

IN THE SUPREME COURT OF THE STATE OF NEVADA

WILBURT HICKMAN, JR., A/K/A
WILLIAM HICKS,
Appellant(s),

vs.

THE STATE OF NEVADA,
Respondent(s),

Electronically Filed
Jun 06 2023 01:18 PM
Elizabeth A. Brown
Clerk of Supreme Court

Case No: C-12-278699-1

Docket No: 86554

RECORD ON APPEAL VOLUME 10

ATTORNEY FOR APPELLANT
WILBURT HICKMAN # 62150,
PROPER PERSON
P.O. BOX 650
INDIAN SPRINGS, NV 89070

ATTORNEY FOR RESPONDENT
STEVEN B. WOLFSON,
DISTRICT ATTORNEY
200 LEWIS AVE.
LAS VEGAS, NV 89155-2212

I N D E X

<u>VOLUME:</u>	<u>PAGE NUMBER:</u>
1	1 - 236
2	237 - 472
3	473 - 708
4	709 - 944
5	945 - 1180
6	1181 - 1416
7	1417 - 1652
8	1653 - 1888
9	1889 - 2124
10	2125 - 2254

I N D E X

<u>VOL</u>	<u>DATE</u>	<u>PLEADING</u>	<u>PAGE NUMBER:</u>
4	3/25/2016	*Evidentiary Hearing Requested* Petition for Writ of Habeas Corpus (Post-Conviction)	924 - 943
1	4/3/2012	Amended Information	192 - 197
2	9/9/2013	Amended Jury List	301 - 301
2	6/21/2013	Amended Second Supplemental Notice of Expert Witnesses	244 - 245
2	6/21/2013	Amended Third Supplemental Notice of Witnesses [NRS 174.234(1)(a)]	246 - 247
5	4/28/2017	Appendix of Exhibits to Supplemental Memorandum Points and Authorities in Support of Petition for Writ of Habeas Corpus (Post-Conviction) (Continued)	1100 - 1180
6	4/28/2017	Appendix of Exhibits to Supplemental Memorandum Points and Authorities in Support of Petition for Writ of Habeas Corpus (Post-Conviction) (Continued)	1181 - 1416
7	4/28/2017	Appendix of Exhibits to Supplemental Memorandum Points and Authorities in Support of Petition for Writ of Habeas Corpus (Post-Conviction) (Continuation)	1417 - 1590
4	3/24/2016	Application to Proceed Informa Pauperis (Sealed)	919 - 923
2	1/8/2014	Case Appeal Statement	397 - 398
9	2/12/2020	Case Appeal Statement	1913 - 1916
9	3/1/2022	Case Appeal Statement	2058 - 2059
9	5/10/2023	Case Appeal Statement	2117 - 2118
10	5/12/2023	Case Appeal Statement	2135 - 2136

I N D E X

<u>VOL</u>	<u>DATE</u>	<u>PLEADING</u>	<u>PAGE NUMBER:</u>
10	6/6/2023	Certification of Copy and Transmittal of Record	
1	1/10/2012	Criminal Bindover (Confidential)	1 - 21
2	3/13/2014	Criminal Order to Statistically Close Case	435 - 435
5	10/27/2016	Declaration of Alina M. Shell in Support of Petitioner's Motion for Supplemental Fees	1048 - 1051
2	11/26/2013	Defendant's Affidavit of Support for Motion for Continuance on Grounds of Absences of Witness Testimonies and Discovery Evidence	336 - 340
2	9/6/2013	Defendant's Proposed Jury Instructions Not Used at Trial	260 - 262
2	1/6/2014	Direct Appeal	373 - 396
10	6/6/2023	District Court Minutes	2193 - 2254
10	6/6/2023	Documentary Exhibits (Unfiled)	2137 - 2185
10	6/6/2023	Documentary Exhibits (Unfiled) Confidential	2186 - 2192
8	8/22/2017	Ex Parte Motion and [Proposed] Order for Retained Expert Under Seal (Sealed)	1721 - 1725
8	8/22/2017	Ex Parte Motion and Order to File Under Seal Under Seal (Sealed)	1726 - 1727
3	8/19/2014	Ex-Parte Order to Appoint Counsel and to Waive District Court Filing Fees	696 - 696
8	1/10/2020	Findings of Fact, Conclusions of Law and Order (Continued)	1880 - 1888
9	1/10/2020	Findings of Fact, Conclusions of Law and Order (Continuation)	1889 - 1894
2	8/23/2013	Fourth Supplemental Notice of Witnesses [NRS 174.234(1)(a)]	248 - 249

I N D E X

<u>VOL</u>	<u>DATE</u>	<u>PLEADING</u>	<u>PAGE NUMBER:</u>
1	1/11/2012	Information	22 - 27
2	9/9/2013	Instructions to the Jury	263 - 295
2	1/2/2014	Judgment of Conviction (Jury Trial)	367 - 370
2	9/3/2013	Jury List	259 - 259
7	5/11/2017	Motion and [Proposed] Order to File Under Seal	1591 - 1594
5	10/20/2016	Motion and Notice of Motion for Supplemental Fees	1036 - 1041
1	6/29/2012	Motion for Discovery	203 - 212
5	8/8/2016	Motion for Order for Production of Records from Prior Counsel	984 - 997
5	9/2/2016	Motion for Paralegal Fees	1007 - 1017
4	1/7/2016	Motion for Production of Documents, Papers, Pleadings, and Tangible Property of Defendant	901 - 905
4	3/25/2016	Motion for the Appointment of Counsel (Continued)	944 - 944
5	3/25/2016	Motion for the Appointment of Counsel (Continuation)	945 - 949
9	4/14/2023	Motion for Withdrawal as Counsel of Record; Hearing Not Requested	2102 - 2107
4	2/22/2016	Motion to Compel	909 - 918
1	2/16/2012	Motion to Continue Trial Date	88 - 90
1	9/24/2012	Motion to Continue Trial Date	228 - 230
9	12/1/2021	Motion to Modify and/or Correct Illegal Sentence	2040 - 2050
4	1/7/2016	Motion to Withdraw Counsel	894 - 900

I N D E X

<u>VOL</u>	<u>DATE</u>	<u>PLEADING</u>	<u>PAGE NUMBER:</u>
4	10/16/2015	Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed	884 - 893
9	10/19/2022	Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed	2067 - 2070
9	2/28/2022	Notice of Appeal	2055 - 2057
9	2/12/2020	Notice of Appeal	1911 - 1912
9	5/9/2023	Notice of Appeal	2115 - 2116
10	5/11/2023	Notice of Appeal	2131 - 2134
8	6/6/2019	Notice of Change of Firm Name	1878 - 1879
2	10/17/2013	Notice of Change of Hearing	309 - 316
5	7/1/2016	Notice of Change of Hearing	982 - 983
2	1/6/2014	Notice of Direct Appeal	371 - 372
9	1/13/2020	Notice of Entry of Findings of Fact, Conclusions of Law and Order	1895 - 1910
1	4/30/2012	Notice of Entry of Order	200 - 202
5	10/4/2016	Notice of Entry of Order	1029 - 1032
5	12/27/2016	Notice of Entry of Order	1054 - 1058
5	3/20/2017	Notice of Entry of Order	1063 - 1067
5	3/28/2017	Notice of Entry of Order	1071 - 1076
7	5/11/2017	Notice of Entry of Order	1595 - 1601
8	9/19/2017	Notice of Entry of Order	1735 - 1744
8	1/26/2018	Notice of Entry of Order	1748 - 1753
8	3/2/2018	Notice of Entry of Order	1756 - 1760
8	6/5/2018	Notice of Entry of Order	1763 - 1767

I N D E X

<u>VOL</u>	<u>DATE</u>	<u>PLEADING</u>	<u>PAGE NUMBER:</u>
9	5/11/2023	Notice of Entry of Order Granting Motion for Withdrawal as Counsel of Record (Continued)	2124 - 2124
10	5/11/2023	Notice of Entry of Order Granting Motion for Withdrawal as Counsel of Record (Continuation)	2125 - 2130
1	9/5/2012	Notice of Expert Witnesses [NRS 174.234(2)]	217 - 222
2	8/23/2013	Notice of Habitual Criminality	250 - 252
1	2/1/2012	Notice of Hearing	32 - 33
5	4/6/2016	Notice of Hearing	951 - 951
9	4/14/2023	Notice of Hearing	2108 - 2108
2	11/26/2013	Notice of Motion	335 - 335
5	3/25/2016	Notice of Motion	950 - 950
9	12/1/2021	Notice of Motion	2039 - 2039
2	10/17/2013	Notice of Motion and Motion for Ineffective Assistance of Counsel and Motion for New Trial	302 - 308
2	1/22/2014	Notice of Motion and Motion for Reconsideration of Motion for a New Trial Due to Ineffective Assistance of Counsel and Conflict of Interest	399 - 413
9	3/7/2023	Notice of Motion Motions for Modification of Sentence	2071 - 2097
9	4/19/2023	Notice of Rescheduling of Hearing	2109 - 2110
1	1/30/2012	Notice of Witnesses [NRS 174.234(1)(a)]	28 - 31
1	3/7/2012	Order	165 - 166
1	10/18/2012	Order (Continued)	236 - 236

I N D E X

<u>VOL</u>	<u>DATE</u>	<u>PLEADING</u>	<u>PAGE NUMBER:</u>
2	10/18/2012	Order (Continuation)	237 - 238
5	12/28/2016	Order Denying Defendant's Motion for Supplemental Fees	1059 - 1060
2	2/24/2014	Order Denying Defendant's Notice of Motion and Motion for Reconsideration of Motion for New Trial	433 - 434
5	5/25/2016	Order Denying Defendant's Pro Per Motion to Compel	979 - 981
9	3/10/2022	Order Denying Defendant's Pro Per Motion to Modify and/or Correct Illegal Sentence	2060 - 2062
9	4/26/2023	Order Denying Defendant's Pro Per Motion to Modify Sentence	2111 - 2114
1	4/9/2012	Order Denying Defendant's Writ of Habeas Corpus in Part and Granting in Part	198 - 199
5	4/6/2016	Order for Petition for Writ of Habeas Corpus	952 - 952
8	9/28/2018	Order for Production of Inmate Wilburt Hickman, BAC #62150	1875 - 1876
8	5/14/2019	Order for Supplemental Fees for Expert	1877 - 1877
5	10/4/2016	Order Granting Defendant's Motion for Paralegal Fees	1028 - 1028
4	2/18/2016	Order Granting Defendant's Pro Per Motion to Withdraw Counsel and Order Denying Defendant's Pro Per Motion for Production of Documents, Papers, Pleadings and Tangible Property of Defendant	906 - 908
9	5/10/2023	Order Granting Motion for Withdrawal as Counsel of Record	2119 - 2123
1	2/28/2012	Petition for Writ of Habeas Corpus	91 - 164

I N D E X

<u>VOL</u>	<u>DATE</u>	<u>PLEADING</u>	<u>PAGE NUMBER:</u>
5	5/4/2016	Petitioner's Motion to Disqualification of Judge Carolyn Ellsworth - Dept. No. 5	963 - 968
2	11/6/2013	Presentence Investigation Report (Unfiled) Confidential	322 - 334
9	3/15/2022	Proof of Service by Mail	2063 - 2066
8	9/19/2017	Protective Order	1728 - 1734
2	12/3/2013	Receipt of Copy	341 - 341
8	8/30/2018	Reply to Response to Supplement to Supplemental Memorandum of Points and Authorities in Support of Petition for Writ of Habeas Corpus (Post-Conviction)	1801 - 1874
5	9/12/2016	Reply to State's Opposition to Motion for Paralegal Fees	1024 - 1027
3	11/26/2014	Request for Recorder's Transcripts	697 - 699
5	10/11/2016	Request for Recorder's Transcripts	1033 - 1035
9	2/24/2020	Request for Transcript of Proceeding	1917 - 1919
1	3/14/2012	Return to Writ of Habeas Corpus	169 - 191
7	5/15/2017	Sealed Appendix of Exhibits to Supplemental Memorandum of Points and Authorities in Support of Petition for Writ of Habeas Corpus (Post- Conviction) Under Seal (Sealed) (Continued)	1602 - 1652
8	5/15/2017	Sealed Appendix of Exhibits to Supplemental Memorandum of Points and Authorities in Support of Petition for Writ of Habeas Corpus (Post- Conviction) Under Seal (Sealed) (Continuation)	1653 - 1709
2	8/30/2013	Second Amended Information	253 - 258

I N D E X

<u>VOL</u>	<u>DATE</u>	<u>PLEADING</u>	<u>PAGE NUMBER:</u>
2	6/20/2013	Second Supplemental Notice of Expert Witnesses [NRS 174.234(2)]	240 - 241
1	9/5/2012	Second Supplemental Notice of Witnesses [NRS 174.234(1)(a)]	215 - 216
9	3/21/2023	State's Amended Certificate of Service	2101 - 2101
5	9/7/2016	State's Opposition to Defendant's Motion for Paralegal Fees	1018 - 1023
5	10/25/2016	State's Opposition to Defendant's Motion for Supplemental Fees	1042 - 1047
2	10/30/2013	State's Opposition to Defendant's Notice of Motion and Motion for Ineffective Assistance of Counsel and Motion for New Trial	317 - 321
2	1/24/2014	State's Opposition to Defendant's Pro Per Direct Appeal	424 - 427
1	10/3/2012	State's Response to Defendant's Motion for Discovery	231 - 235
9	1/4/2022	State's Response to Defendant's Motion to Correct Illegal Sentence	2051 - 2054
9	3/21/2023	State's Response to Defendant's Motion to Correct Illegal Sentence	2098 - 2100
2	2/7/2014	State's Response to Defendant's Notice of Motion and Motion for Reconsideration of Motion for New Trial	428 - 432
5	5/17/2016	State's Response to Defendant's Post-Conviction Petition for Writ of Habeas Corpus and Opposition to Motion for the Appointment of Counsel and Request for Evidentiary Hearing	969 - 978
8	8/17/2018	State's Response to Defendant's Supplement to Supplemental Memorandum of Points	1788 - 1800

I N D E X

<u>VOL</u>	<u>DATE</u>	<u>PLEADING</u>	<u>PAGE NUMBER:</u>
		and Authorities in Support of Petition for Writ of Habeas Corpus	
8	6/20/2017	State's Response to Defendant's Supplemental Memorandum of Points and Authorities in Support of Petition for Writ of Habeas Corpus (Post-Conviction)	1710 - 1720
8	1/26/2018	Stipulated Extension of Habeas Petition Date and Order	1745 - 1747
5	12/27/2016	Stipulated Extension of Habeas Petition Dates and [Proposed] Order	1052 - 1053
5	3/16/2017	Stipulated Extension of Habeas Petition Dates and [Proposed] Order	1061 - 1062
5	3/28/2017	Stipulated Extension of Habeas Petition Dates and [Proposed] Order	1068 - 1070
8	3/2/2018	Stipulated Extension of Habeas Petition Dates and [Proposed] Order	1754 - 1755
8	6/5/2018	Stipulated Extension of Habeas Petition Dates and [Proposed] Order	1761 - 1762
2	4/17/2013	Substitution of Attorneys	239 - 239
5	8/16/2016	Supplement to Motion for Order for Production of Records from Prior Counsel	998 - 1006
8	6/14/2018	Supplement to Supplemental Memorandum of Points and Authorities in Support of Petition for Writ of Habeas Corpus (Post- Conviction)	1768 - 1787
5	4/28/2017	Supplemental Memorandum of Points and Authorities in Support of Petition for Writ of Habeas Corpus (Post-Conviction)	1077 - 1099
1	9/10/2012	Supplemental Notice of Expert Witnesses [NRS 174.234(2)]	223 - 227

I N D E X

<u>VOL</u>	<u>DATE</u>	<u>PLEADING</u>	<u>PAGE NUMBER:</u>
1	8/31/2012	Supplemental Notice of Witnesses [NRS 174.234(1)(a)]	213 - 214
2	6/20/2013	Third Supplemental Notice of Witnesses [NRS 174.234(1)(a)]	242 - 243
3	3/24/2014	Transcript of Hearing Held on December 18, 2013	677 - 695
1	2/9/2012	Transcript of Hearing Held on January 4, 2012	34 - 87
9	4/6/2020	Transcript of Hearing Held on September 27, 2019	1920 - 2038
2	3/18/2014	Transcript of Hearing Held on September 3, 2013 (Continued)	436 - 472
3	3/18/2014	Transcript of Hearing Held on September 3, 2013 (Continuation)	473 - 480
3	1/9/2015	Transcript of Hearing Held on September 3, 2013 (Continued)	700 - 708
4	1/9/2015	Transcript of Hearing Held on September 3, 2013 (Continuation)	709 - 846
3	3/18/2014	Transcript of Hearing Held on September 4, 2013	481 - 571
3	3/18/2014	Transcript of Hearing Held on September 5, 2013	572 - 637
3	3/18/2014	Transcript of Hearing Held on September 6, 2013	638 - 664
4	1/9/2015	Transcript of Hearing Held on September 6, 2013	847 - 883
3	3/18/2014	Transcript of Hearing Held on September 9, 2013	665 - 676
2	1/22/2014	Unfiled Document(s) - Attorney Letter w/copy of Judicial Notice Pursuant to	414 - 423

I N D E X

<u>VOL</u>	<u>DATE</u>	<u>PLEADING</u>	<u>PAGE NUMBER:</u>
		Chapter 47 of Nev. Rev. Stats Seeking Disqualification of Judge Carolyn Ellsworth	
2	12/17/2013	Unfiled Document(s) - Attorney Letter w/copy of Unfiled Defendant's Motion to Compel Disclosure of Exculpatory Evidence; Defendant's Motion to Proceed in Pro Per; Memorandum to the Court	344 - 366
5	4/20/2016	Unfiled Document(s) - Default Rejection Slip w/copy of Unfiled Peremptory Challenge of Judge	953 - 958
5	4/25/2016	Unfiled Document(s) - Department Memo w/copy of Unsigned Order Denying Defendant's Pro Per Motion to Compel	959 - 962
2	12/17/2013	Unsigned Document(s) - Proper Person Order for Transcript	342 - 343
2	9/9/2013	Verdict	296 - 300
1	3/8/2012	Writ of Habeas Corpus	167 - 168

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Pursuant to NRCP 5(b), on May 11, 2023, service of **NOTICE OF ENTRY OF ORDER**

GRANTING MOTION FOR WITHDRAWAL AS COUNSEL OF RECORD was made upon the parties listed below, via electronic service through the Eighth Judicial District Court's Odyssey E-File and Serve System.

Steven B. Wolfson, District Attorney
Alexander Chen, Chief Deputy District Attorney
Office of the District Attorney
200 Lewis Avenue
Las Vegas, NV 89155-2212

I further certify that service of **NOTICE OF ENTRY OF ORDER GRANTING MOTION FOR WITHDRAWAL AS COUNSEL OF RECORD** was made on this 11th day of May, 2023, by U.S. Mail, to:

Wilburt Hickman, #62150
High Desert State Prison
P.O. Box 650
Indian Springs, NV 89070

/s/Allie Villarreal
An Employee of Armstrong Teasdale LLP

ORDR

ALINA M. SHELL, ESQ.
Nevada Bar No. 11711
ARMSTRONG TEASDALE LLP
7160 Rafael Rivera Drive, Suite 320
Las Vegas, Nevada 89113
Telephone: 702.678.5070
Facsimile: 702.878.9995
Email: ashell@atllp.com

**DISTRICT COURT
CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,

Plaintiff,

vs.

WILBURT HICKMAN #905481,

Defendant.

Case No. C-12-278699-1

Dept. No.: XXIII

**ORDER GRANTING MOTION FOR
WITHDRAWAL AS COUNSEL OF
RECORD**

Alina M. Shell, Esq., of the law firm ARMSTRONG TEASDALE LLP, Motion for Withdrawal as Counsel of Record came before chambers on May 1, 2023, at 9:00 a.m. in Department 23, the Honorable Jasmin Lilly Spells. No opposition has been filed. This Court, having the Motion for Withdrawal as Counsel of Record and the filings thereto, and the good cause appearing therefore, the Court finds, and rules as follows:

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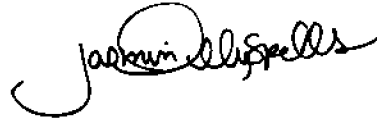
///

///

///

1 IT IS ORDERED that the Motion for Withdrawal as Counsel of Record is hereby **GRANTED**.

2 Dated this 10th day of May, 2023

3 

4
5 District Court Judge
6 **9C7 231 0BC9 854F**
7 **Jasmin Lilly-Spells**
8 **District Court Judge**

EB

9 Respectfully submitted by:

10 ARMSTRONG TEASDALE LLP

11 By: /s/ Alina M. Shell

12 ALINA M. SHELL, ESQ.
13 Nevada Bar No. 11711
14 7610 Rafael Rivera Way, Suite 320
15 Las Vegas, NV 89113

16 Approved as to form:

17 By: /s/ Alexander Chen

18 Steven B. Wolfson, District Attorney
19 Alexander Chen, Chief Deputy District Attorney
20 Office of the District Attorney
21 200 Lewis Avenue
22 Las Vegas, NV 89155-2212

23 *Attorneys for Defendants*
24
25
26
27
28

Allie Villarreal

From: Alexander Chen <Alexander.Chen@clarkcountyda.com>
Sent: Monday, May 8, 2023 1:23 PM
To: Allie Villarreal
Subject: RE: Hickman - Order

CAUTION: EXTERNAL EMAIL

My apologies, it looks good to me.

Alex

From: Allie Villarreal <AVillarreal@atllp.com>
Sent: Monday, May 8, 2023 11:07 AM
To: Alexander Chen <Alexander.Chen@clarkcountyda.com>
Subject: Hickman - Order

CAUTION: This email originated from an **External Source**. Please **use caution** before opening attachments, clicking links, or responding to this email. **Do not sign-in with your DA account credentials.**

Good morning,

I wanted to follow-up on my email below. Please see the attached order for your review and approval.

Thank you,
Allie.



Armstrong
Teasdale

Armstrong Teasdale LLP

Allie Villarreal | Legal Assistant /Assistant Office Manager

7160 Rafael Rivera Way, Suite 320, Las Vegas NV 89113

MAIN PHONE: 702.678.5070 | MAIN FAX: 702.878.9995

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From: Allie Villarreal
Sent: Tuesday, May 2, 2023 4:17 PM
To: alexander.chen@clarkcountyda.com
Subject: Hickman - Order

Good afternoon Mr. Chen,

Please see the attached Order for your review and approval.

Thank you,
Allie.



Armstrong
Teasdale

Armstrong Teasdale LLP

Allie Villarreal | Legal Assistant /Assistant Office Manager

7160 Rafael Rivera Way, Suite 320, Las Vegas NV 89113

MAIN PHONE: 702.678.5070 | MAIN FAX: 702.878.9995

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1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 State of Nevada

CASE NO: C-12-278699-1

7 vs

DEPT. NO. Department 23

8 Wilburt Hickman
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 5/10/2023

15 Margaret McLetchie

maggie@nvlitigation.com

16 Alina Shell .

alina@nvlitigation.com

17 E-File .

efile@nvlitigation.com

18 Margaret McLetchie .

maggie@nvlitigation.com

19 Alina Shell

AShell@Atllp.com

Steven D. Grierson

Wilbur T Hickman #62150

In Proper Person

P.O. Box 650 H.D.S.P.

Indian Springs, Nevada 89018

8th DISTRICT COURT

Clark COUNTY NEVADA

The State of Nevada

Plaintiff

-v-

Wilbur T Hickman

Defendant

Case No. C-12-278699-1

Dept. No. XXIII

Docket

NOTICE OF APPEAL

Notice is hereby given that the Wilbur T Hickman, Petitioner
Appeal, by and through himself in proper person, does now appeal
to the District Court of the State of Nevada, the decision of the District
Court.

Dated this date, May 1st, 2023.

Respectfully Submitted,

Wilbur T Hickman

In Proper Person

CERTIFICATE OF SERVICE BY MAILING

I, Wilbert Hickman, hereby certify, pursuant to NRCP 5(b), that on this 1st
day of May, 2023, I mailed a true and correct copy of the foregoing, "

by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, fully prepaid,
addressed as follows:

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

DATED: this 1st day of May, 2023.

Wilbert Hickman
62150
/In Propria Persona
Post Office box 650 [HDSP]
Indian Springs, Nevada 89018

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding Notice To

APPeal

(Title of Document)

filed in District Court Case number C-12-278699-1

☒ 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.

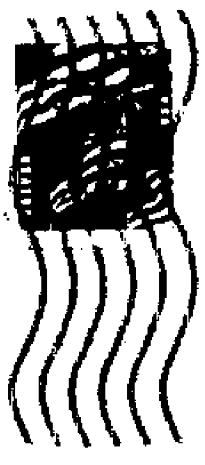
Wilbur Hickman
Signature

May 1, 2023
Date

Wilbur Hickman
Print Name

Pro SE
Title

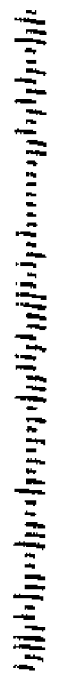
Wilbur Hickman # 62150
H.D.S.P
P.O. Box 650
Indian Springs, Nev. 89070



Regional Justice Center
200 Lewis Ave.
Las Vegas, Nevada, 89155
(Clerk of The Court)

2134 1/0 Court Clerk

89101-630000





1 ASTA

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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 WILBURT HICKMAN aka WILLIAM HICKS,

14 Defendant(s),
15

Case No: C-12-278699-1

Dept No: XXIII

16
17 **CASE APPEAL STATEMENT**
18

19 1. Appellant(s): Wilburt Hickman, Jr.

20 2. Judge: Jasmin Lily-Spells

21 3. Appellant(s): Wilburt Hickman, Jr.

22 Counsel:

23 Wilburt Hickman #62150
24 P.O. Box 650
25 Indain Springs, NV 89070

26 4. Respondent: The State of Nevada

27 Counsel:

28 Steven B. Wolfson, District Attorney
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: January 10, 2012

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

Type of Judgment or Order Being Appealed: Unknown

11. Previous Appeal: Yes

Supreme Court Docket Number(s): 64776, 80596, 84316

12. Child Custody or Visitation: N/A

Dated This 12 day of May 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: Wilburt Hickman

DOCUMENTARY EXHIBITS

ORIGINAL

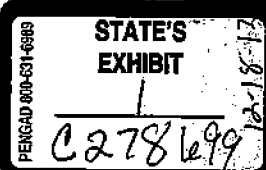
1 INFO
2 STEWART L. BELL
3 DISTRICT ATTORNEY
4 Nevada Bar #000477
5 200 S. Third Street
6 Las Vegas, Nevada 89155
7 (702) 455-4711
8 Attorney for Plaintiff

Shirley B. Panagiotou
FEB 19 3 59 PM '99

FILED

9 I.A. 02-24-99
10 9:00 A.M.
11 PD

DISTRICT COURT
CLARK COUNTY, NEVADA



12 THE STATE OF NEVADA,

13 Plaintiff,

14 -vs-

15 WILLIAM HICKS,
16 #0905481

17 Defendant.

Case No. C156759
Dept. No. XI
Docket S

INFORMATION

18 STATE OF NEVADA }

19 COUNTY OF CLARK }

ss:

20 STEWART L. BELL, District Attorney within and for the County of Clark, State of
21 Nevada, in the name and by the authority of the State of Nevada, informs the Court:

22 That WILLIAM HICKS, the Defendant above named, having committed the crimes of
23 BATTERY WITH SUBSTANTIAL BODILY HARM (Felony - NRS 200.481);
24 BURGLARY (Felony - NRS 205.060); BATTERY CONSTITUTING DOMESTIC
25 VIOLENCE (Felony - NRS 200.481, 200.485, 33.018); and INVASION OF THE HOME
(Felony - NRS 205.067), on or about the 28th day of December, 1998, within the County of
26 Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases made and
27 provided, and against the peace and dignity of the State of Nevada,

28 COUNT I - BATTERY WITH SUBSTANTIAL BODILY HARM

did then and there wilfully, unlawfully, and feloniously use force or violence upon the
person of another, to-wit: MARLENE SCOTT, by striking the said MARLENE SCOTT

CE40

1 numerous times in the face and/or mouth, resulting in substantial bodily harm to the said
2 MARLENE SCOTT.

3 COUNT II - BURGLARY

4 did then and there wilfully, unlawfully, and feloniously enter, with intent to commit
5 larceny, that certain building located at 216 North Bruce, Las Vegas, Clark County, Nevada,
6 Apartment No. C thereof, occupied by MARLENE SCOTT.

7 COUNT III - BATTERY CONSTITUTING DOMESTIC VIOLENCE

8 did then and there wilfully, unlawfully and feloniously use force or violence against or
9 upon the person of his spouse, former spouse, any other person to whom he is related by blood
10 or marriage, a person with whom he is or was actually residing, a person with whom he has had
11 or is having a dating relationship, a person with whom he has a child in common, the minor
12 child of any of those persons or his minor child, to-wit: MARLENE SCOTT, by striking the
13 said MARLENE SCOTT numerous times in the face and/or mouth, said Defendant having
14 committed the offense of Battery Constituting Domestic Violence at least two (2) times within
15 seven (7) years immediately preceding the date of the principal offense or after the principal
16 offense charged herein, to-wit:

17 Date of Offense: January 20, 1997
18 Conviction: January 28, 1997, Case No. C315856A,
Municipal Court, Las Vegas, Clark County, Nevada;

19 Date of Offense: July 18, 1997
20 Conviction: October 14, 1997, Case No. C334466A,
Municipal Court, Las Vegas, Clark County, Nevada;

21 Date of Offense: February 11, 1995
22 Conviction: March 9, 1995, Case No. C255005A,
Municipal Court, Las Vegas, Clark County, Nevada;

23 Date of Offense: September 4, 1997
24 Conviction: October 14, 1997, Case No. C339032A,
Municipal Court, Las Vegas, Clark County, Nevada.

25 ///

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28 ///

1 COUNT IV - INVASION OF THE HOME

2 did then and there wilfully, unlawfully, and feloniously forcibly enter an inhabited
3 dwelling, to-wit: 216 North Bruce, Apartment C, Las Vegas, Clark County, Nevada, without
4 permission of the owner, resident, or lawful occupant, to-wit: MARLENE SCOTT.

5 STEWART L. BELL
6 DISTRICT ATTORNEY
Nevada Bar #000477

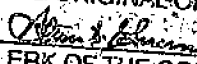
7
8 BY 
9

LIZ McDONALD
Deputy District Attorney
Nevada Bar #006056

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MAR 26 2010

DA#99F00619X/da
LVMPD EV#9812280418
BATT W/SBH; BURG;
BATT DV; INVASION HOME - F
(TK1)

CERTIFIED COPY
DOCUMENT ATTACHED IS A
TRUE AND CORRECT COPY
OF THE ORIGINAL ON FILE


CLERK OF THE COURT

ORIGINAL

Shirley B. Pung

MAR 29 1 54 PM '99

FILED

DISTRICT COURT
CLARK COUNTY, NEVADA

1 INFO
2 STEWART L. BELL
3 DISTRICT ATTORNEY
4 Nevada Bar #000477
5 200 S. Third Street
6 Las Vegas, Nevada 89155
7 (702) 435-4711
8 Attorney for Plaintiff

9 I.A. 03/31/99
10 9:00 A.M.
11 P.D.

12 THE STATE OF NEVADA,

13 Plaintiff,

14 -vs-

15 WILLIAM HICKS,
16 #0905481

17 Defendant.

Case No. C156759
Dept. No. XI
Docket S

INFORMATION

18 STATE OF NEVADA }
19 COUNTY OF CLARK } ss:

20 STEWART L. BELL, District Attorney within and for the County of Clark, State of
21 Nevada, in the name and by the authority of the State of Nevada, informs the Court:

22 That WILLIAM HICKS, the Defendant above named, having committed the crimes of
23 BATTERY WITH SUBSTANTIAL BODILY HARM (Felony - NRS 200.481); BATTERY
24 CONSTITUTING DOMESTIC VIOLENCE (Felony - NRS 200.481, 200.485, 33.018); and
25 INVASION OF THE HOME (Felony - NRS 205.067), on or about the 28th day of December,
26 1998, within the County of Clark, State of Nevada, contrary to the form, force and effect of
27 statutes in such cases made and provided, and against the peace and dignity of the State of
28 Nevada,

29 COUNT I - BATTERY WITH SUBSTANTIAL BODILY HARM

30 did then and there wilfully, unlawfully, and feloniously use force or violence upon the
31 person of another, to-wit: MARLENE SCOTT, by striking the said MARLENE SCOTT

CE31

1 numerous times in the face and/or mouth, resulting in substantial bodily harm to the said
2 MARLENE SCOTT.

3 COUNT II - BATTERY CONSTITUTING DOMESTIC VIOLENCE

4 did then and there wilfully, unlawfully and feloniously use force or violence against or
5 upon the person of his spouse, former spouse, any other person to whom he is related by blood
6 or marriage, a person with whom he is or was actually residing, a person with whom he has had
7 or is having a dating relationship, a person with whom he has a child in common, the minor
8 child of any of those persons or his minor child, to-wit: MARLENE SCOTT, by striking the
9 said MARLENE SCOTT numerous times in the face and/or mouth, said Defendant having
10 committed the offense of Battery Constituting Domestic Violence at least two (2) times within
11 seven (7) years immediately preceding the date of the principal offense or after the principal
12 offense charged herein, to-wit:

13 Date of Offense: January 20, 1997
14 Conviction: January 28, 1997, Case No. C315856A,
Municipal Court, Las Vegas, Clark County, Nevada;

15 Date of Offense: July 18, 1997
16 Conviction: October 14, 1997, Case No. C334466A,
Municipal Court, Las Vegas, Clark County, Nevada;

17 Date of Offense: February 11, 1995
18 Conviction: March 9, 1995, Case No. C255005A,
Municipal Court, Las Vegas, Clark County, Nevada;

19 Date of Offense: September 4, 1997
20 Conviction: October 14, 1997, Case No. C339032A,
Municipal Court, Las Vegas, Clark County, Nevada.

21 COUNT III - INVASION OF THE HOME

22 did then and there wilfully, unlawfully, and feloniously forcibly enter an inhabited
23 dwelling, to-wit: 216 North Bruce, Apartment C, Las Vegas, Clark County, Nevada, without

24 ///

25 ///

26 ///


27 ///

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1 permission of the owner, resident, or lawful occupant, to-wit: MARLENE SCOTT.

2 STEWART L. BELL
3 DISTRICT ATTORNEY
4 Nevada Bar #000477

5 BY

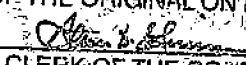

LIZ McDONALD
Deputy District Attorney
Nevada Bar #006056

6
7
8
9 Names of witnesses known to the District Attorney's Office at the time of filing this
10 Information are as follows:

11	<u>NAME</u>	<u>ADDRESS</u>
12	BEAS, ALBERT A. (JR.)	LVMPD P#5208
13	BETANCOURT, DAMIAN V. (DDS)	1633 Grey Bull Way Las Vegas, NV 89128-2304
14	CUSTODIAN OF RECORDS	CLARK COUNTY DETENTION CENTER 330 S. Casino Center Blvd. Las Vegas, NV 89101
15	CUSTODIAN OF RECORDS	UNIVERSITY MEDICAL CENTER 1800 W. Charleston Blvd. Las Vegas, NV 89102
16	FEBBRARO, PASQUALE	LVMPD P#3790
17	MADISON, GEARY L.	LVMPD P#4770
18	SCHAFFNER, RAYMOND A.	LVMPD P#4765
19	SCOTT, AMINA BADIA	216 N. Bruce St., Apt. #C
20	SCOTT, MARLENE FRANCES	216 N. Bruce St., Apt. #C Las Vegas, NV 89101

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26 DA#99F00619X/pm
27 LVMPD EV#9812280418
28 BATT W/SBH; BATT DV;
HOME INVA - F
(TK1)

MAR 26 2010
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CLERK OF THE COURT

ORIGINAL

1 GMEM
2 STEWART L. BELL
3 DISTRICT ATTORNEY
4 Nevada Bar #000477
5 200 S. Third Street
6 Las Vegas, Nevada 89155
7 (702) 455-4711
8 Attorney for Plaintiff

FILED IN OPEN COURT
5-24-99
SHIRLEY B. PARRAGUIRRE, CLERK
BY Joyce Brown
JOYCE BROWN DEPUTY

DISTRICT COURT
CLARK COUNTY, NEVADA

8 THE STATE OF NEVADA,

9 Plaintiff,

10 -vs-

11 WILLIAM HICKS,
12 #0905481

13 Defendant.

Case No. C156759
Dept. No. XI
Docket S

14
15 GUILTY PLEA AGREEMENT

16 I hereby agree to plead guilty to: COUNT II-BATTERY CONSTITUTING DOMESTIC
17 VIOLENCE (CATEGORY C FELONY - NRS 200.481, 200.485, 33.018), as more fully alleged
18 in the charging document attached hereto as Exhibit "1". I also hereby agree to plead guilty to
19 Stop Required on Signal of Police Officer (Category B Felony - NRS 484.348) in Case No.
20 99F00405X.

21 My decision to plead guilty is based upon the plea agreement in this case which is as
22 follows:

23 The State has agreed to retain the right to argue at rendition of sentence. After rendition
24 of sentence the State will not oppose dismissal of the Remaining Counts I and III in the original
25 information.

26 CONSEQUENCES OF THE PLEA

27 I understand that by pleading guilty I admit the facts which support all the elements of
28 the offense(s) to which I now plead as set forth in Exhibit "1".

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1 I understand that as a consequence of my plea of guilty the Court must sentence me to
2 imprisonment in the Nevada State Prison for a minimum term of not less than one (1) year and
3 a maximum term of not more than five (5) years. The minimum term of imprisonment may not
4 exceed forty percent (40%) of the maximum term of imprisonment. I understand that I may also
5 be fined up to \$10,000.00. I understand that the law requires me to pay an Administrative
6 Assessment Fee.

7 I understand that, if appropriate, I will be ordered to make restitution to the victim of the
8 offense(s) to which I am pleading guilty and to the victim of any related offense which is being
9 dismissed or not prosecuted pursuant to this agreement. I will also be ordered to reimburse the
10 State of Nevada for any expenses related to my extradition, if any.

11 I understand that I am eligible for probation for the offense to which I am pleading guilty.
12 I understand that, except as otherwise provided by statute, the question of whether I receive
13 probation is in the discretion of the sentencing judge.

14 I understand that if more than one sentence of imprisonment is imposed and I am eligible
15 to serve the sentences concurrently, the sentencing judge has the discretion to order the
16 sentences served concurrently or consecutively.

17 I also understand that information regarding charges not filed, dismissed charges, or
18 charges to be dismissed pursuant to this agreement may be considered by the judge at
19 sentencing.

20 I have not been promised or guaranteed any particular sentence by anyone. I know that
21 my sentence is to be determined by the Court within the limits prescribed by statute. I
22 understand that if my attorney or the State of Nevada or both recommend any specific
23 punishment to the Court, the Court is not obligated to accept the recommendation.

24 I understand that the Division of Parole and Probation will prepare a report for the
25 sentencing judge prior to sentencing. This report will include matters relevant to the issue of
26 sentencing, including my criminal history. This report may contain hearsay information
27 regarding my background and criminal history. My attorney and I will each have the
28 opportunity to comment on the information contained in the report at the time of sentencing.

1 Unless the District Attorney has specifically agreed otherwise, then the District Attorney may
2 also comment on this report.

3 WAIVER OF RIGHTS

4 By entering my plea of guilty, I understand that I am waiving and forever giving up the
5 following rights and privileges:

6 1. The constitutional privilege against self-incrimination, including the right to refuse to
7 testify at trial, in which event the prosecution would not be allowed to comment to the jury
8 about my refusal to testify.

9 2. The constitutional right to a speedy and public trial by an impartial jury, free of
10 excessive pretrial publicity prejudicial to the defense, at which trial I would be entitled to the
11 assistance of an attorney, either appointed or retained. At trial the State would bear the burden
12 of proving beyond a reasonable doubt each element of the offense charged.

13 3. The constitutional right to confront and cross-examine any witnesses who would
14 testify against me.

15 4. The constitutional right to subpoena witnesses to testify on my behalf.

16 5. The constitutional right to testify in my own defense.

17 6. The right to appeal the conviction, with the assistance of an attorney, either appointed
18 or retained, unless the appeal is based upon reasonable constitutional jurisdictional or other
19 grounds that challenge the legality of the proceedings and except as otherwise provided in
20 subsection 3 of NRS 174.035.

21 VOLUNTARINESS OF PLEA

22 I have discussed the elements of all of the original charge(s) against me with my attorney
23 and I understand the nature of the charge(s) against me.

24 I understand that the State would have to prove each element of the charge(s) against me
25 at trial.

26 I have discussed with my attorney any possible defenses, defense strategies and
27 circumstances which might be in my favor.

28 All of the foregoing elements, consequences, rights, and waiver of rights have been

1 thoroughly explained to me by my attorney.

2 I believe that pleading guilty and accepting this plea bargain is in my best interest, and
3 that a trial would be contrary to my best interest.

4 I am signing this agreement voluntarily, after consultation with my attorney, and I am not
5 acting under duress or coercion or by virtue of any promises of leniency, except for those set
6 forth in this agreement.

7 I am not now under the influence of any intoxicating liquor, a controlled substance or
8 other drug which would in any manner impair my ability to comprehend or understand this
9 agreement or the proceedings surrounding my entry of this plea.

10 My attorney has answered all my questions regarding this guilty plea agreement and its
11 consequences to my satisfaction and I am satisfied with the services provided by my attorney.

12 DATED this 24 day of May, 1999.

13
14 
15 WILLIAM HICKS
16 Defendant

17 AGREED TO BY:

18 
19 Deputy District Attorney
20
21
22
23
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1 CERTIFICATE OF COUNSEL:

2 I, the undersigned, as the attorney for the Defendant named herein and as an officer of
3 the court hereby certify that:

4 1. I have fully explained to the Defendant the allegations contained in the charge(s) to
5 which guilty pleas are being entered.

6 2. I have advised the Defendant of the penalties for each charge and the restitution that
7 the Defendant may be ordered to pay.

8 3. All pleas of guilty offered by the Defendant pursuant to this agreement are consistent
9 with the facts known to me and are made with my advice to the Defendant.

10 4. To the best of my knowledge and belief, the Defendant:

11 a. Is competent and understands the charges and the consequences of pleading
12 guilty as provided in this agreement.

13 b. Executed this agreement and will enter all guilty pleas pursuant hereto
14 voluntarily.

15 c. Was not under the influence of intoxicating liquor, a controlled substance or
16 other drug at the time I consulted with the defendant as certified in paragraphs 1
17 and 2 above.

18 Dated: This 24 day of May, 1999.

19 
20 ATTORNEY FOR DEFENDANT

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23 MAR 26 2010

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26 CERTIFIED COPY
27 DOCUMENT ATTACHED IS A
28 TRUE AND CORRECT COPY
OF THE ORIGINAL ON FILE


CLERK OF THE COURT

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pm

1 INFO
2 STEWART L. BELL
3 DISTRICT ATTORNEY
4 Nevada Bar #000477
5 200 S. Third Street
6 Las Vegas, Nevada 89155
7 (702) 435-4711
8 Attorney for Plaintiff

9 I.A. 03/31/99
10 9:00 A.M.
11 P.D.

FILED
DISTRICT COURT
CLARK COUNTY, NEVADA

12 THE STATE OF NEVADA,

13 Plaintiff,

14 -vs-

15 WILLIAM HICKS,
16 #0905481

17 Defendant.

Case No. C156759
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Docket S

INFORMATION

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19 COUNTY OF CLARK

} ss:

20 STEWART L. BELL, District Attorney within and for the County of Clark, State of
21 Nevada, in the name and by the authority of the State of Nevada, informs the Court:

22 That WILLIAM HICKS, the Defendant above named, having committed the crimes of
23 BATTERY WITH SUBSTANTIAL BODILY HARM (Felony - NRS 200.481); BATTERY
24 CONSTITUTING DOMESTIC VIOLENCE (Felony - NRS 200.481, 200.485, 33.018); and
25 INVASION OF THE HOME (Felony - NRS 205.067), on or about the 28th day of December,
26 1998, within the County of Clark, State of Nevada, contrary to the form, force and effect of
27 statutes in such cases made and provided, and against the peace and dignity of the State of
28 Nevada,

COUNT 1 - BATTERY WITH SUBSTANTIAL BODILY HARM

did then and there wilfully, unlawfully, and feloniously use force or violence upon the
person of another, to-wit: MARLENE SCOTT, by striking the said MARLENE SCOTT

EXHIBIT "1"

1 numerous times in the face and/or mouth, resulting in substantial bodily harm to the said
2 MARLENE SCOTT.

3 COUNT II - BATTERY CONSTITUTING DOMESTIC VIOLENCE

4 did then and there wilfully, unlawfully and feloniously use force or violence against or
5 upon the person of his spouse, former spouse, any other person to whom he is related by blood
6 or marriage, a person with whom he is or was actually residing, a person with whom he has had
7 or is having a dating relationship, a person with whom he has a child in common, the minor
8 child of any of those persons or his minor child, to-wit: MARLENE SCOTT, by striking the
9 said MARLENE SCOTT numerous times in the face and/or mouth, said Defendant having
10 committed the offense of Battery Constituting Domestic Violence at least two (2) times within
11 seven (7) years immediately preceding the date of the principal offense or after the principal
12 offense charged herein, to-wit:

13 Date of Offense: January 20, 1997
14 Conviction: January 28, 1997, Case No. C315856A,
Municipal Court, Las Vegas, Clark County, Nevada;

15 Date of Offense: July 18, 1997
16 Conviction: October 14, 1997, Case No. C334466A,
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17 Date of Offense: February 11, 1995
18 Conviction: March 9, 1995, Case No. C255005A,
Municipal Court, Las Vegas, Clark County, Nevada;

19 Date of Offense: September 4, 1997
20 Conviction: October 14, 1997, Case No. C339032A,
Municipal Court, Las Vegas, Clark County, Nevada.

21 COUNT III - INVASION OF THE HOME

22 did then and there wilfully, unlawfully, and feloniously forcibly enter an inhabited
23 dwelling, to-wit: 216 North Bruce, Apartment C, Las Vegas, Clark County, Nevada, without

24 ///

25 ///


26 ///

27 ///

28 ///

1 permission of the owner, resident, or lawful occupant, to-wit: MARLENE SCOTT.

2 STEWART L. BELL
3 DISTRICT ATTORNEY
4 Nevada Bar #000477

5 BY 
6 LIZ McDONALD
7 Deputy District Attorney
8 Nevada Bar #006056

9 Names of witnesses known to the District Attorney's Office at the time of filing this
10 Information are as follows:

11	NAME	ADDRESS
12	BEAS, ALBERT A. (JR.)	LVMPD P#5208
13	BETANCOURT, DAMIAN V. (DDS)	1633 Grey Bull Way Las Vegas, NV 89128-2304
14	CUSTODIAN OF RECORDS	CLARK COUNTY DETENTION CENTER
15		330 S. Casino Center Blvd. Las Vegas, NV 89101
16	CUSTODIAN OF RECORDS	UNIVERSITY MEDICAL CENTER
17		1800 W. Charleston Blvd. Las Vegas, NV 89102
18	FEBBRARO, PASQUALE	LVMPD P#3790
19	MADISON, GEARY L.	LVMPD P#4770
20	SCHAFFNER, RAYMOND A.	LVMPD P#4765
21	SCOTT, AMINA BADIA	216 N. Bruce St., Apt. #C
22	SCOTT, MARLENE FRANCES	216 N. Bruce St., Apt. #C Las Vegas, NV 89101

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26 DA#99F00619X/pm
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28 BATT W/SBH; BATT DV;
HOME INVA - F
(TK1)

ORIGINAL

FILED

JUL 15 8 41 AM '99

Shirley A. Higgins
CLERK

1 JOCK
2 STEWART L. BELL
3 DISTRICT ATTORNEY
4 Nevada Bar #000477
5 200 S. Third Street
6 Las Vegas, Nevada 89155
7 (702) 435-4711
8 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

8 THE STATE OF NEVADA,

9 Plaintiff,

10 -vs-

11 WILLIAM HICKS,
12 #0905481

13 Defendant.

Case No. C156759
Dept. No. XI
Docket S

14
15 JUDGMENT OF CONVICTION (PLEA)

16 WHEREAS, on the 24th day of May, 1999, the Defendant WILLIAM HICKS, appeared
17 before the Court herein with his counsel and entered a plea of guilty to the crime of COUNT
18 II-BATTERY CONSTITUTING DOMESTIC VIOLENCE (CATEGORY C FELONY),
19 committed on the 28th day of December, 1998, in violation of NRS 200.481, 200.485, 33.018
20 and

21 WHEREAS, thereafter on the 6th day of July, 1999, the Defendant being present in court
22 with his counsel DIANNE DICKSON, Deputy Public Defender, and BECKY S. GOETTSCHE,
23 Deputy District Attorney, also being present; the above entitled Court did adjudge the Defendant
24 guilty thereof by reason of his plea of guilty and, in addition to the \$25.00 Administrative
25 Assessment Fee, Defendant sentenced on Count II to a maximum term of sixty (60) months with
26 a minimum parole eligibility of twenty-four (24) months in the Nevada Department of Prisons,
27 with one hundred forty (140) days Credit For Time Served. Court Further Ordered remaining
28 counts Dismissed.

CE-02

JUL 16 1999

CE37

CRIMINAL COURT MINUTES

99-C-156759-C STATE OF NEVADA vs Hicks, William

02/24/99 09:00 AM 00 INITIAL ARRAIGNMENT

HEARD BY: Michael L Douglas, Judge; Dept. 11

OFFICERS: JOYCE BROWN, Court Clerk
CATHY NELSON, Reporter/Recorder

PARTIES: STATE OF NEVADA
006056 Bauer, Elizabeth B.

Y
Y

0001 D1 Hicks, William
PUBDEF Public Defender
004735 Roundtree, Stacey

Y
Y
Y

Ms. Roundtree advised the State was not going through with negotiations and it needed to be sent back for a Preliminary Hearing. Ms. McDonald advised that was mis-represented; if the Defendant wanted to accept the negotiations, he could. Court inquired if they needed additional time or did the matter need to be sent back for a Preliminary Hearing. Ms. McDonald asked it be sent back. COURT ORDERED matter REMANDED to Justice Court for a Preliminary Hearing.

CUSTODY

3-8-99 8:00 AM FURTHER PROCEEDINGS IN JUSTICE COURT I

03/31/99 09:00 AM 00 INITIAL ARRAIGNMENT

HEARD BY: Michael L Douglas, Judge; Dept. 11

OFFICERS: SUSAN BURDETTE/sb, Court Clerk
CATHY NELSON, Reporter/Recorder

PARTIES: STATE OF NEVADA
006163 Weckerly, Pamela C.

Y
Y

0001 D1 Hicks, William
PUBDEF Public Defender
005620 Dickson, Dianne

Y
Y
Y

DEFENDANT HICKS ARRAIGNED, PLED NOT GUILTY and INVOKED THE 60-DAY RULE.
COURT ORDERED, matter set for trial.

CUSTODY

05-20-99 9:00 AM CALENDAR CALL

05-24-99 1:30 PM JURY TRIAL

CRIMINAL COURT MINUTES

99-C-156759-C STATE OF NEVADA vs Hicks, William
CONTINUED FROM PAGE: 001

05/20/99 09:00 AM 00 CALENDAR CALL

HEARD BY: Michael L Douglas, Judge; Dept. 11

OFFICERS: SUSAN BURDETTE/sb, Court Clerk
KRIS CORNELIUS, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
003649	Kephart, William D.	Y
006316	Goettsch, Becky S.	Y
0001 D1	Hicks, William	Y
PUBDEF	Public Defender	Y
005620	Dickson, Dianne	Y

Ms. Dickson requested to trail this matter to confer with Mr. Kephart.
Matter trailed.

LATER, matter RECALLED; Ms. Goettsch present for the State; Mr. Kephart not present. Ms. Dickson stated Deft. has a Motion to Dismiss Counsel, and lodged same with the Court. Court reviewed same, noted Deft. previously invoked his right to a speedy trial within sixty (60) days, and ORDERED, matter CONTINUED to allow Deft. to discuss his Motion with Ms. Dickson and to determine if Ms. Dickson still wishes to represent Deft. Court admonished Deft. that he has a right to counsel but not necessarily the counsel of his choice; Deft. is fortunate to have the counsel he has. COURT FURTHER ORDERED, Trial date to STAND at this point.

CUSTODY

05-24-99 9:00 AM CALENDAR CALL

05-24-99 1:30 PM JURY TRIAL

CONTINUED TO: 05/24/99 09:00 AM 01

ORIGINAL

FILED

24

1 INF
2 STEWART L. BELL
3 DISTRICT ATTORNEY
4 Nevada Bar #000477
5 200 S. Third Street
6 Las Vegas, Nevada 89155
7 (702) 455-4711
8 Attorney for Plaintiff

JUN 7 10 16 AM '99

9 I.A. 06/10/99
10 9:00 A.M.
11 PUBLIC DEFENDER

12 DISTRICT COURT
13 CLARK COUNTY, NEVADA

14 THE STATE OF NEVADA,
15 Plaintiff,

16 -vs-

17 WILLIAM HICKS,
18 #0905481

19 Defendant(s).

Case No.
Dept. No.
Docket

C
V
H

159356

20 INFORMATION

21 STATE OF NEVADA }
22 COUNTY OF CLARK } ss:

23 STEWART L. BELL, District Attorney within and for the County of Clark, State of
24 Nevada, in the name and by the authority of the State of Nevada, informs the Court:

25 That WILLIAM HICKS, the Defendant(s) above named, has committed the crime of
26 STOP REQUIRED ON THE SIGNAL OF POLICE OFFICER (NRS 484.348), on or about
27 the 8th day of January, 1999, within the County of Clark, State of Nevada, contrary to the form,
28 force and effect of statutes in such cases made and provided, and against the peace and dignity
of the State of Nevada, did, while driving a motor vehicle, to-wit: a 1984 Cadillac, bearing
Nevada License No. 752JAT, from Eastbound Ogden to Southbound 8th Street, running a stop
sign and at 7th and Carson, running a red light and driving at a high rate speed, to 7th and

CE52

1 Ogden, running a red light and almost causing a collision by running a red light at 7th and
2 Ogden, to 7th and Stewart and running another light, and driving at a high rate of speed to 7th
3 and Bonanza, running another red light and almost causing another collision, Las Vegas, Clark
4 County, Nevada, wilfully, unlawfully, and feloniously fail or refuse to bring said vehicle to a
5 stop, or otherwise flee or attempt to elude a peace officer in a readily identifiable vehicle of any
6 police department or regulatory agency, to-wit: P. SPENCER and/or B. NELLIS and/or M.
7 SCHOOT, Las Vegas Metropolitan Police Department, after being given a signal to bring the
8 vehicle to a stop, operate said motor vehicle in a manner which endangered, or was likely to
9 endanger any person other than himself, or the property of any person other than himself.

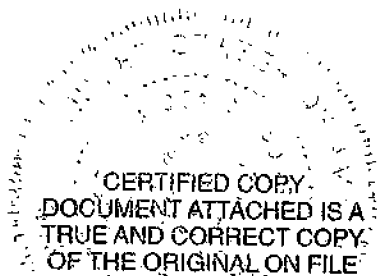
STEWART L. BELL
DISTRICT ATTORNEY
Nevada Bar #000477

BY

JAMES B. HARTSELL
Deputy District Attorney
Nevada Bar #005017

27 DA#99F00405X/sji
28 LVMPD EV#9901082439
STOP REQ.(F)
(TK4)

-2-



CERTIFIED COPY
DOCUMENT ATTACHED IS A
TRUE AND CORRECT COPY
OF THE ORIGINAL ON FILE

SEP 13 2012

Oliver J. Johnson
CLERK OF THE COURT

GMEM
STEWART L. BELL
DISTRICT ATTORNEY
Nevada Bar #000477
200 S. Third Street
Las Vegas, Nevada 89155
(702) 455-4711
Attorney for Plaintiff

6-10-95

19

BY Valona Cantelero

ALONIA CANDITO

DEPUTY

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-VS-

WILLIAM HICKS,
#0905481

Defendant.

Case No.

Dept. No.

Docket

c 159356

v

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GUILTY PLEA AGREEMENT

I hereby agree to plead guilty to STOP REQUIRED ON THE SIGNAL OF POLICE OFFICER (Felony), as more fully alleged in the charging document attached hereto as Exhibit "1".

My decision to plead guilty is based upon the plea agreement in this case which is as follows:

The State retains the right to argue at the time of sentencing.

CONSEQUENCES OF THE PLEA

I understand that by pleading guilty I admit the facts which support all the elements of the offense(s) to which I now plead as set forth in Exhibit "1".

I understand that the Court must sentence me to imprisonment in the Nevada State Prison for a minimum term of not less than ONE (1) year and a maximum term of not more than SIX (6) years. The minimum term of imprisonment may not exceed forty percent (40%) of the maximum term of imprisonment. I understand that I may also be fined up to \$5,000.

PAWIPAKRIN 90040301 WPT

CE52

1 I understand that the law requires me to pay an Administrative Assessment Fee.

2 I understand that, if appropriate, I will be ordered to make restitution to the victim of the
3 offense(s) to which I am pleading guilty and to the victim of any related offense which is being
4 dismissed or not prosecuted pursuant to this agreement. I will also be ordered to reimburse the
5 State of Nevada for any expenses related to my extradition, if any.

6 I understand that I am eligible for probation for the offense to which I am pleading guilty.
7 I understand that, except as otherwise provided by statute, the question of whether I receive
8 probation is in the discretion of the sentencing judge.

9 I understand that if more than one sentence of imprisonment is imposed and I am eligible
10 to serve the sentences concurrently, the sentencing judge has the discretion to order the sentences
11 served concurrently or consecutively.

12 I also understand that information regarding charges not filed, dismissed charges, or
13 charges to be dismissed pursuant to this agreement may be considered by the judge at sentencing.

14 I have not been promised or guaranteed any particular sentence by anyone. I know that
15 my sentence is to be determined by the Court within the limits prescribed by statute. I
16 understand that if my attorney or the State of Nevada or both recommend any specific
17 punishment to the Court, the Court is not obligated to accept the recommendation.

18 I understand that the Division of Parole and Probation will prepare a report for the
19 sentencing judge prior to sentencing. This report will include matters relevant to the issue of
20 sentencing, including my criminal history. This report may contain hearsay information
21 regarding my background and criminal history. My attorney and I will each have the opportunity
22 to comment on the information contained in the report at the time of sentencing. Unless the
23 District Attorney has specifically agreed otherwise, then the District Attorney may also comment
24 on this report.

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1 that a trial would be contrary to my best interest.

2 I am signing this agreement voluntarily, after consultation with my attorney, and I am not
3 acting under duress or coercion or by virtue of any promises of leniency, except for those set
4 forth in this agreement.

5 I am not now under the influence of any intoxicating liquor, a controlled substance or
6 other drug which would in any manner impair my ability to comprehend or understand this
7 agreement or the proceedings surrounding my entry of this plea.

8 My attorney has answered all my questions regarding this guilty plea agreement and its
9 consequences to my satisfaction and I am satisfied with the services provided by my attorney.

10 DATED this _____ day of June, 1999.

11
12 
13 WILLIAM HICKS
14 Defendant

15 AGREED TO BY:

16 
17 JAMES B. HARTSELL
18 Deputy District Attorney

1 CERTIFICATE OF COUNSEL:

2 I, the undersigned, as the attorney for the Defendant named herein and as an officer of
3 the court hereby certify that:

4 1. I have fully explained to the Defendant the allegations contained in the charge(s) to
5 which guilty pleas are being entered.

6 2. I have advised the Defendant of the penalties for each charge and the restitution that
7 the Defendant may be ordered to pay.

8 3. All pleas of guilty offered by the Defendant pursuant to this agreement are consistent
9 with the facts known to me and are made with my advice to the Defendant.

10 4. To the best of my knowledge and belief, the Defendant:

11 a. Is competent and understands the charges and the consequences of pleading
12 guilty as provided in this agreement.

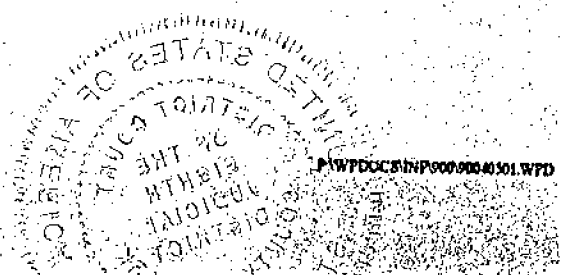
13 b. Executed this agreement and will enter all guilty pleas pursuant hereto
14 voluntarily.

15 c. Was not under the influence of intoxicating liquor, a controlled substance or
16 other drug at the time I consulted with the defendant as certified in paragraphs 1
17 and 2 above.

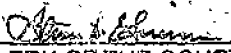
18 Dated: This _____ day of June, 1999.

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PUBLIC DEFENDER
ATTORNEY FOR DEFENDANT

99F00405X



CERTIFIED COPY
DOCUMENT ATTACHED IS A
TRUE AND CORRECT COPY
OF THE ORIGINAL ON FILE


CLERK OF THE COURT

SEP 13 2012

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ORIGINAL

16

1 JOCP
2 STEWART L. BELL
3 DISTRICT ATTORNEY
4 Nevada Bar #000477
5 200 S. Third Street
6 Las Vegas, Nevada 89155
7 (702) 455-4711
8 Attorney for Plaintiff

FILED

AUG 2 11 48 AM '99

Shirley B. Rasmussen
CLERK

DISTRICT COURT
CLARK COUNTY, NEVADA

8 THE STATE OF NEVADA,

9 Plaintiff,

10 -vs-

11 WILLIAM HICKS,
12 #0905481

13 Defendant.

Case No. C159356
Dept. No. V
Docket H

14
15 JUDGMENT OF CONVICTION (PLEA)

16 WHEREAS, on the 10th day of June, 1999, the Defendant WILLIAM HICKS, appeared
17 before the Court herein with his counsel and entered a plea of guilty to the crime(s) of STOP
18 REQUIRED ON THE SIGNAL OF POLICE OFFICER (Felony), committed on the 8th day of
19 January, 1999, in violation of NRS 484.348 and

20 WHEREAS, thereafter on the 19th day of July, 1999, the Defendant being present in court
21 with his counsel KEVIN V. WILLIAMS, Deputy Public Defender, and JAMES B. HARTSELL,
22 Deputy District Attorney, also being present; the above entitled Court did adjudge the Defendant
23 guilty thereof by reason of his plea of guilty and, in addition to the \$25.00 Administrative
24 Assessment Fee, sentenced Defendant to a MINIMUM term of TWENTY-FOUR (24)
25 MONTHS and a MAXIMUM term of SIXTY (60) MONTHS in the Nevada Department of
26 Prisons to run CONCURRENT with Case No. C156759.

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CE-0/

AUG 03 1999

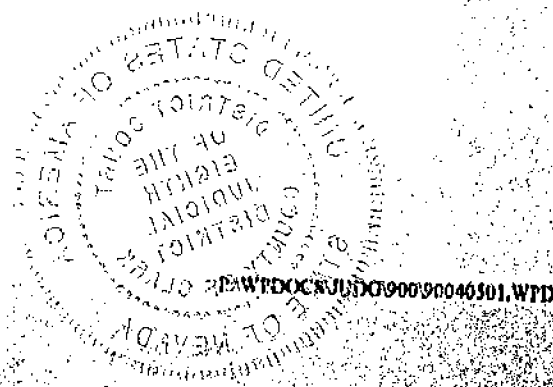
CE-0/

1 THEREFORE, the Clerk of the above entitled Court is hereby directed to enter this
2 Judgment of Conviction as part of the record in the above entitled matter.

3 DATED this 26 day of July, 1999, in the City of Las Vegas, County of Clark, State
4 of Nevada.

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7 _____
8 DISTRICT JUDGE
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26 DA#99F00405X/sji
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28 I-STOP REQ. - F
 (TK4)



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SEP 13 2012

Alison L. Johnson
CLERK OF THE COURT

ORIGINAL

16

JOCP
STEWART L. BELL
DISTRICT ATTORNEY
Nevada Bar #000477
200 S. Third Street
Las Vegas, Nevada 89155
(702) 455-4711
Attorney for Plaintiff

FILED

JAN 11 2 49 PM '00

Shirley E. Rungius
CLERK

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-VS-

WILLIAM HICKS,
#0905481

Defendant.

Case No. C159356
Dept. No. V
Docket H

AMENDED
JUDGMENT OF CONVICTION (PLEA)

WHEREAS, on the 10th day of June, 1999, the Defendant WILLIAM HICKS, appeared before the Court herein with his counsel and entered a plea of guilty to the crime of STOP REQUIRED ON THE SIGNAL OF POLICE OFFICER (Felony), committed on the 8th day of January, 1999, in violation of NRS 484.348 and

WHEREAS, thereafter on the 19th day of July, 1999, the Defendant being present in Court with his counsel KEVIN W. WILLIAMS, Deputy Public Defender, and JAMES B. HARTSELL, Deputy District Attorney, also being present; the above entitled Court did adjudge the Defendant guilty thereof by reason of his plea of guilty and, in addition to the \$25.00 Administrative Assessment Fee, sentenced Defendant to a MINIMUM term of TWENTY-FOUR (24) MONTHS and a MAXIMUM term of SIXTY (60) MONTHS in the Nevada Department of Prisons to run CONCURRENT with Case No. C156759.

THEREAFTER, on the 16th day of December, 1999, the Defendant not present and in

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JAN 11 2000
COUNTY CLERK

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COUNTY CLERK

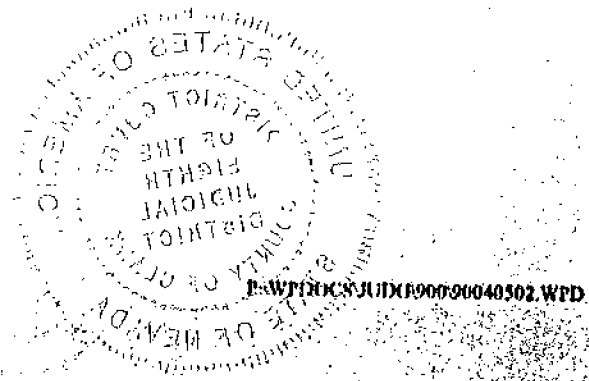
1 the custody of the Nevada Department of Prisons, represented by his counsel MARK D.
2 CICHOSKI, Deputy Public Defender, and JAMES B. HARTSELL, Deputy District Attorney,
3 also being present; and pursuant to defendant's motion the Court orders the following: Defendant
4 granted 39 days credit for time served.

5 THEREFORE, the Clerk of the above entitled Court is hereby directed to enter this
6 Judgment of Conviction as part of the record in the above entitled matter.


7 DATED this 10 day of December, 1999, in the City of Las Vegas, County of Clark,
8 State of Nevada.

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11 DISTRICT JUDGE
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27 DA#99F00405X/sji
28 LVMPD EV#9901082439
STOP REQ - F
(TK4)



CERTIFIED COPY
DOCUMENT ATTACHED IS A
TRUE AND CORRECT COPY
OF THE ORIGINAL ON FILE


CLERK OF THE COURT

SEP 13 2012

2170

ORIGINAL

7

1 **ORDR**
2 STEWART L. BELL
3 DISTRICT ATTORNEY
4 Nevada Bar #000477
5 200 S. Third Street
6 Las Vegas, Nevada 89155
7 (702) 455-4711
8 Attorney for Plaintiff

FILED

SEP 19 11 03 AM '00

Shirley J. Langston
CLERK

DISTRICT COURT
CLARK COUNTY, NEVADA

8 THE STATE OF NEVADA,

9 Plaintiff,

10 -vs-

11 WILLIAM HICKS,
12 #0905481

13 Defendant.
14

Case No. C159356
Dept No. V
Docket H

15 **ORDER**

16 DATE OF HEARING: 09/07/00
17 TIME OF HEARING: 9:00 A.M.

18 THIS MATTER having come on for hearing before the above entitled Court on the 7th
19 day of September, 2000, the Defendant not being present and in the custody of the Nevada
20 Department of Prisons, represented by MATTHEW P. HARTER, ESQ., the Plaintiff being
21 represented by STEWART L. BELL, District Attorney, through JAMES B. HARTSELL, Deputy
22 District Attorney, and the Court having heard the arguments of counsel and good cause
23 appearing therefor,

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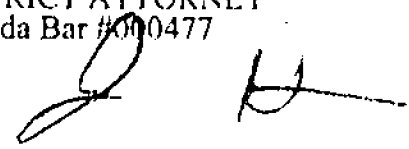
COUNTY CLERK

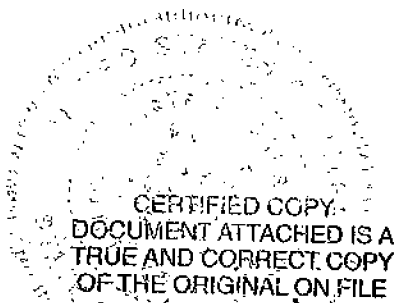
1 IT IS HEREBY ORDERED that the Defendant's Pro Per Motion for Leave to Proceed
2 in Forma Pauperis, shall be, and it is GRANTED; Defendant's Pro Per Motion For Amended
3 Judgment of Conviction to Include Jail Time Credits, shall be, and it is DENIED.

4 DATED this 14 day of September, 2000.

5
6 
7 DISTRICT JUDGE
8 JEFFREY D. SOBEL

9 STEWART L. BELL
10 DISTRICT ATTORNEY
11 Nevada Bar #000477

12 BY 
13 JAMES B. HARTSELL
14 Deputy District Attorney
15 Nevada Bar #005017
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SEP 13 2012

John J. Johnson
CLERK OF THE COURT

2173

LOS ANGELES

JUDICIAL DISTRICT

IN THE MUNICIPAL COURT OF
FILED

COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

THE PEOPLE OF THE STATE OF CALIFORNIA
0079-1985 Plaintiff

Case No. A772219

DIV. 44

ERNEST S. ZOLIN, County Clerk

CERTIFICATE AND ORDER
OF MAGISTRATE

GUILTY PLEA TO FELONY

AKA William Hicks
TN Muneer Ali Hijazi Defendant

I, the undersigned, judge of the above-named court, do hereby certify that the complaint attached hereto was filed in the above-named court on Sept. 25, 1985, that on Oct. 8, 1985

while the charge(s) in said complaint remained pending in the above-named court, the defendant
AKA William Hicks TN - Muneer Ali Hijazi with counsel
Charles Windon appeared before me

in open court; that I read the said complaint to said defendant, and that I then asked the said defendant whether he pleaded guilty to the offense(s) charged in said complaint.

Whereupon, with my consent and the consent of Deputy District Attorney Raymond Mireles
and while said defendant's counsel was still present in court, the
said defendant pleaded guilty to the following offense(s) charged in said complaint, to wit:

Count 1.

VIOL. OF SEC. 13206, HEALTH AND SAFETY CODE
OF THE STATE OF CALIFORNIA, A FELONYcommitted on or about Sept. 21, 1985, in the County of Los Angeles, State of California.
Count(s) dismissed on motion of the people.

By reason of the foregoing, I hereby certify this case to the Superior Court of the State of California, in and for the County of Los Angeles, and I do hereby commit the said defendant to the custody of the Sheriff of Los Angeles County, to be detained until legally discharged. Bail is set in the sum of \$25,000

*Note: If Bail \$10,000 or more, write
out bail amount below.

P.A. S 6

*Total for Release \$25,000 1,500

Further proceedings set for 11-5-1985 at 8:30 A.M. in Dept. No. 112
of the LOS ANGELES Branch, Superior Court in and for
said County of Los Angeles.

I further certify that the foregoing is a true and correct record of all proceedings had before me this date in said case, and that attached hereto are copies of all proceedings held in the above-named court in said case.

Date 10-9-1985

(SEAL)

DISTRIBUTION: Original to Superior Court, one copy to District Attorney, one copy to file

CERTIFICATE AND ORDER OF MAGISTRATE - GUILTY PLEA TO FELONY

HAMNC L-3

C278699

Gr.Dt. 10/01/12

HICKS, William Δ
Mug, photos + DMV to
Jalen.

FILED

OCT 9 - 1985

FRANK S. ZOLNA, County Clerk

[Signature]

IN & S. 1985, 1985

MUNICIPAL COURT OF LOS ANGELES JUDICIAL DISTRICT

COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff

Case No. A772219

MUNEER ALI HIJAZI, *[checkmark]*
aka William Hicks

Defendant(s)

FELONY COMPLAINT

The undersigned is informed and believes that:

COUNT 1

On or about September 21, 1985, in the County of Los Angeles, the crime of SALE OR TRANSPORTATION OF MARIJUANA, in violation of HEALTH AND SAFETY CODE SECTION 11350(a), a Felony, was committed by MUNEER ALI HIJAZI, who did willfully and unlawfully transport, import into the State of California, sell, furnish, administer, and give away, and offer to transport, import into the State of California, sell, furnish, administer, and give away, and attempt to import into the State of California and transport marijuana.

.....

FILED
MUNICIPAL COURT
LOS ANGELES
SEP 25 1 06 PM 1985
CLERK
DEPUTY

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT AND THAT THIS COMPLAINT, CASE NUMBER A772219, CONSISTS OF 1 COUNT(S).

Executed at LOS ANGELES, County of Los Angeles, on September 25, 1985.

L. OSOLLO,
DECLARANT AND COMPLAINANT

IRA REINER, DISTRICT ATTORNEY



BY: L. Elias (MS)

R. ELIAS, DEPUTY

AGENCY: LAPD OCB

PRELIM. TIME EST.:

DEFENDANT
HIJAZI, MUNEER ALI

CII NO.
A07579880

DOB
4/21/54

BOOKING
NO.
8247363

BAIL
RECOMM'D.
\$ 25,000

CUSTODY
R/TN DATE

FELONY COMPLAINT - ORDER HOLDING TO ANSWER - P.C. SECTION 872

It appearing to me from the evidence presented that the following offense(s) has/have been committed and that there is sufficient cause to believe that the following defendant(s) guilty thereof, to wit:

(Strike out or add as applicable)

MUNEER ALI HIJAZI

COUNT
NO. 1

CHARGE
HS14360(a)

SPECIAL
ALLEGATION

I order that defendant(s) be held to answer therefor and be admitted to bail in the sum of:

MUNEER ALI HIJAZI

\$25,000

Dollars

and be committed to the custody of the Sheriff of Los Angeles County until such bail is given. Date of arraignment in Superior Court will be:

MUNEER ALI HIJAZI

OCT 23 1985

In Dept: 112

at: 8:30 A.M.

Date: OCT 23 1985

Committing Magistrate
EDWARD L. DAVENPORT

DIV. 44

Date: <u>NOVEMBER 05 1985</u>		JUDGE: <u>A. Gonzalez</u>		DEPT: <u>112</u>
HONORABLE: <u>ALEXANDER WILLIAMS</u>		Deputy Sheriff: <u>M. MILLER</u>		112 Deputy Clerk
307				
CASE NO.	<u>A712215</u>	(Parties and counsel checked if present)		
	PEOPLE OF THE STATE OF CALIFORNIA	Counsel for People:	<u>E. Fox</u>	
	VS	DEPUTY DISTRICT ATT.		
CHARGE	<u>01 HIJAZI MUNEEB ALI</u>	Counsel for Defendant:	<u>C. Warden</u>	
	<u>01 HICKS WILLIAM</u>			
	(BOX CHECKED IF PROBATION OR BAIL) <u>ALCTS</u>	<u>0.74777</u>		
NATURE OF PROCEEDINGS	<u>P&S</u>	<u>Cust. Plea</u>	<u>Bail</u>	
71	<input type="checkbox"/> CRIMINAL PROCEEDINGS ADJOURNED/RESUMED	<input type="checkbox"/> OATH FILED PER SECTION 86500 GOVERNMENT CODE	INTERPRETER	
72	<input type="checkbox"/> DEFENDANT ORDERED DELIVERED TO DEPARTMENT OF CORRECTIONS PER SECTION 1203.00 PENAL CODE			
73	<input checked="" type="checkbox"/> ON <u>11/05/85</u> MOTION <u>FOR PROBATION AND BAIL</u> FURTHER PROCEEDINGS CONTINUED TO	<u>5-6-86</u>		
74	AT <u>9 AM</u> IN DEPT. <u>112</u>	<input checked="" type="checkbox"/> SUPERVISORY PROBATION REPORT/PROGRESS REPORT ORDERED		
75	<input type="checkbox"/> DEFENDANT PERSONALLY AND ALL COUNSEL WAIVE TIME FOR SENTENCING	<input type="checkbox"/> DEFENDANT ORDERED TO RETURN		
76	<input checked="" type="checkbox"/> PROCEEDINGS SUSPENDED			
	<input type="checkbox"/> IMPRISONED IN STATE PRISON FOR	<input type="checkbox"/> TERM PRESCRIBED BY LAW	<input type="checkbox"/> TOTAL OF	YEARS MONTHS
	<input type="checkbox"/> COURT SELECTS THE	TERM OF	YEARS FOR THE BASE TERM AS TO COUNT	
	<input type="checkbox"/> PLUS	YEARS) PURSUANT TO PENAL CODE SECTION		
	<input type="checkbox"/> PLUS	AS INDICATED IN BOX OF BELOW		
	<input type="checkbox"/> COMMITTED TO CALIFORNIA YOUTH AUTHORITY, THE TERM OF IMPRISONMENT TO WHICH THE DEFENDANT WOULD	HAVE BEEN SENTENCED PURSUANT TO SECTION 1170 PENAL CODE IS		
	<input type="checkbox"/> IMPRISONED IN LOS ANGELES COUNTY JAIL FOR TERM OF	DAYS		
	<input checked="" type="checkbox"/> FIXED IN SUM OF \$ <u>50.00</u>	LESS ADDITIONAL FINE OR \$	(113725 HEALTH & SAFETY CODE) E2B-4	
	TOTAL FINE OR \$	LESS	ASSESSMENT AND SURCHARGE (113725 HEALTH & SAFETY CODE) TO	
	BE PAID TO COUNTY CLERK PROBATION OFFICER IN SUCH MANNER AS HE SHALL PRESCRIBE			
	<input checked="" type="checkbox"/> PAY RESTITUTION FINE IN SUM OF \$ <u>100.00</u>	PURSUANT TO SECTION 13057(a) GOVERNMENT CODE PAYABLE TO		
	<input type="checkbox"/> RESTITUTION FUND	<input checked="" type="checkbox"/> PROBATION DEPARTMENT IN SUCH MANNER AS THEY PRESCRIBE	<input checked="" type="checkbox"/> SAID FINE TO BE STAYED	
	WHILE DEFENDANT PAYS RESTITUTION AND IF RESTITUTION IS PAID IN FULL, STAY SHALL BE PERMANENT			
77	<input type="checkbox"/> SENTENCE IS SUSPENDED			
78	<input checked="" type="checkbox"/> PROBATION GRANTED FOR A PERIOD OF <u>3</u> YEARS	<input type="checkbox"/> PROBATION TO BE WITHOUT FORMAL SUPERVISION		
	<input checked="" type="checkbox"/> SPEND FIRST <u>90</u> DAYS IN COUNTY JAIL	<input type="checkbox"/> ROAD CAMP OR HONOR FARM RECOMMENDED		
	<input type="checkbox"/> WORK FURLOUGH PROGRAM RECOMMENDED	<input type="checkbox"/> NOT TO BE ELIGIBLE FOR COUNTY PAROLE		
2	<input type="checkbox"/> MINIMUM PAYMENT OF FINE/RESTITUTION TO BE \$			
3	<input type="checkbox"/> TOTAL AMOUNT OF RESTITUTION TO INCLUDE 2% SERVICE CHARGE AS AUTHORIZED BY SECTION 278 WELFARE & INST. CODE			
4	<input type="checkbox"/> NOT DRINK ANY ALCOHOLIC BEVERAGE AND STAY OUT OF PLACES WHERE THEY ARE THE CHIEF ITEM OF SALE			
5	<input checked="" type="checkbox"/> NOT USE OR POSSESS ANY NARCOTICS, DANGEROUS OR RESTRICTED DRUGS OR ASSOCIATED PARAPHERNALIA, EXCEPT WITH VALID PRESCRIPTION, AND STAY AWAY FROM PLACES WHERE USERS CONGREGATE			
6	<input checked="" type="checkbox"/> NOT ASSOCIATE WITH PERSONS KNOWN BY YOU TO BE NARCOTIC OR DRUG USERS OR SELLERS			
7	<input checked="" type="checkbox"/> SUBMIT TO PERIODIC ANTI-NARCOTIC TESTS AS DIRECTED BY THE PROBATION OFFICER, SUCH TESTING TO BE SUSPENDED WHILE THE DEFENDANT IS IN CUSTODY, IS HOSPITALIZED, OR IS IN A RESIDENTIAL DRUG TREATMENT PROGRAM APPROVED BY PROBATION OFFICER			
8	<input type="checkbox"/> HAVE NO BLANK CHECKS IN POSSESSION, NOT WRITE ANY PORTION OF ANY CHECKS, NOT HAVE BANK ACCOUNT FROM WHICH YOU MAY DRAW CHECKS			
9	<input type="checkbox"/> NOT GAMBLE OR ENGAGE IN BOOKMAKING ACTIVITIES OR HAVE PARAPHERNALIA THEREOF IN POSSESSION, AND NOT BE PRESENT IN PLACES WHERE GAMBLING OR BOOKMAKING IS CONDUCTED			
10	<input type="checkbox"/> NOT ASSOCIATE WITH			
11	<input type="checkbox"/> COOPERATE WITH PROBATION OFFICER IN A PLAN FOR			
12	<input checked="" type="checkbox"/> SUPPORT DEPENDENTS AS DIRECTED BY PROBATION OFFICER			
13	<input checked="" type="checkbox"/> SEEK AND MAINTAIN TRAINING, SCHOOLING OR EMPLOYMENT AS APPROVED BY PROBATION OFFICER			
14	<input checked="" type="checkbox"/> MAINTAIN RESIDENCE AS APPROVED BY PROBATION OFFICER			
15	<input type="checkbox"/> SURRENDER DRIVER'S LICENSE TO CLERK OF COURT TO BE RETURN TO DEPARTMENT OF MOTOR VEHICLES			
16	<input type="checkbox"/> NOT DRIVE A MOTOR VEHICLE UNLESS LAWFULLY LICENSED AND INSURED			
17	<input type="checkbox"/> NOT OWN, USE OR POSSESS ANY DANGEROUS OR DEADLY WEAPONS			
18	<input type="checkbox"/> SUBMIT PERSON AND PROPERTY TO SEARCH OR SEIZURE AT ANY TIME OF THE DAY OR NIGHT BY ANY LAW ENFORCEMENT OFFICER WITH OR WITHOUT A WARRANT			
19	<input checked="" type="checkbox"/> OBEY ALL LAWS, ORDERS, RULES AND REGULATIONS OF THE PROBATION DEPARTMENT AND OF THE COURT			
20	<input checked="" type="checkbox"/> MAKE RESTITUTION OF \$ <u>100.00</u> TO THE VENDOR/RESTITUTION FUND PURSUANT TO SECTION 1303.04 PENAL CODE IN SUCH MANNER AS THE PROBATION OFFICER SHALL PRESCRIBE			
79	<input checked="" type="checkbox"/> SENTENCE TO BE GIVEN CREDIT FOR <u>90</u> DAYS IN CUSTODY (INCLUDES <u>70</u> DAYS GOOD TIME/WORK TIME)			
80	<input type="checkbox"/> SENTENCE/COUNTS TO RUN CONSECUTIVELY TO CONCURRENTLY WITH			
81	<input checked="" type="checkbox"/> STATE OF EXECUTION OF <u>5-6-86 (non appearance)</u> GRANTED TO <u>Custody from balance</u>			
82	<input type="checkbox"/> ON MOTION OF PEOPLE COUNTS	DISMISSED IN FURTHERANCE OF JUSTICE		
83	<input type="checkbox"/> COURT ADVISES DEFENDANT OF HIS APPEAL/PAROLE RIGHTS			
84	<input type="checkbox"/> NOTICE RE CERTIFICATE OF REHABILITATION AND PARDON GIVEN TO DEFENDANT			
85	<input type="checkbox"/> DEFENDANT TO PAY COSTS OF PROBATION SERVICES IN AMOUNT OF \$			
86	<input type="checkbox"/> COURT FINDS THAT DEFENDANT DOES NOT HAVE THE PRESENT ABILITY TO PAY COSTS OF INCARCERATION/LEGAL SERVICES RENDERED PROBATION SERVICES RENDERED			
87	<input type="checkbox"/> FURTHER ORDER AS FOLLOWS/ADDITIONAL CONDITIONS OF PROBATION			
88	<input type="checkbox"/> SHERIFF IS ORDERED TO ALLOW DEFENDANT	PHONE CALLS AT DEFENDANT'S OWN EXPENSE		
89	<input type="checkbox"/> DEFENDANT FAILS TO APPEAR WITH/WITHOUT SUFFICIENT EXCUSE			
90	<input type="checkbox"/> BAIL, IF POSTED, FORFEITED OR REVOKED; BENCH WARRANT ORDERED ISSUED/REISSUED AND HELD UNTIL			
	<input type="checkbox"/> NO BAIL/BAIL FIXED AT \$			
91	<input type="checkbox"/> DEFENDANT APPEARING BENCH WARRANT ORDERED RECALLED/QUASHED	<input type="checkbox"/> RECALL NO.	WRITTEN <input type="checkbox"/> ABSTRACT FILED	
	<input type="checkbox"/> REMANDED	<input type="checkbox"/> BAIL	<input checked="" type="checkbox"/> BAIL EXON	<input type="checkbox"/> BOND NO.
	<input type="checkbox"/> RELEASED	<input type="checkbox"/> O.R.	<input type="checkbox"/> O.R. DISCHARGED	<input checked="" type="checkbox"/> ON PROBATION
			<input type="checkbox"/> IN CUSTODY OTHER MATTER	
MINUTE ORDER				
2179				



THE DOCUMENT TO WHICH THIS CERTIFICATE IS
ATTACHED IS A FULL, TRUE, AND CORRECT COPY
OF THE ORIGINAL ON FILE AND OF RECORD IN
MY OFFICE.

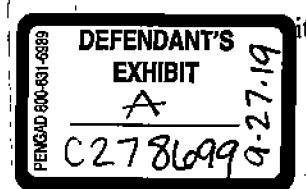
ATTEST JUN 07 2012

JOHN A. CLARKE, CLERK

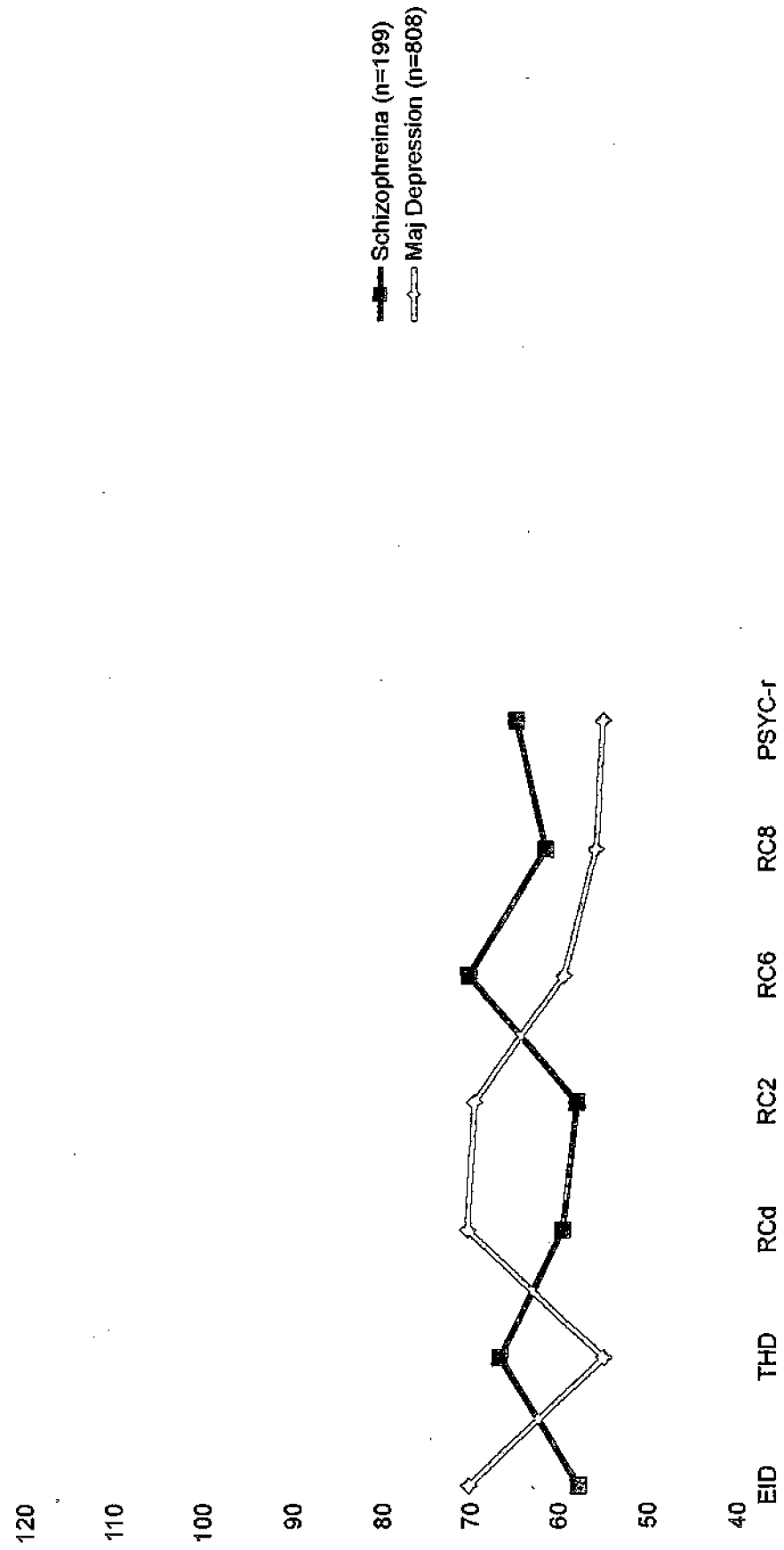
Executive Officer/Clerk of the Superior
Court of California, County of Los Angeles.

By *K. Muradyan* Deputy

K. MURADYAN

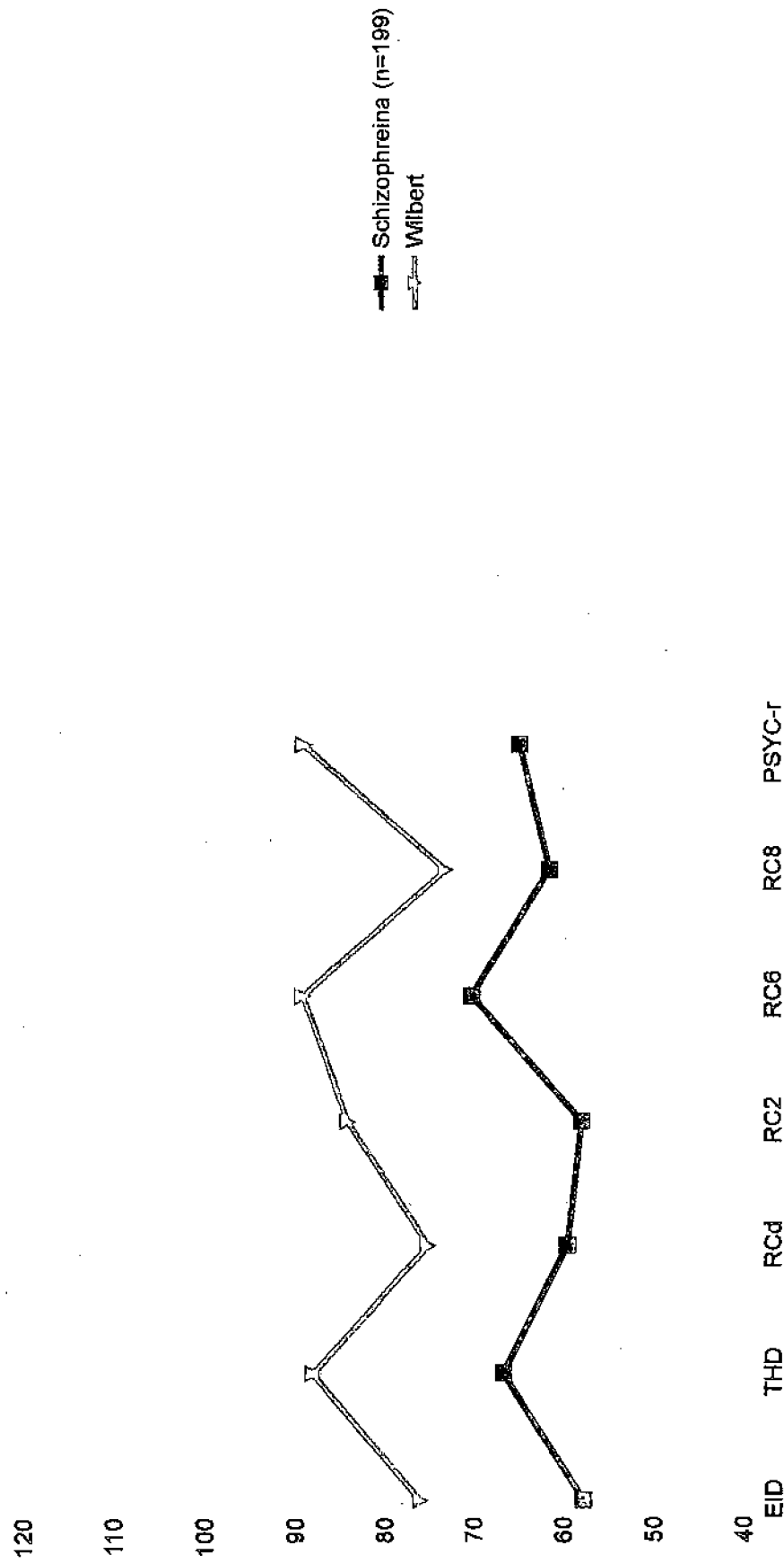


Schizophrenia Prototypic Profile vs Major Depression Prototypic Profile



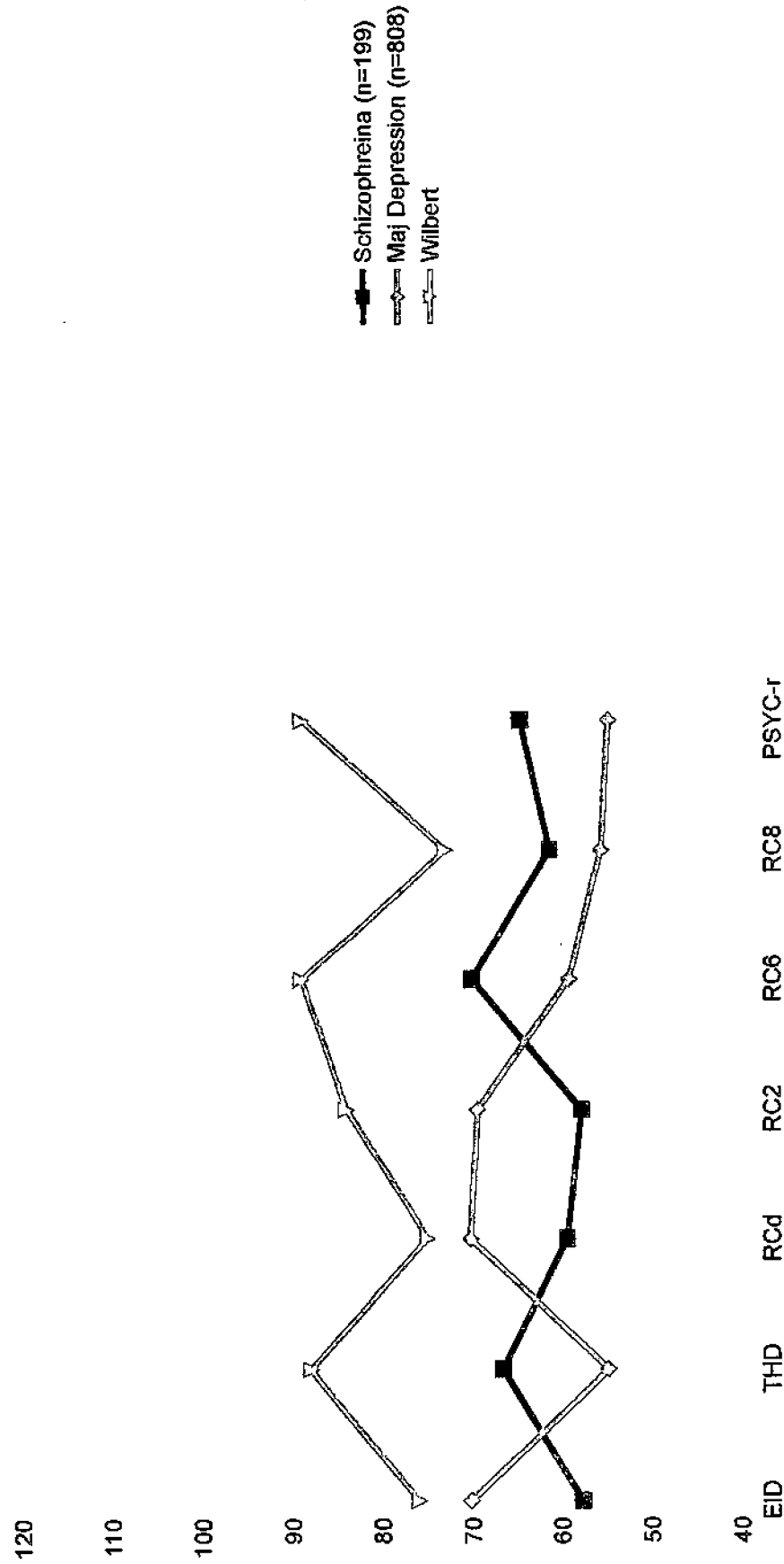
Tayla T. C. Lee, John R. Graham & Paul A. Arbisi (2018) The Utility of MMPI-2-RF Scale Scores in the Differential Diagnosis of Schizophrenia and Major Depressive Disorder, Journal of Personality Assessment, 100:3, 305-312

Schizophrenia Prototypic Profile vs Major Depression Prototypic Profile



Tayla T. C. Lee, John R. Graham & Paul A. Arbisi (2018) The Utility of MMPI-2-RF Scale Scores in the Differential Diagnosis of Schizophrenia and Major Depressive Disorder, Journal of Personality Assessment, 100:3, 305-312

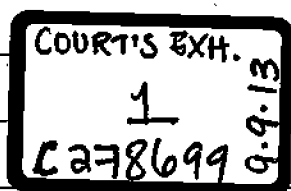
Schizophrenia Prototypic Profile vs Major Depression Prototypic Profile



Tayla T. C. Lee, John R. Graham & Paul A. Arbisi (2018) The Utility of MMPI-2-RF Scale Scores in the Differential Diagnosis of Schizophrenia and Major Depressive Disorder, Journal of Personality Assessment, 100:3, 305-312

If we cannot come
to an agreement on one
or more charges, will
it be a complete
mis-trial or will
sentencing occur on the
charges that we have
agreed upon?

— WCA



**THIS SEALED
DOCUMENT,
NUMBERED PAGE(S)
2186 - 2192
WILL FOLLOW VIA
U.S. MAIL**

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 12, 2012

C-12-278699-1 State of Nevada
vs
Wilburt Hickman

January 12, 2012 9:00 AM Initial Arraignment

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

COURT CLERK: Carole D'Aloia
Athena Trujillo
Sharry Frascarelli

RECORDER: Kiara Schmidt

REPORTER:

PARTIES

PRESENT:	Ballou, Erika D.	Attorney
	Hickman, Wilburt	Defendant
	Mitchell, Scott Steven	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- DEFT. HICKMAN ARRAIGNED, PLED NOT GUILTY, and INVOKED the 60-DAY RULE. COURT ORDERED, matter set for trial. COURT ORDERED, counsel has 21 days after the filing of the Preliminary Hearing transcript or today's date, whichever is later, to file a Writ.

CUSTODY

02/29/12 9:00 AM CALENDAR CALL

03/05/12 1:30 PPM JURY TRIAL

PRINT DATE: 06/06/2023

Page 1 of 62

Minutes Date: January 12, 2012

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 22, 2012

C-12-278699-1 State of Nevada
 vs
 Wilburt Hickman

February 22, 2012 9:00 AM Motion

HEARD BY: Ellsworth, Carolyn **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Alice Jacobson

RECORDER: Lara Corcoran

REPORTER:

PARTIES

PRESENT:	Ballou, Erika D.	Attorney
	Hickman, Wilburt	Defendant
	Morgan, Shaun	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- There being no opposition, good cause appearing and the Defendant waiving his right to a speedy trial. COURT ORDERED, motion GRANTED; trial dates VACATED and RESET.

CUSTODY

9/24/12 9:00 AM CALENDAR CALL

10/1/12 1:30 PM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 28, 2012

C-12-278699-1 State of Nevada
 vs
 Wilburt Hickman

**March 28, 2012 9:00 AM Petition for Writ of Habeas
Corpus**

HEARD BY: Ellsworth, Carolyn **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Denise Trujillo

RECORDER: Lara Corcoran

REPORTER:

PARTIES

PRESENT:	Ballou, Erika D.	Attorney
	Hamner, Christopher S.	Attorney
	Hickman, Wilburt	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- DEFT'S PETITION FOR WRIT OF HABEAS CORPUS

Deft. present in custody. Counsel submitted matter on the briefs. COURT finds as to the issue of the alternate theory on Count 15 Motion GRANTED, but DENIED as to the rest of the Motion; as to the Attempt Murder, Petition DENIED; and as to Malicious Destruction Petition is DENIED for purpose of the Writ. State to prepare order and file Amended Information.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 24, 2012

C-12-278699-1 State of Nevada
 vs
 Wilburt Hickman

September 24, 2012 9:00 AM All Pending Motions

HEARD BY: Ellsworth, Carolyn

COURTROOM: RJC Courtroom 16A

COURT CLERK: Denise Trujillo
 Kristin Duncan

RECORDER: Lara Corcoran

REPORTER:

PARTIES

PRESENT:	Ballou, Erika D.	Attorney
	Hickman, Wilburt	Defendant
	Scow, Richard H.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- CALENDAR CALL...DEFENDANT'S MOTION FOR DISCOVERY

MOTION TO CONTINUE TRIAL DATE FILED IN OPEN COURT

Mr. Scow announced ready to proceed to Trial, but indicated there was no opposition to the Motion to Continue, as this case needed investigating. COURT ORDERED Motion to Continue GRANTED; Trial date VACATED and RESET.

Court noted that the Motion for Discovery was filed on June 29, 2012, and no opposition had been filed. Mr. Scow stated that he believed the Motion could be resolved out of Court, and requested a continuance; Ms. Ballou advised she was amenable to a continuance, and suggested a Status Check be set. COURT ORDERED Motion for Discovery CONTINUED two weeks; Mr. Scow to file a response within ten (10) days.

PRINT DATE: 06/06/2023

Page 4 of 62

Minutes Date: January 12, 2012

CUSTODY

10/10/12 9:00 AM DEFENDANT'S MOTION FOR DISCOVERY

4/8/13 9:00 AM CALENDAR CALL

4/15/13 1:30 PM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 10, 2012

C-12-278699-1 State of Nevada
 vs
 Wilburt Hickman

October 10, 2012 9:00 AM Motion for Discovery

HEARD BY: Ellsworth, Carolyn **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Denise Trujillo
 Aaron Carbajal

RECORDER: Lara Corcoran

REPORTER:

PARTIES

PRESENT:	Ballou, Erika D.	Attorney
	Hickman, Wilburt	Defendant
	State of Nevada	Plaintiff
	Wong, Hetty O.	Attorney

JOURNAL ENTRIES

- DEFT'S MOTION FOR DISCOVERY

Deft. present in custody. Mr. Bonaventure requested this be continued for Ms. Ballou to be present.
COURT ORDERED, matter CONTINUED.

CUSTODY

CONTINUED TO: 10/15/12 9 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****October 15, 2012**

C-12-278699-1 State of Nevada
 vs
 Wilburt Hickman

October 15, 2012 9:00 AM Motion for Discovery

HEARD BY: Ellsworth, Carolyn**COURTROOM:** RJC Courtroom 16A

COURT CLERK: Denise Trujillo
 Aaron Carbajal

RECORDER: Debbie Winn**REPORTER:****PARTIES**

PRESENT:	Ballou, Erika D.	Attorney
	Hickman, Wilburt	Defendant
	State of Nevada	Plaintiff
	Wong, Hetty O.	Attorney

JOURNAL ENTRIES**- DEFENDANT'S MOTION FOR DISCOVERY**

Deft. present in custody. As to Request #1-4, Motion GRANTED; as to Request #5 any and all records of car-to-car police communications is already covered by #4, Motion GRANTED; as to Request #6 any and all information relating to other suspects, Motion GRANTED; as to Request #7-24 any and all statements taped or otherwise, Motion GRANTED, and State to make an affirmative inquiry; as to Request #25-42 any and all relevant criminal history, Motion GRANTED to the extent of Brady material; as to Request #43-44, Motion GRANTED; as to Request #45 any and all officer and/or detective reports, Motion GRANTED; as to Request #46 and an all officer and/or detective notes, Motion GRANTED and State to make an affirmative inquiry; as to Request #47 any other reports, witness statements, affidavits, declarations, video, or other material the State is relying on in its case in chief, Motion GRANTED. Ms. Ballou to prepare the Order.

PRINT DATE: 06/06/2023

Page 7 of 62

Minutes Date: January 12, 2012

C-12-278699-1

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 13, 2013

C-12-278699-1 State of Nevada
 vs
 Wilburt Hickman

March 13, 2013 9:00 AM Request

HEARD BY: Ellsworth, Carolyn **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Denise Trujillo
 Dania Batiste
 Teresa Slade
 Keri Cromer
 Sharon Coffman

RECORDER: Lara Corcoran

REPORTER:

PARTIES

PRESENT:	Ballou, Erika D.	Attorney
	Hickman, Wilburt	Defendant
	Monje, Ofelia L.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- ALSO PRESENT: Michael Posen, Esq.

Mr. Posen advised he is not counsel of record for Deft., but he will be substituting in. Court directed Mr. Posen to file a Substitution of Attorney motion; once filed, the Public Defender's office will then transfer Deft.'s file to Mr. Posen.

All parties agreed to set new trial dates for mid to late May. COURT ORDERED, trial dates vacated and reset.

PRINT DATE: 06/06/2023

Page 9 of 62

Minutes Date: January 12, 2012

C-12-278699-1

CUSTODY

5/6/2013 9:00 AM CALENDAR CALL

5/13/2013 1:30 PM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 17, 2013

C-12-278699-1 State of Nevada
 vs
 Wilburt Hickman

April 17, 2013 9:00 AM Status Check: Trial Setting

HEARD BY: Ellsworth, Carolyn **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Denise Trujillo
Dania Batiste

RECORDER: Lara Corcoran

REPORTER:

PARTIES

PRESENT:	Ballou, Erika D.	Attorney
	Hamner, Christopher S.	Attorney
	Hickman, Wilburt	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- STATUS CHECK: TRIAL SETTING

Deft. present in custody. Mr. Posin filed a Substitution of Attorney in OPEN COURT, and requested trial date to be reset. COURT ORDERED, trial date VACATED and RESET. Court noted this is the last time trial date will be reset.

CUSTODY

8/26/13 9:00 AM CALENDAR CALL

9/3/13 1:30 PM JURY TRIAL

PRINT DATE: 06/06/2023

Page 11 of 62

Minutes Date: January 12, 2012

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 26, 2013

C-12-278699-1 State of Nevada
 vs
 Wilburt Hickman

August 26, 2013 9:00 AM Calendar Call

HEARD BY: Ellsworth, Carolyn **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Denise Trujillo
 Jill Chambers

RECORDER: Debbie Winn

REPORTER:

PARTIES

PRESENT:	Hamner, Christopher S.	Attorney
	Hickman, Wilburt	Defendant
	Posin, Mitchell L	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Mr. Hamner advised the Court trial is expected to go 5-6 days making is not eligible for overflow.
Court TRAILED matter to allow Mr. Posin to be present.

Matter RECALLED with Mr. Posin present but not Mr. Hamners. Court CONTINUED matter.

8/28/13 9:00 AM CONTINUED

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 28, 2013

C-12-278699-1 State of Nevada
 vs
 Wilburt Hickman

August 28, 2013 9:00 AM Calendar Call

HEARD BY: Ellsworth, Carolyn **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Denise Trujillo

RECORDER: Lara Corcoran

REPORTER:

PARTIES

PRESENT:	Hamner, Christopher S.	Attorney
	Hickman, Wilburt	Defendant
	Posin, Mitchell L	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- CALENDAR CALL

Deft. present in custody. Counsel announced ready. COURT ORDERED, matter SET for trial.

CUSTODY

9/3/13 9 AM JURY TRIAL

HAMNER/POSIN
5-6 DAYS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 03, 2013

C-12-278699-1 State of Nevada
 vs
 Wilburt Hickman

September 03, 2013 9:00 AM Jury Trial

HEARD BY: Ellsworth, Carolyn

COURTROOM: RJC Courtroom 03E

COURT CLERK: Denise Trujillo

RECORDER: Lara Corcoran

REPORTER:

PARTIES

PRESENT:	Hamner, Christopher S.	Attorney
	Hickman, Wilburt	Defendant
	Posin, Mitchell L	Attorney
	Scow, Richard H.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- TRIAL BY JURY

IN THE PRESENCE OF JURY VENIRE. Panel sworn and jury selection commenced. Twelve jurors and two alternates selected. Clerk read information and advised of Deft's pleas of not guilty. Court instructed jury as to trial procedure. Opening statements by counsel. Testimony and exhibits per worksheets.

EVENING RECESS

CONTINUED TO: 9/4/13 1:30 PM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 04, 2013

C-12-278699-1 State of Nevada
 vs
 Wilburt Hickman

September 04, 2013 1:30 PM Jury Trial

HEARD BY: Ellsworth, Carolyn

COURTROOM: RJC Courtroom 03E

COURT CLERK: Denise Trujillo

RECORDER: Lara Corcoran

REPORTER:

PARTIES

PRESENT:	Hamner, Christopher S.	Attorney
	Hickman, Wilburt	Defendant
	Posin, Mitchell L	Attorney
	Scow, Richard H.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- JURY TRIAL

IN THE PRESENCE OF THE JURY. Testimony and exhibits per worksheets.

EVENING RECESS

CONTINUED TO: 9/4/13 9 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 05, 2013

C-12-278699-1 State of Nevada
 vs
 Wilburt Hickman

September 05, 2013 9:00 AM Jury Trial

HEARD BY: Ellsworth, Carolyn

COURTROOM: RJC Courtroom 03E

COURT CLERK: Andrea Natali

RECORDER: Lara Corcoran

REPORTER:

PARTIES

PRESENT:	Hamner, Christopher S.	Attorney
	Hickman, Wilburt	Defendant
	Posin, Mitchell L	Attorney
	Scow, Richard H.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- JURY TRIAL

IN THE PRESENCE OF THE JURY. Testimony and exhibits per worksheets. CONFERENCE AT BENCH. COURT ADMONISHED and EXCUSED jury for evening recess; ADVISED to return tomorrow at 10:00 A.M.

OUTSIDE THE PRESENCE OF THE JURY: COURT DIRECTED counsel to meet in Chambers at 2:00 PM to settle jury instructions off the record. Matter CONTINUED. Court ADJOURNED.

EVENING RECESS

CUSTODY

PRINT DATE: 06/06/2023

Page 16 of 62

Minutes Date: January 12, 2012

CONTINUED TO: 9/6/13 10:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 06, 2013

C-12-278699-1 State of Nevada
 vs
 Wilburt Hickman

September 06, 2013 10:00 AM Jury Trial

HEARD BY: Ellsworth, Carolyn

COURTROOM: RJC Courtroom 10D

COURT CLERK: Andrea Natali

RECORDER: Lara Corcoran

REPORTER:

PARTIES

PRESENT:	Hamner, Christopher S.	Attorney
	Hickman, Wilburt	Defendant
	Posin, Mitchell L	Attorney
	Scow, Richard H.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE JURY: Argument by Mr. Posin as to whether Defendant's proposed instruction regarding when voluntary intoxication may be considered and what should be considered to convict a defendant of attempted murder. Court advised Mr. Posin the specific intent was already covered in other instructions and would therefore be duplicative. Jury Instructions settled. Court advised Deft. of his right not to testify. Deft. INVOKED his right to remain silent and chose to not to testify.

IN THE PRESENCE OF THE JURY. Testimony presented per worksheet. Plaintiff and Defense rested. Court instructed jury. Closing arguments by counsel. At 12:30 PM this date, jury retired to begin deliberations.

Jury Trial, CONTINUED for deliberations. Court ADJOURNED.

PRINT DATE: 06/06/2023

Page 18 of 62

Minutes Date: January 12, 2012

C-12-278699-1

EVENING RECESS

CUSTODY

9/9/13 8:30 AM - JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 09, 2013

C-12-278699-1 State of Nevada
 vs
 Wilburt Hickman

September 09, 2013 8:30 AM Jury Trial

HEARD BY: Ellsworth, Carolyn

COURTROOM: RJC Courtroom 03B

COURT CLERK: Andrea Natali

RECORDER: Lara Corcoran

REPORTER:

PARTIES

PRESENT:	Hamner, Christopher S.	Attorney
	Hickman, Wilburt	Defendant
	Posin, Mitchell L	Attorney
	Scow, Richard H.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- JURY TRIAL

Jury Deliberations continued.

OUTSIDE THE PRESENCE OF THE JURY. Court advised the jury foreman was bring brought into the courtroom to as the foreman had sent out a question regarding if the jury could not come to an agreement on all the charges. At 12:13 PM Jury Foreman brought into the courtroom. Upon Court's inquiry, Foreman stated the jurors had agreed upon some of the charges but not others; however, there was a possibility they might be able to continue deliberations. Court advised the Jury Foreman that the Jury could come back with a verdict on some charges even if they were hung on other charges; however, those undecided charges would have to be re-tried and advised the foreman to return to continue deliberations. Foreman excused at 12:15 PM tor return to jury room for further

PRINT DATE: 06/06/2023

Page 20 of 62

Minutes Date: January 12, 2012

deliberations. Juror's note admitted as Court's exhibit #1.

Court advised the jury foreman was going to be brought in as the jury had not reached a verdict on all of the counts and to inquire if further deliberations would change the jury's decision. At 3:26 PM Jury Foreman brought into the courtroom. Upon Court's inquiry, Foreman stated he did not think further deliberations would change the jurors decision on the undecided charges. Foreman excused at 3:26 PM. Court noted the amount of time the Jury had deliberated and that additional deliberations would not result in the jury making a decision on the hung charges. State and Defense agreed to discontinue additional deliberations and accept the verdict as it stands at this time.

IN THE PRESENCE OF THE JURY: Upon Court's inquiry, Foreman advised further deliberations would not return a verdict as to the hung charges. At 3:31 PM this date, jury returned with the following verdicts:

COUNTS 1, 2, 3, 4, 5, 6, 7, and 8 HUNG JURY.

GUILTY of:

COUNT 9 BATTERY WITH USE OF A DEADLY WEAPON (AMNESIA FRANKLIN);
COUNT 10 BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM (ANIELA HOYER);
COUNT 11 ASSAULT WITH USE OF A DEADLY WEAPON (ALLEN BURSE);
COUNT 12 ASSAULT WITH USE OF A DEADLY WEAPON (WASHINGTON THOMPSON);
COUNT 13 ASSAULT WITH USE OF A DEADLY WEAPON (MARQUETTE JENKINS);
COUNT 14 ASSAULT WITH USE OF A DEADLY WEAPON (RAMEKIN ADAMS);
COUNT 15 ASSAULT WITH USE OF A DEADLY WEAPON (SHARON POWELL);
COUNT 16 ASSAULT WITH USE OF A DEADLY WEAPON (TIFFANY TRESS);
COUNT 17 BURGLARY.

OUTSIDE THE PRESENCE OF THE JURY: Upon Court's inquiry, State requested additional time to determine whether they would like a trial set on the hung charges. Arguments by State in support of remanding Deft. Argument by Mr. Posin regarding bail. COURT ORDERED, Deft. REMANDED INTO CUSTODY; NO BAIL. COURT FURTHER ORDERED, matter SET for Status Check on setting a sentencing date and whether the state would like a re-trial set on the hung charges.

CUSTODY

9/25/13 9:00 AM - STATUS CHECK: SET SENTENCING DATE...STATE'S DECISION ON RETRYING ON REMAINING COUNTS/RESET TRIAL DATE

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 25, 2013

C-12-278699-1 State of Nevada
 vs
 Wilburt Hickman

September 25, 2013 9:00 AM Status Check

HEARD BY: Ellsworth, Carolyn **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Denise Trujillo

RECORDER: Lara Corcoran

REPORTER:

PARTIES

PRESENT:	Anthony, Michelle	Attorney
	Hickman, Wilburt	Defendant
	Posin, Mitchell L	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- STATUS CHECK: SET SENTENCING DATE...STATE'S DECISION ON RETRYING ON
REMAINING COUNTS / RESET TRIAL DATE

Deft. present in custody. State advised they are not going to proceed on counts 1-8. COURT
ORDERED, CTS 1- 8 DISMISSED WITH PREJUDICE. FURTHER, matter referred to P&P and SET for
sentencing.

CUSTODY

CONTINUED TO: 12/4/13 9 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 04, 2013

C-12-278699-1 State of Nevada
 vs
 Wilburt Hickman

November 04, 2013	9:00 AM	Motion to Withdraw as Counsel	Defendant's Notice of Motion and Motion for Ineffective Assistance of Counsel and Motion for New Trial
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HEARD BY: Ellsworth, Carolyn

COURTROOM: RJC Courtroom 03E

COURT CLERK: Denise Trujillo
 Andrea Natali

RECORDER: Lara Corcoran

REPORTER:

PARTIES

PRESENT:	Graham, Elana L.	Attorney
	Hickman, Wilburt	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- DEFENDANT'S NOTICE OF MOTION AND MOTION FOR INEFFECTIVE ASSISTANCE OF
COUNSEL AND MOTION FOR NEW TRIAL

Deft. present in custody and Mitchell Posin, Esq., not present. COURT ADVISED, Deft. he was not allowed to file a motion when represented by counsel; noted a Motion for New Trial and Ineffective Assistance of Counsel had been filed. Statement by Deft. regarding whether his attorney was ineffective due to trial preparations and the lack of attorney client correspondence leading up to trial; whether his attorney had filed a timely motion on his behalf. COURT FURTHER NOTED, Mr. Posin

PRINT DATE: 06/06/2023

Page 23 of 62

Minutes Date: January 12, 2012

would not be discharged as counsel until he had filed a proper motion and, ORDERED, Motion DENIED. FURTHER NOTED, ineffective assistance is a post trial conviction matter.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 04, 2013

C-12-278699-1 State of Nevada
 vs
 Wilburt Hickman

December 04, 2013 9:00 AM Sentencing

HEARD BY: Hardcastle, Kathy

COURTROOM: RJC Courtroom 03E

COURT CLERK: Denise Trujillo

RECORDER: Lara Corcoran

REPORTER:

PARTIES

PRESENT:	Bonaventure, Santino	Attorney
	Hickman, Wilburt	Defendant
	Posin, Mitchell L	Attorney
	Scow, Richard H.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- SENTENCING CTS 9-17

Deft. present in custody. Mr. Posin advised both sides agree to continue sentencing as Deft. wants him to withdraw as counsel. COURT ORDERED, Mr. Posin allowed to withdraw, and PD's office to interview Deft. to see if he qualifies. Mr. Bonaventure objected as it is the policy of office not to take over cases for sentencing. Court noted they are only going to see if he qualifies at this time. Deft. advised he did not fire Mr. Posin, but Mr. Posin wants more money for sentencing, and he can not pay him now as he is in custody. COURT ORDERED, matter CONTINUED.

CUSTODY

12/9/13 9 AM SENTENCING CTS 9-17...CONFIRMATION OF COUNSEL (PD)

PRINT DATE: 06/06/2023

Page 25 of 62

Minutes Date: January 12, 2012

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****December 09, 2013**

C-12-278699-1 State of Nevada
 vs
 Wilburt Hickman

December 09, 2013 9:00 AM All Pending Motions

HEARD BY: Ellsworth, Carolyn **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Denise Trujillo

RECORDER: Lara Corcoran

REPORTER:

PARTIES

PRESENT:	Hamner, Christopher S.	Attorney
	Hickman, Wilburt	Defendant
	Rue, Jeffrey T.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- DEFT'S MOTION FOR CONTINUANCE ON GROUNDS OF ABSENCES OF WITNESSES & DISCOVER EVIDENCE, REQUESTING NEW COUNSEL & NEW TRIAL TO SUBMIT NEW EVIDENCE...SENTENCING...CONFIRMATION OF COUNSEL (PUBLIC DEFENDER)

Deft. present in custody. Mr. Posin advised he withdrew on Monday. Mr. Rue objected based on office policy not to take over a case at sentencing. Mr. Posin stated Deft. wanted him to withdraw, but will do as ordered by the Court. COURT ORDERED, it is reversing Judge Hardcastle's order and Mr. Posin will NOT be allowed to withdraw as counsel. FURTHER, he will remain as counsel until he has filed fast track appeal for Deft. after sentencing. COURT noted as to Deft's Motion, it is a fugitive document that should not have been filed and ORDERED, it to be stricken. State noted there is an issue with the PSI, as it lists 6 misdemeanor's but Scope shows about 17. Court provided copies handwritten letters on Deft's behalf to State and Mr. Posin. Mr. Posin advised he gave Deft. a copy of his file, and requested sentencing be continued so he can speak to Deft. COURT ORDERED,

PRINT DATE: 06/06/2023

Page 27 of 62

Minutes Date: January 12, 2012

sentencing CONTINUED. Upon request of Mr. Posin, COURT ORDERED, Deft. determined to be indigent for purposes of obtaining transcripts.

CUSTODY

12/18/13 9 AM SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****December 18, 2013**

C-12-278699-1 State of Nevada
 vs
 Wilburt Hickman

December 18, 2013 9:00 AM Sentencing

HEARD BY: Ellsworth, Carolyn **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Denise Trujillo

RECORDER: Lara Corcoran

REPORTER:

PARTIES

PRESENT:	Hamner, Christopher S.	Attorney
	Hickman, Wilburt	Defendant
	Posin, Mitchell L	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- SENTENCING 9-17

Deft. present in custody. DEFT. HICKMAN ADJUDGED GUILTY OF CT 9 - BATTERY WITH USE OF A DEADLY WEAPON (F) under the SMALL HABITUAL STATUTE; CT 10 - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM (F) under the SMALL HABITUAL STATUTE; COUNTS 11 - 16 - ASSAULT WITH USE OF A DEADLY WEAPON (F); and CT 17 BURGLARY (F). A packet of Deft's PRIOR JOC'S provided by the State ADMITTED as State's exhibit number 1. Arguments by counsel. Statement by Deft. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, a \$150.00 DNA Analysis fee including testing to determine genetic markers, and RESTITUTION total amount of \$26,272.50, payable as noted in sentence below, Deft. SENTENCED to:

CT 9 - a MAXIMUM TWO HUNDRED AND FIFTEEN (215) of MONTHS and MINIMUM of SIXTY (60) MONTHS in the Nevada Department of Corrections (NDC) and \$12,639.83 RESTITUTION

PRINT DATE: 06/06/2023

Page 29 of 62

Minutes Date: January 12, 2012

payable to ANNEESAH FRANKLIN;

CT 10 - a MAXIMUM TWO HUNDRED AND FIFTEEN (215) of MONTHS and MINIMUM of SIXTY (60) MONTHS in the Nevada Department of Corrections (NDC) and \$3,263.73 RESTITUTION payable to ANYLA HOYE, to run CONSECUTIVE to CT 9;

CT 11 - a MAXIMUM SEVENTY TWO (72) MONTHS and MINIMUM of SIXTEEN (16) MONTHS in the NDC to run CONCURRENT with CT 10;

CT 12 - a MAXIMUM SEVENTY TWO (72) MONTHS and MINIMUM of SIXTEEN (16) MONTHS in the NDC to run CONCURRENT with CT 11;

CT 13 - a MAXIMUM SEVENTY TWO (72) MONTHS and MINIMUM of SIXTEEN (16) MONTHS in the NDC to run CONCURRENT with CT 12;

CT 14 - a MAXIMUM SEVENTY TWO (72) MONTHS and MINIMUM of SIXTEEN (16) MONTHS in the NDC to run CONCURRENT with CT 13;

CT 15 - a MAXIMUM SEVENTY TWO (72) MONTHS and MINIMUM of SIXTEEN (16) MONTHS in the NDC to run CONCURRENT with CT 14;

CT 16 - a MAXIMUM SEVENTY TWO (72) MONTHS and MINIMUM of SIXTEEN (16) MONTHS in the NDC to run CONCURRENT with CT 15;

CT 17 - a MAXIMUM NINETY SIX (96) MONTHS and MINIMUM of TWENTY TWO (22) MONTHS in the NDC, and \$10,369.04 RESTITUTION payable to ANTIOCH CHURCH OF LAS VEGAS, INC A NON-PROFIT CORP dba ANTIOCH CHURCH, to run CONCURRENT with CT 16 with 731 DAYS credit for time served.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 29, 2014

C-12-278699-1 State of Nevada
 vs
 Wilburt Hickman

January 29, 2014 9:00 AM Hearing

HEARD BY: Ellsworth, Carolyn **COURTROOM:** RJC Courtroom 16D

COURT CLERK: Denise Trujillo

RECORDER: Lara Corcoran

REPORTER:

PARTIES

PRESENT: Di Giacomo, Marc P. Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- HEARING DEFT. - DIRECT APPEAL

Deft. nor his counsel present. COURT NOTED this motion was filed in properly in State Court, however, his counsel properly filed direct appeal with Supreme Court. FURTHER, this Court does not have jurisdiction to hear direct appeal and ORDERED, appeal is stricken as moot.

CCDC (NDC)

CLERK'S NOTE: Clerk mailed copy of minutes to Deft. this date./dt

Wilbert Hickman #0905481
Clark County Detention Center
330 S. Casino Center Blvd.
Las Vegas, NV 89101

PRINT DATE: 06/06/2023

Page 31 of 62

Minutes Date: January 12, 2012

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 12, 2014

C-12-278699-1 State of Nevada
 vs
 Wilburt Hickman

**February 12, 2014 9:00 AM Motion For
Reconsideration**

HEARD BY: Ellsworth, Carolyn **COURTROOM:** RJC Courtroom 16D

COURT CLERK: Denise Trujillo

RECORDER: Lara Corcoran

REPORTER:

PARTIES

PRESENT: Di Giacomo, Marc P. Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- DEFT'S PRO PER MOTION FOR RECONSIDERATION OF MOTION FOR A NEW TRIAL DUE TO INEFFECTIVE ASSISTANCE OF COUNSEL AND CONFLICT OF ANSWER

Deft. nor his counsel present. COURT ORDERED, Motion DENIED, this type of motion must be filed by way of a post conviction relief writ of habeas corpus.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 18, 2014

C-12-278699-1 State of Nevada
 vs
 Wilburt Hickman

August 18, 2014 9:00 AM Appointment of Counsel

HEARD BY: Ellsworth, Carolyn **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Denise Trujillo

RECORDER: Lara Corcoran

REPORTER:

PARTIES

PRESENT: Jones, Tierra D. Attorney
 State of Nevada Plaintiff
 Wildeveld, Kristina M. Attorney

JOURNAL ENTRIES

- APPOINTMENT OF COUNSEL

Deft. not present. Ms. Wildeveld confirmed as counsel and Order to Appoint Counsel signed in open court. Upon Ms. Wildeveld inquiry, Court advised she can put matter back on calendar if she has trouble getting file.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 01, 2016

C-12-278699-1 State of Nevada
 vs
 Wilburt Hickman

February 01, 2016 9:00 AM All Pending Motions

HEARD BY: Ellsworth, Carolyn **COURTROOM:** RJC Courtroom 16D

COURT CLERK: Denise Trujillo

RECORDER: Sandra Pruchnic

REPORTER:

PARTIES

PRESENT: Craggs, Genevieve C. Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- DEFT'S PRO PER MOTION TO WITHDRAW COUNSEL...DEFT'S PRO PER MOTION FOR PRODUCTION OF DOCUMENTS, PAPERS, PLEADINGS AND TANGIBLE PROPERTY OF DEFT.

Deft. not present. Without benefit of argument, COURT finds both motions have identical points and authorities, an attached affidavit is mentioned, however, there is not affidavit attached. FURTHER, there is nothing in motion indicating he has tried to obtain his file and counsel refused to send it to him. COURT ORDERED, Motion to withdraw counsel is GRANTED and Motion for Pro Per Motion for Production is DENIED WITHOUT PREJUDICE, unless or until he can show Court that he has/had requested said documents and counsel refused. State to prepare the order.

NDC

CLERK'S NOTE: A copy of minute order mailed to Deft. on 2/2/16./dt

WILBER HICKMAN

PRINT DATE: 06/06/2023

Page 35 of 62

Minutes Date: January 12, 2012

C-12-278699-1

NDOP #62150
P.O. BOX 208
INDIAN SPRINGS, NV 89070

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 14, 2016

C-12-278699-1 State of Nevada
 vs
 Wilburt Hickman

March 14, 2016 9:00 AM Motion to Compel

HEARD BY: Ellsworth, Carolyn **COURTROOM:** RJC Courtroom 16D

COURT CLERK: Denise Trujillo

RECORDER: Lara Corcoran

REPORTER:

PARTIES

PRESENT: Mishler, Karen Attorney
 State of Nevada Plaintiff
 Wildeveld, Kristina M. Attorney

JOURNAL ENTRIES

- DEFT'S MOTION TO COMPEL

Deft. not present. Ms. Wildeveld advised she has sent Deft. 2 copies, the latest one was 1/14/16, and showed Court proof. Further, she brought another copy in case someone else wanted to send it and see if it got to Deft. COURT ORDERED, Motion to Compel is DENIED, and had Ms. Wildeveld provide Court with the copy for her staff to send to Deft.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 15, 2016

C-12-278699-1 State of Nevada
 vs
 Wilburt Hickman

June 15, 2016

9:00 AM

All Pending Motions

HEARD BY: Ellsworth, Carolyn

COURTROOM: RJC Courtroom 16D

COURT CLERK: Denise Trujillo

RECORDER: Lara Corcoran

REPORTER:

PARTIES

PRESENT:

Heap, Hilary
State of Nevada

Attorney
Plaintiff

JOURNAL ENTRIES

- PETITIONER'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS...PETITIONER'S PRO PER MOTION FOR APPOINTMENT OF COUNSEL

Deft. not present. Court noted as to ground 1, it should have been brought up on initial appeal. As to general allegations of ineffective assistance of trial counsel, COURT ORDERED, matter referred to Mr. Christensen's office for appoint of counsel to review Deft's allegations. FURTHER, Matter CONTINUED.

NDC

6/20/16 9 AM CONFIRMATION OF COUNSEL ...RESET WRIT

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 20, 2016

C-12-278699-1 State of Nevada
 vs
 Wilburt Hickman

June 20, 2016 9:00 AM Confirmation of Counsel

HEARD BY: Ellsworth, Carolyn **COURTROOM:** RJC Courtroom 16D

COURT CLERK: Denise Trujillo

RECORDER: Debbie Winn

REPORTER:

PARTIES

PRESENT:	Heap, Hilary	Attorney
	Hickman, Wilburt	Defendant
	Shell, Alina	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- CONFIRMATION OF COUNSEL / RESET WRIT

Deft. present in custody. Ms. Shell advised she can accept appointment for post-conviction relief and request this be continued for 30 days before setting briefing schedule so she can try to get file from trial lawyer. COURT ORDERED, matter CONTINUED.

NDC

7/20/16 9 AM STATUS CHECK: SET BRIEFING SCHEDULE

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****July 20, 2016**

C-12-278699-1 State of Nevada
 vs
 Wilburt Hickman

July 20, 2016 9:00 AM Status Check

HEARD BY: Ellsworth, Carolyn **COURTROOM:** RJC Courtroom 16D

COURT CLERK: Denise Trujillo

RECORDER: Lara Corcoran

REPORTER:

PARTIES

PRESENT:	Pandukht, Taleen R	Attorney
	Shell, Alina	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- STATUS CHECK: RECEIPT OF FILE...SET BRIEFING SCHEDULE

Deft. not present. Ms. Shell advised she is still waiting for records and requested until early January to file her supplemental petition. COURT ORDERED, briefing schedule as follows: Deft's Supplemental brief due January 9, 2017; State to respond by 3/13/17; Deft. to reply by 5/3/17 with matter being set for hearing thereafter. Court noted after hearing, she will decide if evidentiary hearing is needed with Deft. present.

NDC

5/3/17 9 AM HEARING: WRIT OF HABEAS CORPUS (POST-CONVICTION)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 28, 2016

C-12-278699-1 State of Nevada
 vs
 Wilburt Hickman

July 28, 2016	3:00 AM	Motion to Disqualify Judge	Petitioner's Pro Per Motion to Disqualification of Judge Carolyn Ellsworth, Dept. No. V
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HEARD BY: Barker, David

COURTROOM: No Location

COURT CLERK: Alan Castle

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT NOTES no record of proper service of the motion upon Judge Ellsworth. As a result, Judge Ellsworth's obligation to file an answer in response to the motion pursuant to NRS 1.235(5) has not been triggered.

COURT FURTHER NOTES Defendant filed the motion to disqualify in proper person but he is now represented in this matter by attorney Alina Shell. COURT ORDERED, the clerk is directed to forward a copy of Defendant's motion and this minute order to attorney Alina Shell for review. Upon review of Defendant's motion and after consultation with Defendant, Ms. Shell as Defendant's attorney to decide whether to file and properly serve a motion for disqualification of Judge Ellsworth. It is FURTHER ORDERED, Defendant's Motion for Disqualification of Judge Carolyn Ellsworth Dept. No. 5, FILED, May 4, 2016, OFF CALENDAR.

PRINT DATE: 06/06/2023

Page 41 of 62

Minutes Date: January 12, 2012

CLERK'S NOTE: The above minute order has been distributed to: McLetchie Shell, LLC (Alina Shell, Esq.). ac/07/28/16.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 22, 2016

C-12-278699-1 State of Nevada
 vs
 Wilburt Hickman

August 22, 2016 9:00 AM Motion for Order

HEARD BY: Bixler, James **COURTROOM:** RJC Courtroom 16D

COURT CLERK: Denise Trujillo

RECORDER: Debbie Winn

REPORTER:

PARTIES

PRESENT: Pandukht, Taleen R Attorney
 Shell, Alina Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- PETITIONER'S MOTION FOR ORDER FOR PRODUCTION OF RECORDS FROM PRIOR COUNSEL

Deft. not present. Court noted he received a letter by fax this morning about sending file to Deft. in 2014. Ms. Shell advised Court of the problems she has had trying to obtain the file. She did receive a file, but it has no work product, such as interviews with witnesses, etc., and this was a long case with multiple charges, so there has to be more than what was presented. COURT ORDERED, Mr. Posin to provide everything he has on the case and provide Court with written verification to Court and counsel. FURTHER, matter CONTINUED for status check.

NDC

9/25/16 9 AM STATUS CHECK: RECORDS

PRINT DATE: 06/06/2023

Page 43 of 62

Minutes Date: January 12, 2012

CLERK'S NOTE: Law clerk called and left message on Mr. Posin's voicemail./ dt

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 19, 2016

C-12-278699-1 State of Nevada
 vs
 Wilburt Hickman

September 19, 2016 9:00 AM Motion

HEARD BY: Ellsworth, Carolyn **COURTROOM:** RJC Courtroom 16D

COURT CLERK: Denise Trujillo

RECORDER: Lara Corcoran

REPORTER:

PARTIES

PRESENT:	Flinn, William W.	Attorney
	Shell, Alina	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- DEFT'S MOTION FOR PARALEGAL FEES

Deft. not present. State opposes motion. COURT finds that \$50.00 per hour for a paralegal is preferable to paying for attorney to do some of the work needed on this case. Upon Court's inquiry, Ms. Shell stated she could probably use 60 - 80 hours. COURT ORDERED, Motion GRANTED for 40 hours, and if she needs more time, she can bring matter back on calendar.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 28, 2016

C-12-278699-1 State of Nevada
 vs
 Wilburt Hickman

September 28, 2016 9:00 AM Status Check

HEARD BY: Ellsworth, Carolyn **COURTROOM:** RJC Courtroom 16D

COURT CLERK: Denise Trujillo

RECORDER: Lara Corcoran

REPORTER:

PARTIES

PRESENT:	Craggs, Genevieve C.	Attorney
	Shell, Alina	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- STATUS CHECK: RECORDS

Deft. not present. Ms. Shell advised she believes she has received Mr. Posin's entire file. COURT ORDERED, matter OFF CALENDAR.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 07, 2016

C-12-278699-1 State of Nevada
 vs
 Wilburt Hickman

November 07, 2016 9:00 AM Motion

HEARD BY: Ellsworth, Carolyn **COURTROOM:** RJC Courtroom 16D

COURT CLERK: Denise Trujillo

RECORDER: Lara Corcoran

REPORTER:

PARTIES

PRESENT:	Pandukht, Taleen R	Attorney
	Shell, Alina	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- DEFT'S MOTION FOR SUPPLEMENTAL FEES

Deft. not present. Statement by Ms. Shell. COURT stated findings and ORDERED, Motion DENIED.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 24, 2017

C-12-278699-1 State of Nevada
 vs
 Wilburt Hickman

July 24, 2017

9:00 AM

Status Check

**Status Check:
Request for Briefing
Schedule Extention**

HEARD BY: Ellsworth, Carolyn

COURTROOM: RJC Courtroom 16D

COURT CLERK: Andrea Natali

RECORDER: Lara Corcoran

REPORTER:

PARTIES

PRESENT:	Hickman, Wilburt	Defendant
	Pandukht, Taleen R	Attorney
	Shell, Alina	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Deft. not present, incarcerated in the Nevada Dept. of Corrections (NDC). COURT NOTED, it was concerned that there was a request for a briefing schedule extension for the Reply, there was no request for an evaluation and there would be new matters raised. Ms. Shell stated when she took on this case in November she had started requesting records, but she didn't receive the social security records until June, which was after she had filed the supplement on this matter; additionally, she had issues getting hold of her investigator and she wanted to give the State time to responded. Ms. Pandukht stated she had concerns that the 90 day request seemed lengthy, mental health was not brought up to prior counsel, or in the plea, there was an evaluation done four months prior to the incident and he did not have any issues; argued this was irrelevant and no matter what the Deft. s mental state was now it was irrelevant. COURT NOTED, it had this type of matter come up before, where a psychiatrist or psychologist couldn't say whether the Deft. had a mental health issue at the

PRINT DATE: 06/06/2023

Page 48 of 62

Minutes Date: January 12, 2012

time; therefore, it wanted to make sure first there was a basis and the expert the Defense wanted to hire, could say he would be able to opine on what the Deft.'s mental health state was at the time and that request would need to be made upon the Court. Ms. Shell stated the Deft. was receiving treatment from Southern Nevada Adult Mental Health Services (SNAMHS) at the time of the offense and several years prior to, and that was included with her supplement; advised she needed an expert to look at the voluminous records. COURT DIRECTED, the defense to send those records for in camera review this week and ORDERED, matter CONTINUED three weeks to allow it to review the records, then it would look at the State's documents and determine how much time for the supplement, the States response, and the Defense reply. COURT FURTHER ORDERED, the matter currently set on July 31, 2017 is VACATED.

NDC

8/17/17 - 9:00 AM - STATUS CHECK: REQUEST FOR BRIEFING SCHEDULE EXTENSION ...
STATUS CHECK: RESET HEARING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 14, 2017

C-12-278699-1 State of Nevada
 vs
 Wilburt Hickman

August 14, 2017 9:00 AM All Pending Motions

HEARD BY: Ellsworth, Carolyn **COURTROOM:** RJC Courtroom 16D

COURT CLERK: Andrea Natali

RECORDER: Lara Corcoran

REPORTER:

PARTIES

PRESENT:	Pandukht, Taleen R	Attorney
	Shell, Alina	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- STATUS CHECK: RESET HEARING ... STATUS CHECK: REQUEST FOR BRIEFING SCHEDULE EXTENSION

Deft. not present, incarcerated in the Nevada Dept. of Corrections (NDC). COURT NOTED, it had the ex parte motion to retina the expert and the order to file under seal for all the records, which it had reviewed and there were a lot of records. FURTHER NOTED, the social security was messed up as in 2008 the evaluator indicated the Deft. was a malingerer, but two years later after reviewing the same documentation another evaluator approved and gave the Deft. benefits; therefore, ORDERED, the ex parte motion to appoint an expert GRANTED; DIRECTED, counsel to provide the documents to the State, the new evaluator will have to look at the documents, and the defense will have to show how this matter fits into Strickland. As to providing the documents, Ms. Shell requested to prepare an order as medical records were protected. COURT SO AGREED. Further, Ms. Shell requested the status checks be CONTINUED one week. COURT SO ORDERED and DIRECTED Ms. Shell to send the Widdis order over as it had approved fees to obtain an expert. Order related to filing documents

PRINT DATE: 06/06/2023

Page 50 of 62

Minutes Date: January 12, 2012

under seal SIGNED IN OPEN COURT and provided to Ms. Shell to file.

NDC

CONTINUED TO: 8/21/17 - 9:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****August 21, 2017**

C-12-278699-1 State of Nevada
 vs
 Wilburt Hickman

August 21, 2017 9:00 AM All Pending Motions

HEARD BY: Ellsworth, Carolyn **COURTROOM:** RJC Courtroom 16D

COURT CLERK: Andrea Natali

RECORDER: Patti Slattery

REPORTER:

PARTIES

PRESENT:	Luong, Vivian	Attorney
	Shell, Alina	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- STATUS CHECK: RESET HEARING ... STATUS CHECK: REQUEST FOR BRIEFING SCHEDULE EXTENSION

Deft. not present incarcerated in the Nevada Dept. of Corrections. Ms. Shell stated she spoke with the expert and based on his schedule he will be able to go out to do the assessment in October; therefore, requested the briefing schedule be set to begin in later December. COURT ORDERED, matter SET for hearing and counsel advised of following briefing schedule:
Defendant's supplemental brief DUE BY 12/18/17,
State's response DUE BY 2/16/18,
Defendant's reply DUE BY 3/2/18.

NDC

3/19/18 - 9:00 AM - HEARING: SUPPLEMENTAL MEMORANDUM OF POINTS AND

PRINT DATE: 06/06/2023

Page 52 of 62

Minutes Date: January 12, 2012

**AUTHORITIES IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS (POST-
CONVICTION)**

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 28, 2018

C-12-278699-1 State of Nevada
 vs
 Wilburt Hickman

February 28, 2018 9:00 AM At Request of Court

HEARD BY: Ellsworth, Carolyn **COURTROOM:** RJC Courtroom 16D

COURT CLERK: Andrea Natali

RECORDER: Lara Corcoran

REPORTER:

PARTIES

PRESENT:	Hickman, Wilburt	Defendant
	Pandukht, Taleen R	Attorney
	Shell, Alina	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Deft. not present. CONFERENCE AT THE BENCH. COURT NOTED this matter was placed on calendar because there was another stipulation to extend the petition dates and it wanted to make sure this was the last extension; therefor, ADVISED, it would sign the order and figure out the appropriate date and have its JEA indicate the date within the order. COURT ORDERED, matter CURRENTLY set for June 11, 2018 is VACATED and TO BE RESET sometime after July 20, 2018.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 10, 2018

C-12-278699-1 State of Nevada
 vs
 Wilburt Hickman

September 10, 2018 9:00 AM Hearing

HEARD BY: Ellsworth, Carolyn **COURTROOM:** RJC Courtroom 16D

COURT CLERK: Andrea Natali

RECORDER: Lara Corcoran

REPORTER:

PARTIES

PRESENT:	Pandukht, Taleen R	Attorney
	Shell, Alina	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Deft. not present, incarcerated in the Nevada Dept. of Corrections (NDC). COURT ORDERED, matter SET for evidentiary hearing on whether the Deft. was mentally ill at any time counsel had dealt with the Deft. Colloquy regarding the other attorneys who represented the Deft. Ms. Pandukht stated she was ready to argue the matter and opposed an evidentiary hearing from being set. CONFERENCE AT THE BENCH.

NDC

11/30/18 - 9:00 AM - EVIDENTIARY HEARING: SUPPLEMENTAL MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)

PRINT DATE: 06/06/2023

Page 55 of 62

Minutes Date: January 12, 2012

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 27, 2019

C-12-278699-1 State of Nevada
 vs
 Wilburt Hickman

September 27, 2019 9:00 AM Evidentiary Hearing

HEARD BY: Ellsworth, Carolyn

COURTROOM: RJC Courtroom 16D

COURT CLERK: Andrea Natali

RECORDER: Lara Corcoran

REPORTER:

PARTIES

PRESENT:	Hamner, Christopher S.	Attorney
	Hickman, Wilburt	Defendant
	Shell, Alina	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Deft. present at liberty. Upon Court's inquiry, Deft. ACKNOWLEDGED his attorney client privilege would have to be WAIVED. Mr. Hamner INVOKED the exclusionary rule. Testimony and Exhibit presented (see worksheets). Argument by Ms. Shell in support of the Petition, noting that the Deft.'s trial and sentencing counsel had a duty, to ask the Deft. about his Mental Health (MH). Further argument by Ms. Shell regarding how it prejudiced the Deft. at sentencing, as the Court may not have imposed the small habitual criminal provision, if it had known the Deft. had MH issues. COURT ADVISED, knowing what it knew now, that the Deft. intentionally went off his medications and he had been grossly intoxicated, it more than likely would have sentenced the Deft. for a longer time, as it would have felt the Deft. was a danger. COURT NOTED, even in a controlled environment, the Deft. refused to take his medications, FURTHER ADVISED, the Deft. was a hazard to society and it would not have sentenced the Deft. to a lesser time, as all those things wouldn't have mitigated, they would have enhanced. Ms. Shell submitted. Argument by Mr. Hamner in opposition to the petition, noting why Mr. Posin would not have asked about the Deft.'s MH status, as the Deft. did not show

PRINT DATE: 06/06/2023

Page 56 of 62

Minutes Date: January 12, 2012

any external symptoms of having a MH illness. COURT FURTHER NOTED, based upon the testimony, it didn't think the Deft.'s attorney would have thought the Deft. had a MH issue, as the Deft. stated he concealed it. COURT FINDS there was no showing that trial counsel was ineffective, there was no prejudice to the Deft., as it didn't think it would have made a difference, and considering the evidence today, it was better for the Deft. to be in prison. FURTHER FINDS, trial counsel did good at trial, there was no prejudice at sentencing, and all the other things were without merit. COURT DIRECTED, the State to prepare the Findings of Fact and Conclusions of Law, and provide to Ms. Shell, before submission to the Court.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 05, 2022

C-12-278699-1 State of Nevada
 vs
 Wilburt Hickman

January 05, 2022 12:00 AM All Pending Motions

HEARD BY: Lilly-Spells, Jasmin

COURTROOM: RJC Courtroom 12D

COURT CLERK: Grecia Snow
 Quara Pyatt
 Anntoinette Naumec-Miller

RECORDER: Maria Garibay

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- STATE- MEGAN THOMSON

MOTION TO MODIFY OR CORRECT ILLEGAL SENTENCE

MOTION TO MODIFY SENTENCE

COURT FINDS it lacks jurisdiction to modify the sentence because Deft has already started serving the sentence. *Passanisi v. State*, 108 Nev. 318, 321 (1992). The sentence imposed does not violate due process. *State v. 8th Judicial District Court*, 100 Nev. 90, 97 (1984), here there is no evidence that the Court sentenced Deft based upon a materially false assumption of fact that worked to Deft's detriment. *Passani v. State*, 108 Nev. 318 (1992). Here, AB 236 cannot be applied retroactively. COURT ORDERED motions DENIED. State to prepare the order.

PRINT DATE: 06/06/2023

Page 58 of 62

Minutes Date: January 12, 2012

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 29, 2023**

C-12-278699-1 State of Nevada
 vs
 Wilburt Hickman

March 29, 2023 9:15 AM Motion to Modify Sentence

HEARD BY: Lilly-Spells, Jasmin**COURTROOM:** RJC Courtroom 12D**COURT CLERK:**

Alice Jacobson

RECORDER: Michelle Ramsey**REPORTER:****PARTIES**

PRESENT: Eldar, Elan A Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- Deft. not present, in Nevada Department of Corrections.

Court noted the Motion for Modification of Sentence will be heard with no Deft. counsel present. COURT STATED FINDINGS, and stated in general, a District Court lacks jurisdiction to modify a sentence once the defendant has started serving it. *Passanisi v. State*, 108 Nev. 318, 321, 831 P.2d 1371, 1373 (1992). However, a district court has inherent authority to correct, vacate, or modify a sentence that violates due process where the defendant can demonstrate the sentence is based on a materially untrue assumption or mistake of fact about the defendant's criminal record that has worked to the extreme detriment of the defendant. *Edwards v. State*, 112 Nev. 704, 707, 918 P.2d 321, 324 (1996); see also *Passanisi*, 108 Nev. at 322, 831 P.2d at 1373. Not every mistake or error during sentencing gives rise to a due process violation. *State v. Eighth Judicial Dist. Court*, 100 Nev. 90, 97, 677 P.2d 1044, 1048 (1984). A district court has jurisdiction to modify a defendant's sentence only if (1) the district court actually sentenced appellant based on a materially false assumption of fact that worked to appellant's extreme detriment, and (2) the particular mistake at issue was of the type that would rise to the level

PRINT DATE: 06/06/2023

Page 60 of 62

Minutes Date: January 12, 2012

of a violation of due process. Passanisi, 108 Nev. at 322-23, 831 P.2d at 1373-74. Crimes are to be punished in accord with the law in force at the time a crime is committed unless the Legislature clearly expresses its intent to the contrary. State v. Second Judicial District, 124 Nev. 564188 P.3d 1079 (2008). AB 236 has listed no indication that the legislature wished for the habitual criminal statute to apply to crimes that took place retroactively. Therefore, COURT ORDERS motion DENIED. State to prepare the Order. The State to prepare the Order.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 01, 2023

C-12-278699-1 State of Nevada
 vs
 Wilburt Hickman

**May 01, 2023 9:15 AM Motion to Withdraw as
 Counsel**

HEARD BY: Lilly-Spells, Jasmin **COURTROOM:** RJC Courtroom 12D

COURT CLERK:
 Alice Jacobson

RECORDER: Michelle Ramsey

REPORTER:

PARTIES

PRESENT: Eldar, Elan A Attorney
 Shell, Alina Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- There being no opposition. COURT ORDERED, motion GRANTED.

NDC

Certification of Copy and Transmittal of Record

State of Nevada }
County of Clark } SS:

Pursuant to the Supreme Court order dated May 25, 2023, I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, do hereby certify that the foregoing is a true, full and correct copy of the complete trial court record for the case referenced below. The record comprises ten volumes with pages numbered 1 through 2254.

STATE OF NEVADA,

Plaintiff(s),

vs.

WILBURT HICKMAN
aka WILLIAM HICKS,

Defendant(s),

Case No: C-12-278699-1

Dept. No: XXIII

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 6 day of June 2023.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk

