2-14-20	WA
310	Photo - Inside of Hat	↓	↓	↓	WA
311	Photo - Floor & Items	↓	↓	↓	WA
312	Photo - Nike air shoes	2-14-20	NO	2-14-20	WA
313	Photo - Nike air shoes	↓	↓	↓	WA
314	Photo - red shoes - side	↓	↓	↓	WA
315	Photo - " " "	↓	↓	↓	WA
316	Photo - Inside of shoe	2-14-20	NO	2-14-19	WA

EXHIBIT(S) LIST

Case No: C328587-2&3

STATE OF NEVADA

VS. RAEKWON ROBERTSON & DAVONTAE *Wheeler*

STATE'S EXHIBITS

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted	
317	Photo - 2G	2-14-20	NO	2-14-20	<i>wa</i>
318	Photo - 2G doorway	↓	↓	↓	<i>wa</i>
319	Photo - living room	2-14-20	NO	2-14-20	<i>wa</i>
320	Photo - Still - Market	2-13-20	NO	2-13-20	<i>wa</i>
321	Photo - Still - Inside Market	↓	↓	↓	<i>wa</i>
322	Photo - Still - 6 people in Market	↓	↓	↓	<i>wa</i>
323	Photo - " " " " "	↓	↓	↓	<i>wa</i>
324	Photo - " " " " "	↓	↓	↓	<i>wa</i>
325	Photo - Still - 5 Vehicles - Chevron	2-13-20	NO	2-13-20	<i>wa</i>
326	Photo - Social media post	2-19-20	NO	2-19-20	<i>wa</i>
327	CD - Calleja BWC	2-13-20	STIP	2-13-20	<i>wa</i>
328	CD - 9 clips - Shortline express	2-13-20	NO	2-13-20	<i>wa</i>
329	CD - Boyd BWC	2-13-20	NO	2-13-20	<i>wa</i>
330	CD - 911 call	2-13-20	NO	2-13-20	<i>wa</i>
331	CD	2-13-20	NO	2-13-20	<i>wa</i>
332	DMV records	2-14-20	NO	2-14-20	<i>wa</i>
333	Photo - Samsung Phone	2-14-20	NO	2-14-20	<i>wa</i>
334	Photo - back of Samsung phone	↓	↓	↓	<i>wa</i>
335	Photo - Samsung phone - on	↓	↓ NO	↓	<i>wa</i>
336	Photo - Message on phone	2-14-20	obj	2-14-20	<i>wa</i>
337	GPA - sealed	2-14-20	obj	2-14-20	<i>wa</i>
338	Photo - evidence envelope	2-18-20	NO	2-18-20	<i>wa</i>
339	Photo - back of evidence envelope	↓	↓	↓	<i>wa</i>
340	Photo - phone	↓	↓	↓	<i>wa</i>
341	Photo - back of phone (2te)	2-18-20	NO	2-18-20	<i>wa</i>

EXHIBIT(S) LIST

Case No: C328587-2&3

STATE OF NEVADA

VS. RAEKWON ROBERTSON & DAVONTAE Wheeler

STATE'S EXHIBITS

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted	
342	Photo - home screen of phone	2-18-20	NO	2-18-20	WA
343	Photo - photo of two people on phone	↓	↓	↓	WA
344	Photo - memory card slot	2-18-20	NO	2-18-20	WA
345	Photo - phone - messaging - saxe	2-18-20	NO	2-18-20	WA
346	Photo - phone - history	↓	↓	↓	WA
347	Photo - phone - history	2-18-20	NO	2-18-20	WA
348	Photo - evidence envelope	2-18-20	NO	2-18-20	WA
349	Photo - back of evidence envelope	↓	↓	↓	WA
350	Photo - open Samsung phone	↓	↓	↓	WA
351	Photo - Samsung battery	↓	↓	↓	WA
352	Photo - phone - battery removed	2-18-20	NO	2-18-20	WA
353	web history	2-18-20	NO	2-18-20	WA
354	Photo - evidence envelope	2-18-20	NO	2-18-20	WA
355	Photo - back of evidence envelope	↓	↓	↓	WA
356	Photo - Samsung phone	↓	↓	↓	WA
357	Photo - back of Samsung phone	↓	↓	↓	WA
358	Photo - open Samsung phone	↓	↓	↓	WA
359	Photo - phone - removed battery	↓	↓	↓	WA
360	Photo - phone - messaging - layman	↓	↓	↓	WA
361	Photo - phone - messaging - Youngsae verse	2-18-20	NO	2-18-20	WA

EXHIBIT(S) LIST

Case No.: C328587-2&3

Hearing / Trial Date: 02/11/20

Dept. No.: XII

Judge: MICHELLE LEAVITT

Court Clerk: HALY PANNULLO

Plaintiff: STATE OF NEVADA

Recorder / Reporter: SARA RICHARDSON

Counsel for Plaintiff: GIANCARLO PESCI &

PARKER BROOKS

Defendant: RAEKWON ROBERTSON &

**Counsel for Defendant: MICHAEL SANFT
(ROBERTSON)**

DAVONTAE (Wheeler)

JAMES RUGGEROLI (WHEELER)

vs.

HEARING / TRIAL BEFORE THE COURT

DEFENDANT'S (wheeler) EXHIBITS (A)

[illegible]

EXHIBIT(S) LIST

Hearing / Trial Date: 02/11/20

Judge: MICHELLE LEAVITT

Court Clerk: HALY PANNULLO

Recorder / Reporter: SARA RICHARDSON

Counsel for Plaintiff: GIANCARLO PESCI &

PARKER BROOKS

Counsel for Defendant: MICHAEL SANFT
(ROBERTSON)

JAMES RUGGEROLI (WHEELER)

VS.

DAVONTAE Wheeler

HEARING / TRIAL BEFORE THE COURT

DEFENDANT'S (ROBERTSON) EXHIBITS (B)

[illegible]

EXHIBIT(S) LIST

Case No.: C328587-2&3

Hearing / Trial Date: 02/11/20

Dept. No.: XII

Judge: MICHELLE LEAVITT

Court Clerk: HALY PANNULLO

Plaintiff: STATE OF NEVADA

Recorder / Reporter: SARA RICHARDSON

Counsel for Plaintiff: GIANCARLO PESCI &

PARKER BROOKS

vs.

Defendant: RAEKWON ROBERTSON &

Counsel for Defendant: MICHAEL SANFT
(ROBERTSON)

DAVONTAE Wheeler

JAMES RUGGEROLI (WHEELER)

HEARING / TRIAL BEFORE THE COURT

COURT'S EXHIBITS

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted	
1	JURY LIST	2-12-20		2-12-20	wt
2	JUROR NOTEBOOK	2-13-20		2-13-20	wt
3	Question from juror #7 - asked	2-13-20		2-13-20	wt
4	Defendant's proposed instructions (not used)	2-19-20		2-19-20	wt
5	foreperson	2-19-20		2-19-20	wt
6	State's closing PP PP	2-20-20		2-20-20	wt
7	State's rebuttal PP PP	↓		↓	wt
8	Closing PP (Robertson)	2-20-20		2-20-20	wt
9	Question from foreperson during deliberation	2-20-20		2-20-20	wt
10	Question from juror #5 during deliberation	2-24-20		2-24-20	wt
11	State's opening Powerpoint	2-14-20		2-14-20	wt



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

DAVONTAE WHEELER #1235057
P.O. BOX 208
INDIAN SPRINGS, NV 89070

DATE: February 8, 2023
CASE: C-17-328587-3

RE CASE: STATE OF NEVADA vs. DAVONTAE AMARRI WHEELER

NOTICE OF APPEAL FILED: February 7, 2023

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

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

☐

Case Appeal Statement

- NRAP 3 (a)(1), Form 2



Order



Notice of Entry of Order

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

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

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

Certification of Copy

State of Nevada }
County of Clark } SS:

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

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

STATE OF NEVADA,

Plaintiff(s),

vs.

DAVONTAE AMARRI WHEELER,

Defendant(s).

Case No: C-17-328587-3

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 8 day of February 2023.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk