

# IN THE SUPREME COURT OF THE STATE OF NEVADA

DEMARENE COLEMAN,  
Appellant(s),

vs.

THE STATE OF NEVADA,  
Respondent(s),

Electronically Filed  
Aug 25 2023 11:03 AM  
Elizabeth A. Brown  
Clerk of Supreme Court

Case No: 05C215295-1  
*Related Case A-23-868466-W*  
Docket No: 86923

# RECORD ON APPEAL VOLUME 3

**ATTORNEY FOR APPELLANT**  
DEMARENE COLEMAN # 1007335,  
PROPER PERSON  
P.O. BOX 208  
INDIAN SPRINGS, NV 89070

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

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cc: Hon. Jacqueline M. Bluth, District Judge  
Demarene Coleman  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk



IN THE SUPREME COURT OF THE STATE OF NEVADA

DEMARENE COLEMAN,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

Supreme Court No. 84292  
District Court Case No. C215295

REMITTITUR

TO: Steven D. Grierson, Eighth District Court Clerk

Pursuant to the rules of this court, enclosed are the following:

Certified copy of Judgment and Opinion/Order.  
Receipt for Remittitur.

DATE: August 02, 2022

Elizabeth A. Brown, Clerk of Court

By: Sandy Young  
Deputy Clerk

cc (without enclosures):

Hon. Jacqueline M. Bluth, District Judge  
Clark County District Attorney \ Alexander G. Chen, Chief Deputy District  
Attorney  
Demarene Coleman

RECEIPT FOR REMITTITUR

Received of Elizabeth A. Brown, Clerk of the Supreme Court of the State of Nevada, the  
REMITTITUR issued in the above-entitled cause, on AUG - 3 2022

HEATHER UNGERMANN

Deputy District Court Clerk

RECEIVED  
APPEALS

AUG - 3 2022

CLERK OF THE COURT

**THIS SEALED  
DOCUMENT,  
NUMBERED PAGE(S)  
487 - 490  
WILL FOLLOW VIA  
U.S. MAIL**

Original Copy

1 DEMARENECOLEMAN  
2 S.D.C.C. Post Office Box-208  
3 Indian Spring, Nevada,  
4 89070 - 0208

FILED  
APR 13 2023

APR 13 2023  
CLERK OF COURT

PP  
VPA

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

11 DEMARENE COLEMAN

12 Petitioner,

13 vs.

14 NAJERA

15 AARON FORD

16 STEVEN B WOLFSON

17 Warden; State of Nevada,

18 Respondents.

CASE NUMBER: C216295

EX PARTE MOTION FOR  
APPOINTMENT OF COUNSEL AND  
REQUEST FOR EVIDENTIARY  
HEARING

May 9, 2023  
9:30 AM

18 COMES NOW, DEMARENECOLEMAN the Petitioner, in proper person, and moves this Court  
19 for its order allowing the appointment of counsel for Petitioner and for an evidentiary hearing. This  
20 motion is made and based in the interest of justice.

21 Pursuant to NRS 34.750(1):

22 A petition may allege that the petitioner is unable to pay the costs of the  
23 proceedings or to employ counsel. If the court is satisfied that the  
24 allegation of indigency is true and the petitioner is not dismissed  
summarily, the court may appoint counsel to represent the petitioner. In  
making its determination, the court may consider, among other things, the  
severity of the consequences facing the petitioner and whether:

- (a) The issues presented are difficult;  
(b) The petitioner is unable to comprehend the proceedings, or

CLERK OF THE COURT

APR 10 2023

RECEIVED

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(c) Counsel is necessary to proceed with discovery.

Petitioner is presently incarcerated at Southern Desert Correctional Center, is indigent and unable to retain private counsel to represent him.

Petitioner is unlearned and unfamiliar with the complexities of Nevada state law, particularly state post-conviction proceedings. Further, Petitioner alleges that the issues in this case are complex and require an evidentiary hearing. Petitioner is unable to factually develop and adequately present the claims without the assistance of counsel. Counsel is unable to adequately present the claims without an evidentiary hearing.

Dated this 13 day of March, 2023

Demetria Coleman

*In Proper Person*

1 CERTIFICATE OF SERVICE

2 The undersigned hereby certifies that he is a person of such age and discretion as to be competent  
3 to serve papers.

4 That on March, 13, 2023, he served a copy of the foregoing Ex Parte Motion for  
5 Appointment of Counsel and Request for Evidentiary Hearing by personally mailing said copy to:

6  
7 District Attorney's Office  
8 Address: 200. Lewis Ave  
9 Las Vegas, NV, 89115-2212

10  
11  
12 Warden Najera  
13 Address: P.O. Box. 208 S.D.C.C  
14 Indian Springs, NV, 89070

15  
16  
17  
18 Demarene Coleman  
19 Petitioner  
20  
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**AFFIRMATION**  
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding Ex Parte Motion

on For Appointment of Counsel and request for evidentiary  
Hearing (Title of Document)

filed in District Court Case number C215295

☐ 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.

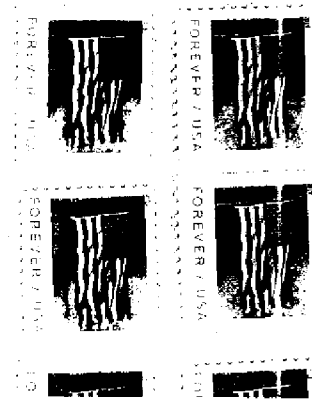
D. Coleman  
Signature

3/13/23  
Date

Demarene Coleman  
Print Name

\_\_\_\_\_  
Title

emarene Coleman #1007335  
D.C.C. P.O. Box 208  
Indian Springs, Nevada 89018



495

Steven D Grienson Clerk  
200 Lewis Ave 3rd Floor  
Las Vegas, NV 89155-1160

*Steven B. Wolfson*

**RSPN**  
**STEVEN B. WOLFSON**  
Clark County District Attorney  
Nevada Bar #001565  
**JOHN AFSHAR**  
Chief Deputy District Attorney  
Nevada Bar #14408  
200 Lewis Avenue  
Las Vegas, Nevada 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**THE STATE OF NEVADA,**  
  
Plaintiff,

-vs-

**DEMARENE COLEMAN,**  
#1963947

Defendant.

CASE NO: 05C215295-1

DEPT NO: VI

**STATE'S OPPOSITION TO DEFENDANT'S EX PARTE MOTION FOR  
APPOINTMENT OF COUNSEL AND REQUEST FOR EVIDENTIARY HEARING**

DATE OF HEARING: MAY 9, 2023

TIME OF HEARING: 9:30 AM

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through JOHN AFSHAR, Chief Deputy District Attorney, and hereby submits the attached Points and Authorities in Opposition to Defendant's Ex Parte Motion for Appointment of Counsel and Request for Evidentiary Hearing.

This opposition is made and based upon all the papers and pleadings on file herein, the attached points and authorities in support hereof, and oral argument at the time of hearing, if deemed necessary by this Honorable Court.

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1 **POINTS AND AUTHORITIES**

2 **STATEMENT OF THE CASE**

3 On September 20, 2005, Demarene Coleman (hereinafter "Defendant") was charged by  
4 way of Information with MURDER WITH USE OF A DEADLY WEAPON (Felony – NRS  
5 200.010, 200.030, 193,165); ATTEMPT MURDER WITH USE OF A DEADLY WEAPON  
6 (felony – NRS 200.010, 200.030, 193.330, 193.165); and ACCESSORY TO MURDER  
7 (Felony – NRS 200.010, 200.030, 195.030, 195.040).

8 On August 22, 2006, the district court held a hearing to determine Defendant's  
9 competency. The court found that the Defendant was not competent and remanded him to the  
10 custody of the Division of Mental Health Development Services for detention and treatment.  
11 An Order of Commitment was filed on August 28, 2006. On December 12, 2006, the district  
12 court, after reviewing the doctor's reports, held that Defendant was competent. On December  
13 29, 2006, the court filed its Findings of Competency.

14 On May 29, 2007, Defendant entered into a Guilty Plea Agreement and pled guilty to  
15 FIRST DEGREE MURDER and BATTERY WITH USE OF A DEADLY WEAPON, the  
16 charges set forth in the Amended Information filed that same day.

17 On July 24, 2007, the date set for sentencing, defense counsel Carmine Colucci  
18 requested a continuance for leave to file a Motion to Withdraw Guilty Plea. That same day,  
19 the court granted Defendant's request for a continuance. On August 7, 2007, Defendant filed  
20 a Motion to Withdraw Guilty Plea. On August 13, 2007, the State filed its Opposition. On  
21 August 14, 2007, the district court denied Defendant's Motion to Withdraw Guilty Plea and  
22 sentenced Defendant as follows: As to Count 1 – to a MAXIMUM of FIFTY YEARS with a  
23 MINIMUM of parole eligibility of FORTY-EIGHT (48) MONTHS to run CONCURRENT  
24 with Count 1; with SEVEN HUNDRED FIFTY-FIVE DAYS credit for time served. A  
25 Judgement of Conviction was filed on August 22, 2007.

26 On August 19, 2008, Defendant filed a Petition for Writ of Habeas Corpus, Motion for  
27 Leave to Proceed in Forma Pauperis, and Motion for Appointment of Counsel; Request for  
28 Evidentiary Hearing. The State filed its Response on October 28, 2008. On November 18,

1 2008, the Court heard the matter. On February 26, 2009, the Court filed its Findings of Fact,  
2 Conclusion of law Order denying Defendant's Petition.

3 On June 14, 2021, Defendant filed a Motion for Appointment of Attorney. The Motion  
4 was denied on July 9, 2021.

5 On January 7, 2022, Defendant filed a Motion for Modification of Sentence. The State  
6 filed its Opposition on January 25, 2022. On February 1, 2022, the Court heard the matter and  
7 denied the Defendant's motion. The Court denied Defendant's motion on February 1, 2022.  
8 On March 8, 2022, the Court filed its Order Denying Defendant's Motion for Modification of  
9 Sentence. On August 3, 2022, the Nevada Supreme Court affirmed the district court's decision  
10 to deny Defendant's motion.

11 On April 5, 2023, Defendant filed a Petition for Writ of Habeas Corpus. On April 13,  
12 2023, Defendant filed a Motion for Appointment of Attorney and Request for Evidentiary  
13 Hearing.

## 14 ARGUMENT

### 15 **I. DEFENDANT IS NOT ENTITLED TO APPOINTMENT OF COUNSEL**

16 Defendant requests that this Court appoint him counsel.<sup>1</sup> The United States Supreme  
17 Court ruled in Coleman v. Thompson, 501 U.S. 722, 111 S. Ct. 2546 (1991), that the Sixth  
18 Amendment provides no right to counsel in post-conviction proceedings. Similarly, the  
19 Nevada Supreme Court observed that "[t]he Nevada Constitution...does not guarantee a right  
20 to counsel in post-conviction proceedings, as we interpret the Nevada Constitution's right to  
21 counsel provision as being coextensive with the Sixth Amendment to the United States  
22 Constitution." McKague v. Warden, 112 Nev. 159, 163, 912 P.2d 255, 258 (1996).

23 NRS 34.750 provides, in pertinent part:

24 [a] petition may allege that the Defendant is unable to pay the costs  
25 of the proceedings or employ counsel. If the court is satisfied that  
26 the allegation of indigency is true and the petition is not dismissed  
summarily, the court may appoint counsel at the time the court

27 <sup>1</sup> Defendant's habeas petition was filed under case number A-23-868466-W. However, the instant motion to appoint  
28 counsel for the habeas petition was filed under case number 05C215295-1. The State's Response to Defendant's Petition  
for Writ of Habeas Corpus is due on May 22, 2023. If the Court prefers, it can postpone deciding whether counsel is  
warranted until it has had the benefit of the State's full Response.

orders the filing of an answer and a return. In making its determination, the court may consider whether:

- (a) The issues are difficult;
- (b) The Defendant is unable to comprehend the proceedings; or
- (c) Counsel is necessary to proceed with discovery.

Under NRS 34.750, it is clear that the court has discretion in determining whether to appoint counsel. McKague specifically held that with the exception of NRS 34.820(1)(a) which requires appointed counsel when the petitioner is under a sentence of death, one does not have "[a]ny constitutional or statutory right to counsel at all" in post-conviction proceedings. 112 Nev. at 164, 912 P.2d at 258.

Here, Defendant does not have a right to counsel during his post-conviction proceedings. McKague, 112 Nev. at 163, 912 P.2d at 258. NRS 34.726 provides in relevant part:

1. Unless there is good cause shown for delay, a petition that challenges the validity of a judgment or sentence must be filed within 1 year after entry of the judgment of conviction or, if an appeal has been taken from the judgment, within 1 year after the Supreme Court issues its remittitur. For the purposes of this subsection, good cause for delay exists if the petitioner demonstrates to the satisfaction of the court:

- (a) That the delay is not the fault of the petitioner; and
- (b) That dismissal of the petition as untimely will unduly prejudice the petitioner.

NRS 34.726(1). All of Defendant's claims are procedurally barred because the claims are well outside the one-year time limit imposed. Moreover, Defendant has not even attempted to demonstrate good cause for his delay. Thus, Defendant's claims should be dismissed.

Additionally, Defendant's conviction was upon a plea of guilty. Guilty Plea Agreement (May 29, 2007) 1. As such, his claims are barred pursuant to NRS 34.810 which provides in relevant part:

1. The court shall dismiss a petition if the court determines that:

- (a) The petitioner's conviction was upon a plea of guilty or guilty but mentally ill and the petition is not based upon an allegation that the plea was involuntarily or unknowingly entered or that the plea was entered without effective assistance of counsel

1 2. A second or successive petition must be dismissed if the judge or justice  
2 determines that it fails to allege new or different grounds for relief and that the  
3 prior determination was on the merits or, if new and different grounds are  
4 alleged, the judge or justice finds that the failure of the petitioner to assert those  
5 grounds in a prior petition constituted an abuse of the writ.

6 NRS 34.810. Because Defendant plead guilty, the court should dismiss his claims.  
7 Furthermore, Defendant's claims are also successive and/or an abuse of the writ because he  
8 previously filed a habeas petition. In addition, to the habeas petition filed in A-23-868466-W,  
9 Defendant filed one in A-19-800228-W in 2019. Defendant has both failed to provide specific  
10 facts that demonstrate good cause for his failure to present his claims and/or present his claims  
11 again. Also, Defendant has failed to present actual prejudice. Thus, Defendant's claims should  
12 be ignored.

13 Defendant's claims are also barred by laches under NRS 34.800(2) which provides in  
14 relevant part:

15 2. A period exceeding 5 years between the filing of a judgment of conviction, an  
16 order imposing a sentence of imprisonment or a decision on direct appeal of a  
17 judgment of conviction and the filing of a petition challenging the validity of a  
18 judgment of conviction creates a rebuttable presumption of prejudice to the  
19 State. In a motion to dismiss the petition based on that prejudice, the respondent  
20 or the State of Nevada must specifically plead laches. The petitioner must be  
21 given an opportunity to respond to the allegations in the pleading before a ruling  
22 on the motion is made.

23 NRS. 34.800(2). Defendant's Judgement of Conviction (JOC) was filed on August 22, 2007.  
24 Judgement of Conviction (August 22, 2007) 1. Therefore, more than five years have elapsed  
25 between the JOC and the filing of Defendant's Petition for Writ of Habeas Corpus. Thus,  
26 Defendant's petition should be summarily dismissed. Accordingly, this Court should not  
27 appoint counsel for Defendant.

## 28 **II. DEFENDANT IS NOT ENTITLED TO AN EVIDENTIARY HEARING**

Defendant requests that this Court grant him an evidentiary hearing. NRS 34.770  
determines when a defendant is entitled to an evidentiary hearing. It reads:

1. The judge or justice, upon review of the return, answer and all

1 supporting documents which are filed, shall determine whether  
2 an evidentiary hearing is required. A petitioner must not be  
3 discharged or committed to the custody of a person other than  
the respondent unless an evidentiary hearing is held.

4 2. If the judge or justice determines that the petitioner is not  
5 entitled to relief and an evidentiary hearing is not required, he  
6 shall dismiss the petition without a hearing.

7 3. If the judge or justice determines that an evidentiary hearing  
8 is required, he shall grant the writ and shall set a date for the  
hearing.

9 The Nevada Supreme Court has held that if a petition can be resolved without expanding the  
10 record, then no evidentiary hearing is necessary. Marshall v. State, 110 Nev. 1328, 885 P.2d  
11 603 (1994); Mann v. State, 118 Nev. 351, 356, 46 P.3d 1228, 1231 (2002). A defendant is  
12 entitled to an evidentiary hearing if his petition is supported by specific factual allegations,  
13 which, if true, would entitle him to relief unless the factual allegations are repelled by the  
14 record. Marshall, 110 Nev. at 1331, 885 P.2d at 605; see also Hargrove, 100 Nev. at 503, 686  
15 P.2d at 225 (holding that “[a] defendant seeking post-conviction relief is not entitled to an  
16 evidentiary hearing on factual allegations belied or repelled by the record”). “A claim is  
17 ‘belied’ when it is contradicted or proven to be false by the record as it existed at the time the  
18 claim was made.” Mann, 118 Nev. at 354, 46 P.3d at 1230.

19 Defendant cannot establish that an evidentiary hearing is warranted in this case,  
20 particularly because all of Defendant’s claims are barred under NRS 34.810, NRS 34.726,  
21 and/or NRS 34.800 as discussed *supra*. Therefore, Defendant is not entitled to have an  
22 evidentiary hearing and his request should be summarily denied.

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1 CONCLUSION


2 Based on the arguments as set forth above, the State respectfully requests that the Court  
3 DENY Defendant's Ex Parte Motion for Appointment of Counsel and Request for Evidentiary  
4 Hearing.

5 DATED this 18<sup>th</sup> day April, 2023.

6 Respectfully submitted.

7 STEVEN B. WOLFSON  
8 Clark County District Attorney  
9 Nevada Bar #001565

10 BY

  
11 JOHN AFSHAR  
12 Chief Deputy District Attorney  
13 Nevada Bar #14408

#10539 for

14 CERTIFICATE OF MAILING

15  
16 I hereby certify that service of the above and foregoing was made this 1st day  
17 of May, 2023, by depositing a copy in the U.S. Mail, postage pre-paid, addressed to:

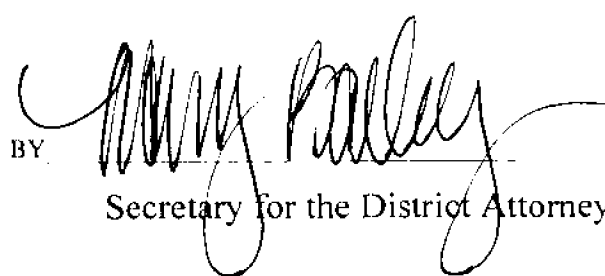
18  
19 DEMARENE COLEMAN

20 BAC#1007330

21 P.O. BOX 208 - SDCC

22 INDIAN SPRINGS, NV, 89070

23  
24  
25 BY

  
26 Secretary for the District Attorney's Office  
27

28 JA/ra/mlb/L5

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 04, 2005

05C215295-1

The State of Nevada vs Demarene Coleman

October 04, 2005

8:30 AM

Initial Arraignment

**INITIAL  
ARRAIGNMENT**  
Court Clerk: Sandra  
Jeter Relief Clerk:  
Cynthia Georgilas/cg  
Reporter/Recorder:  
Carlaya Lewis Heard  
By: Joseph  
Pavlikowski

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

**PARTIES****PRESENT:**

Coleman, Demarene	Defendant
DiGiacomo, Sandra	Attorney
Gibson, Thomas J.	Attorney
Special Public Defender	Attorney

**JOURNAL ENTRIES**

- AS TO DEFENDANT COLEMAN: DEFT. COLEMAN ARRAIGNED, PLED NOT GUILTY and INVOKED THE 60-DAY RULE. COURT ORDERED, matter set for trial within 60 days. Defendant REMANDED to CUSTODY.

AS TO DEFENDANT MOTLEY: DEFT. MOTLEY ARRAIGNED, PLED NOT GUILTY and INVOKED THE 60-DAY RULE. Mr. Bloomfield stated he prefers to WAIVE the 60-DAY RULE but will INVOKE. State INVOKED. COURT ORDERED, 60-DAY RULE INVOKED, matter set for trial within 60 days. Mr. Bloomfield advised he was not sure why Deft. was in jail as she was placed on house arrest in Justice Court. COURT FURTHER ORDERED, defendant MOTLEY to REMAIN on HOUSE ARREST. As to BOTH DEFENDANTS: Upon inquiry, Clerk noted Blackstone indicates the Preliminary

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Minutes Date: October 04, 2005

Hearing transcript has not been filed. COURT ORDERED, counsel are given the normal time after the transcript has been filed for Writ purposes.

CUSTODY (COLEMAN)...H.A. (MOTLEY)

11-18-05 8:30 AM CALENDAR CALL (BOTH)

11-14-05 10:00 AM JURY TRIAL (BOTH)



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****November 08, 2005**

05C215295-1

The State of Nevada vs Demarene Coleman

**November 08, 2005****8:30 AM****All Pending Motions****ALL PENDING****MOTIONS 11/8/05****Court Clerk: Sandra****Jeter/sj Relief Clerk:****Cynthia Georgilas****Reporter/Recorder:****Carlaya Lewis Heard****By: Jackie Glass****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Coleman, Demarene

Defendant

Di Giacomo, Marc P.

Attorney

Gibson, Thomas J.

Attorney

**JOURNAL ENTRIES**

- DAVID SCHIECK'S MOTION TO WITHDRAW AS COUNSEL FOR DEFT.

COLEMAN...CALENDAR CALL

Court NOTED it understands the Special Public Defender's Office has a conflict and ORDERED, motion to withdraw, GRANTED. FURTHER, matter CONTINUED until Thursday for appointment of counsel. Trial date, VACATED.

CUSTODY (COLEMAN)...HA (COC) (MOTLEY)

11/10/05 8:30 AM APPOINTMENT OF COUNSEL (COLEMAN)...TRIAL SETTING (BOTH)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 10, 2005

05C215295-1

The State of Nevada vs Demarene Coleman

November 10, 2005

8:30 AM

All Pending Motions

**ALL PENDING  
MOTIONS 11/10/05**  
**Court Clerk: Sandra  
Jeter**  
**Reporter/Recorder:  
Carlaya Lewis Heard**  
**By: Jackie Glass**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Coleman, Demarene  
Sweetin, James R.

Defendant  
Attorney

**JOURNAL ENTRIES**

- APPOINTMENT OF COUNSEL (COLEMAN)...TRIAL SETTING (BOTH)

Court NOTED it has been in touch with an attorney; however, it has not received a call back to confirm whether they can accept the appointment. Therefore, COURT ORDERED, matter CONTINUED.

CUSTODY (COLEMAN)...H.A. (COC) (MOTLEY)

CONTINUED TO: 11/17/05 8:30 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 17, 2005

05C215295-1

The State of Nevada vs Demarene Coleman

November 17, 2005

8:30 AM

All Pending Motions

**ALL PENDING****MOTIONS 11/17/05****Court Clerk: Sandra****Jeter/sj Relief Clerk:****Cynthia Georgilas****Reporter/Recorder:****Carlaya Lewis Heard****By: Jackie Glass****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Coleman, Demarene

Defendant

DiGiacomo, Sandra

Attorney

Gaskill, Sarah A.

Attorney

**JOURNAL ENTRIES****- APPOINTMENT OF COUNSEL (COLEMAN)...TRIAL SETTING (BOTH)**

COURT ORDERED, Carmine Colucci, Esq., APPOINTED as COUNSEL for deft. COLEMAN. Ms. Gaskill requested the matter continued in order for Mr. Colucci to review the discovery prior to setting the trial date. Ms. Digiacomo stated no objection and advised she provided a copy of the surveillance tape. Mr. Gibson advised he was deft. Coleman's attorney, he briefed counsel this morning and will need a couple days to get the discovery to Mr. Colucci. Ms. Gaskill stated Mr. Gibson advised there was a writ issue; requested 21 days from receipt of the transcript in order to file the Writ. Mr. Gibson stated he does have the transcript; however, it did not reach him in a timely manner because it was first sent to the Public Defender's Office. COURT ORDERED, Mr. Colucci to have 21 days from the receipt of the transcript for writ purposes.

Mr. Bloomfield requested deft. MOTLEY released on Intensive Supervision as there have been issues

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with Judge Bixler's order to release on house arrest. Objection by the State. DENIED.

Matter CONTINUED for trial setting.

CUSTODY (COLEMAN)...H.A./CUSTODY(MOTLEY)

11/29/05 8:30 AM TRIAL SETTING (BOTH)

CLERK'S NOTE: As of this date, Deft. Motley has not been released and is still in custody despite Bixler's order to release./sj

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****November 29, 2005**

05C215295-1

The State of Nevada vs Demarene Coleman

**November 29, 2005****8:30 AM****Status Check**

**TRIAL SETTING  
(BOTH) Court Clerk:  
Sandra Jeter  
Reporter/Recorder:  
Carlaya Lewis Heard  
By: Jackie Glass**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Coleman, Demarene  
Colucci, Carmine J.  
DiGiacomo, Sandra

Defendant  
Attorney  
Attorney

**JOURNAL ENTRIES**

- COURT ORDERED, matter SET for TRIAL. Mr. Colucci moved for the appointment of an investigator. Court informed Mr. Colucci to submit an Ex-Parte motion and affidavit.

CUSTODY (COLEMAN)...H.A.(CUSTODY) (MOTLEY)

3/14/06 8:30 AM CALENDAR CALL

3/20/06 10:00 AM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****January 05, 2006**

05C215295-1

The State of Nevada vs Demarene Coleman

**January 05, 2006****8:30 AM****Petition for Writ of Habeas  
Corpus**

**PTN FOR WRIT OF  
HABEAS CORPUS  
Court Clerk: Sandra  
Jeter  
Reporter/Recorder:  
Carlaya Lewis Heard  
By: Glass, Jackie**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Coleman, Demarene  
Gaskill, Sarah A.  
Merback, William J.

Defendant  
Attorney  
Attorney

**JOURNAL ENTRIES**

- At the request of counsel, COURT ORDERED, matter CONTINUED.  
CUSTODY  
3/14/06 8:30 AM CALENDAR CALL  
3/20/06 10:00 AM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 24, 2006

05C215295-1

The State of Nevada vs Demarene Coleman

January 24, 2006

8:30 AM

Petition for Writ of Habeas  
Corpus

**PTN FOR WRIT OF  
HABEAS CORPUS**  
Court Clerk: Sandra  
Jeter  
Reporter/Recorder:  
Carlaya Lewis Heard  
By: Jackie Glass

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Brierly, Tracey J.  
Coleman, Demarene  
Colucci, Carmine J.  
Gaskill, Sarah A.

Attorney  
Defendant  
Attorney  
Attorney

**JOURNAL ENTRIES**

- Following arguments by counsel, Court FINDS the State has met its burden and ORDERED, Writ  
DENIED. State to prepare the Order.

CUSTODY

3/14/06 8:30 AM CALENDAR CALL (BOTH)

3/20/06 10:00 AM JURY TRIAL (BOTH)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 14, 2006

05C215295-1

The State of Nevada vs Demarene Coleman

March 14, 2006

8:30 AM

All Pending Motions

ALL PENDING

MOTIONS 3/14/06

Court Clerk: Sandra

Jeter/sj Relief Clerk:

Teri Braegelmann

Reporter/Recorder:

Carlaya Lewis Heard

By: Jackie Glass

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

**PARTIES****PRESENT:**

Coleman, Demarene

Defendant

Colucci, Carmine J.

Attorney

Smith, Brandon B.

Attorney

**JOURNAL ENTRIES**

- CALENDAR CALL (BOTH)...DEFT COLEMAN'S MOTION IN LIMINE

Mr. Colucci stated he and the District Attorney have discussed the possibility of negotiations; there is a percipient witness who has not been located; the DA doesn't object to a 60-day continuance and deft. will waive any defects. Mr. Bloomfield stated he wasn't part of any negotiations; he has no objection to a continuance, however, his only concern is that his deft. has been in custody for nine months and he would like her released on intensive supervision. Further advised, deft. was unable to be released on house arrest because she has no where to do house arrest. Following a conference at the bench, COURT ORDERED, matter CONTINUED two weeks for status check on negotiations; Deft. MOTLEY RELEASED on INTENSIVE SUPERVISION and ADMONISHED that if she fails to appear at the next date, a bench warrant will issue and when returned on the warrant, deft. will remain in jail until final disposition of the case. FURTHER ORDERED, calendar call and trial dates,

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Minutes Date: October 04, 2005



VACATED; deft.'s motion OFF CALENDAR.

CUSTODY (COLEMAN)...I.S. (MOTLEY)

3/30/06 8:30 AM STATUS CHECK: NEGOTIATIONS AND/OR TRIAL SETTING

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 30, 2006

05C215295-1

The State of Nevada vs Demarene Coleman

March 30, 2006

8:30 AM

Status Check

**STATUS CHECK:  
NEGOTIATIONS  
AND/OR  
TRIAL SETTING  
Court Clerk: Sandra  
Jeter Relief Clerk:  
Teri Braegelmann/tb  
Reporter/Recorder:  
Carlaya Lewis Heard  
By: Jackie Glass**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Bateman, Samuel G.  
Coleman, Demarene  
Colucci, Carmine J.

Attorney  
Defendant  
Attorney

**JOURNAL ENTRIES**

- Counsel advised this case has not negotiated. COURT ORDERED, MATTER SET FOR TRIAL.  
CUSTODY (COLEMAN)... I.S. (MOTLEY)  
05/30/06 8:30 AM CALENDAR CALL  
06/05/06 10:00 AM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****May 30, 2006**

05C215295-1

The State of Nevada vs Demarene Coleman

**May 30, 2006****8:30 AM****Calendar Call****CALENDAR CALL****Court Clerk: Sandra  
Jeter****Reporter/Recorder:****Carlaya Lewis Heard****By: Jackie Glass****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Coleman, Demarene

Defendant

Colucci, Carmine J.

Attorney

Merback, William J.

Attorney

**JOURNAL ENTRIES**

- Mr. Colucci requested a competency evaluation stating he doesn't believe deft. Coleman understands the nature of the proceedings. Mr. Bloomfield stated he has no objection. COURT ORDERED, current trial date VACATED; matter RESET for TRIAL. FURTHER, deft. Coleman referred to the SPECIALTY COURTS to obtain evaluations and CONTINUED for further proceedings regarding competency.

CUSTODY (COLEMAN)...I.S. (MOTLEY)

6/15/06 9:30 AM FURTHER PROCEEDINGS: COMPETENCY (COLEMAN)

8/1/06 8:30 AM CALENDAR CALL (BOTH)

8/7/06 10:00 AM JURY TRIAL (BOTH)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****June 22, 2006**

05C215295-1

The State of Nevada vs Demarene Coleman

**June 22, 2006****9:30 AM****Further Proceedings**

**FURTHER  
PROCEEDINGS:  
COMPETENCY  
Court Clerk: Sharon  
Chun Relief Clerk:  
Teri Braegelmann/tb  
Reporter/Recorder:  
Carlaya Lewis Heard  
By: Glass, Jackie**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Coleman, Demarene  
Colucci, Carmine J.  
Merback, William J.

Defendant  
Attorney  
Attorney

**JOURNAL ENTRIES**

- APPEARANCES CONTINUED: Stephanie Westbay from the Specialty Courts present.  
Court noted Drs. Brown and Chambers indicates competent; Dr. Sussman indicates marginally competent. Further, Court noted issues with deft. not understanding what took place. Mr. Merback stated he doesn't have any reports. COURT ORDERED, matter CONTINUED. FURTHER, Stephanie Westbay to e-mail reports to counsel.  
CUSTODY (COLEMAN)...I.S. (MOTLEY)  
8/1/06 8:30 AM CALENDAR CALL (BOTH)  
8/7/06 10:00 AM JURY TRIAL (BOTH)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 18, 2006

05C215295-1

The State of Nevada vs Demarene Coleman

July 18, 2006

9:30 AM

Further Proceedings

**FURTHER  
PROCEEDINGS:  
COMPETENCY  
Court Clerk: Sandra  
Jeter  
Reporter/Recorder:  
Rachelle Hamilton  
Heard By: Glass,  
Jackie**

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

**PARTIES****PRESENT:**

Coleman, Demarene  
Colucci, Carmine J.  
Sweetin, James R.

Defendant  
Attorney  
Attorney

**JOURNAL ENTRIES**

- APPEARANCES CONTINUED: Stephanie Westbay of the Specialty Courts present. Court noted it continued this matter to see if Dr. Essex could evaluate deft. and place him on medications which was done, however, it was done recently. Mr. Colucci stated he was unaware deft. was put on medications; inquired as to the medications deft. is currently receiving. Court FURTHER NOTED Dr. Chambers indicates competent, Dr. Brown indicates not competent and Dr. Sussman indicates marginally not competent which troubles the Court. Conference at the bench. Mr. Colucci requested the trial reset stating there are three contradictory reports and he has met with the deft., he does not understand the charges and is in no position to help prepare the defense. COURT ORDERED, current calendar call and trial dates, VACATED as to both defts.; matter CONTINUED; Ms. Westbay to send the doctors back in for re-evaluation. Mr. Colucci stated he will provide Dr.

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Minutes Date: October 04, 2005

Brown's report to the State today.

CUSTODY (COLEMAN)...I.S. (MOTLEY)

8/8/06 9:30 AM FURTHER PROCEEDINGS: COMPETENCY (COLEMAN)...TRIAL SETTING  
(COLEMAN AND MOTLEY)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 08, 2006

05C215295-1

The State of Nevada vs Demarene Coleman

August 08, 2006

9:30 AM

All Pending Motions

**ALL PENDING  
MOTIONS 8/8/06**  
**Court Clerk: Sandra  
Jeter**  
**Reporter/Recorder:  
Rachelle Hamilton**  
**Heard By: Jackie  
Glass**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Coleman, Demarene  
 Colucci, Carmine J.  
 Merback, William J.

Defendant  
 Attorney  
 Attorney

**JOURNAL ENTRIES**

- APPEARANCES CONTINUED: Stephanie Westbay of the Specialty Courts present.  
 TRIAL SETTING (BOTH)...FURTHER PROCEEDINGS: COMPETENCY (COLEMAN)  
 Court noted Dr. Essex believes deft. hasn't been on his medications long enough to make a  
 determination. Upon inquiry, Ms. Westbay stated she wasn't asked to do new reports. COURT  
 ORDERED, matter CONTINUED; Ms. Westbay DIRECTED to send all three doctors back in for re-  
 evaluation.  
 CUSTODY (COLEMAN)...I.S. (MOTLEY)  
 CONTINUED TO: 8/22/06 9:30 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 22, 2006

05C215295-1

The State of Nevada vs Demarene Coleman

August 22, 2006

9:30 AM

All Pending Motions

**ALL PENDING  
MOTIONS 8/22/06**  
**Court Clerk: Sandra  
Jeter**  
**Reporter/Recorder:  
Rachelle Hamilton**  
**Heard By: Jackie  
Glass**

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

**PARTIES****PRESENT:**

Coleman, Demarene  
 Colucci, Carmine J.  
 Sweetin, James R.

Defendant  
 Attorney  
 Attorney

**JOURNAL ENTRIES**

- FURTHER PROCEEDINGS: COMPETENCY (COLEMAN): Court noted it has reports from Drs. Brown and Sussman which indicate not competent; therefore, pursuant to the doctors' reports and the Dusky Standard, FINDS deft. NOT COMPETENT as he is not capable of understanding the charges against him and is unable to assist counsel in his defense. Pursuant to NRS 178.425, COURT ORDERED, Deft. REMANDED to the custody of the Administrator of the Division of Mental Health Development Services for the Department of Human Resources for detention and treatment at a secure facility operated by that Division. Once competency has been established, deft. will be returned to this Court.

TRIAL SETTING (BOTH): Matter OFF CALENDAR at this time pending deft. Coleman's return from Lakes Crossing.

Matter RECALLED at the request of Mr. Bloomfield who requested the case set for status check so it



doesn't fall through the cracks. SO ORDERED.

CUSTODY (COLEMAN)...I.S. (MOTLEY)

11/21/06 8:30 AM STATUS CHECK: TRIAL SETTING (BOTH)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**November 21, 2006**

05C215295-1

The State of Nevada vs Demarene Coleman

**November 21, 2006**

**8:30 AM**

**Status Check**

**STATUS CHECK:  
TRIAL SETTING  
Court Clerk: Sandra  
Jeter  
Reporter/Recorder:  
Rachelle Hamilton  
Heard By: Glass,  
Jackie**

**HEARD BY:**

**COURTROOM:** No Location

**COURT CLERK:**

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

Sweetin, James R.

Attorney

**JOURNAL ENTRIES**

- Court noted deft. Coleman should be returning from Lakes Crossing soon and ORDERED, matter CONTINUED. FURTHER, deft. Motley's PRESENCE WAIVED this date.

LAKES CROSSING (COLEMAN)...I.S. (MOTLEY)

CLERK'S NOTE: On 11/22/06 I spoke with Zoe at Mr. Colucci's office and advised her of the next date./sj

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****December 12, 2006**

05C215295-1

The State of Nevada vs Demarene Coleman

**December 12, 2006****9:30 AM****Further Proceedings**

**FURTHER  
PROCEEDINGS:  
COMPETENCY  
RETURN FROM  
LAKES CROSSING  
(DEPT. V) Court  
Clerk: Sandra Jeter  
Reporter/Recorder:  
Rachelle Hamilton  
Heard By: Jackie  
Glass**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Clarke, Summer C.  
Coleman, Demarene  
Colucci, Carmine J.

Attorney  
Defendant  
Attorney

**JOURNAL ENTRIES**

- APPEARANCES CONTINUED: Stephanie Westbay of the Specialty Courts present. Court NOTED deft. has been RETURNED FROM LAKES CROSSING and the reports of Drs. Henson, Hiller and Neighbors indicate COMPETENT; therefore, FINDS deft. COMPETENT pursuant to the Dusky Standard as deft. is capable of understanding the nature of the charges against him and is able to assist counsel in his defense. FURTHER, the reports were sent to counsel on December 6, counsel have 10 days from that date, 12/16/06, to challenge the findings of Lakes Crossing and if no challenge has been made, this Court will enter a written finding of competency on 12/26/06 pursuant to statute which is 20 days from the date the reports were sent to counsel. COURT

PRINT DATE: 08/25/2023

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Minutes Date: October 04, 2005

FURTHER ORDERED, 12/28/06, trial setting date STANDS.  
CUSTODY (COLEMAN)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 28, 2006

05C215295-1

The State of Nevada vs Demarene Coleman

December 28, 2006

8:30 AM

Status Check

**STATUS CHECK:**  
**TRIAL SETTING**  
 Court Clerk: Sandra  
 Jeter Relief Clerk:  
 Pamela  
 Humphrey/pdh  
 Reporter/Recorder:  
 Rachelle Hamilton  
 Heard By: Glass,  
 Jackie

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Coleman, Demarene  
 Sweetin, James R.

Defendant  
 Attorney

**JOURNAL ENTRIES**

- Matter called and Mr. Colucci was not present. Therefore, Court contacted Mr. Colucci's office and was informed he is out of town. Further, Mr. Colucci's office stated Ms. Allan is scheduled to appear on behalf of Mr. Colucci and requested matter trailed for Ms. Allan's appearance. Matter recalled in the absence of Ms. Allan and, COURT ORDERED, matter CONTINUED for counsel's appearance.

CUSTODY (COLEMAN)

I.S. (MOTLEY)

CLERK'S NOTE: On 12/29/06 both Mr. Bloomfield's and Mr. Colucci's offices were notified of next date./pdh

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****January 04, 2007**

05C215295-1

The State of Nevada vs Demarene Coleman

**January 04, 2007****8:30 AM****Status Check**

**STATUS CHECK:  
TRIAL SETTING  
Court Clerk: Sandra  
Jeter/sj Relief Clerk:  
Pamela Humphrey  
Reporter/Recorder:  
Rachelle Hamilton  
Heard By: Jackie  
Glass**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Clarke, Summer C.  
Coleman, Demarene  
Colucci, Carmine J.

Attorney  
Defendant  
Attorney

**JOURNAL ENTRIES**

- COURT ORDERED, matter SET for TRIAL.  
CUSTODY (COLEMAN)...I.S. (MOTLEY)  
5/22/07 8:30 AM CALENDAR CALL  
5/29/07 10:00 AM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****May 22, 2007**

05C215295-1

The State of Nevada vs Demarene Coleman

**May 22, 2007****8:30 AM****Calendar Call****CALENDAR CALL****Relief Clerk: Teri****Braegelmann****Reporter/Recorder:****Renee Vincent****Heard By: Stewart****Bell****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Coleman, Demarene

Defendant

Colucci, Carmine J.

Attorney

Sweetin, James R.

Attorney

**JOURNAL ENTRIES**

- Mr. Sweetin and Mr. Colucci announced ready for trial with five days for trial, 20-25 witnesses and no out of state witnesses. Mr. Bloomfield stated it looks like the case may be resolved as to deft. Motley. Upon Court's inquiry, Mr. Bloomfield advised deft. missed court previously because she was in City Jail. COURT ORDERED, matter CONTINUED; and trial dates STANDS.

CUSTODY - COLEMAN

I.S. - MOTLEY

05/24/07 8:30 AM STATUS CHECK: CALENDAR CALL

05/29/07 10:00 AM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****May 24, 2007**

05C215295-1

The State of Nevada vs Demarene Coleman

**May 24, 2007****8:30 AM****Status Check**

**STATUS CHECK:**  
**CALENDAR CALL**  
 Court Clerk: Sandra  
 Jeter  
 Reporter/Recorder:  
 Rachelle Hamilton  
 Heard By: Jackie  
 Glass

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Pieper, Danielle K.

Attorney

**JOURNAL ENTRIES**

- As to deft. COLEMAN: Court noted this matter is on calendar in error as to deft. Coleman and deft. has returned to the Detention Center.

As to deft. MOTLEY: Mr. Bloomfield stated both parties have agreed to continue. COURT ORDERED, trial date VACATED as to deft. Motley; matter CONTINUED.

CUSTODY (COLEMAN)...I.S. (MOTLEY)

6/7/07 8:30 AM ENTRY OF PLEA (MOTLEY)



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****May 29, 2007**

05C215295-1

The State of Nevada vs Demarene Coleman

**May 29, 2007****10:00 AM****Jury Trial**

**TRIAL BY JURY**  
**Court Clerk: Sandra**  
**Jeter**  
**Reporter/Recorder:**  
**Rachelle Hamilton**  
**Heard By: Jackie**  
**Glass**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

<b>PRESENT:</b>	Coleman, Demarene	Defendant
	Colucci, Carmine J.	Attorney
	Pieper, Danielle K.	Attorney
	Sweetin, James R.	Attorney

**JOURNAL ENTRIES**

- OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL: Counsel advised the matter is negotiated and NEGOTIATIONS are as contained in the Guilty Plea Agreement (GPA) FILED IN OPEN COURT. DEFT. COLEMAN EXAMINED AND PLED GUILTY to the SECOND AMENDED INFORMATION FILED IN OPEN COURT CHARGING COUNT 1 - FIRST DEGREE MURDER (F) and COUNT 2 - BATTERY WITH USE OF A DEADLY WEAPON (F). Court reviewed the possible sentences with deft., AMENDED the GPA BY INTERLINEATION to reflect same and ACCEPTED the PLEA. Matter REFERRED to P&P for preparation of presentence investigation report and SET for SENTENCING. Conference at the bench. Court NOTED it is not bound by the negotiations; however, in all likelihood, it will follow them unless something extraordinary is found.

**CUSTODY**

7/24/07 8:30 AM SENTENCING

PRINT DATE: 08/25/2023

Page 27 of 45

Minutes Date: October 04, 2005



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****June 07, 2007**

05C215295-1

The State of Nevada vs Demarene Coleman

**June 07, 2007****8:30 AM****Entry of Plea****ENTRY OF PLEA**Court Clerk: Sandra  
Jeter

Reporter/Recorder:

Debbie Winn Heard

By: Jackie Glass

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Pieper, Danielle K.

Attorney

**JOURNAL ENTRIES**

- NEGOTIATIONS are as contained in the Guilty Plea Agreement FILED IN OPEN COURT. DEFT. MOTLEY EXAMINED AND PLED GUILTY to CONSPIRACY TO COMMIT BATTERY WITH USE OF A DEADLY WEAPON (GM). COURT ACCEPTED plea and ORDERED, matter referred to the Division of Parole and Probation (P & P) for a PSI and set for sentencing. Mr. Bloomfield requested deft. removed from Intensive Supervision. COURT SO ORDERED. FURTHER, Court ADMONISHED deft. that IF SHE FTA'S FOR HER PSI and/or for SENTENCING, IT WILL EFFECT THE OUTCOME OF HER CASE.

NIC (MOTLEY)

8/21/07 8:30 AM SENTENCING (MOTLEY)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 24, 2007

05C215295-1

The State of Nevada vs Demarene Coleman

July 24, 2007

8:30 AM

Sentencing

**SENTENCING**

**Court Clerk: Sandra  
Jeter/sj Relief Clerk:  
Roshonda Mayfield  
Reporter/Recorder:  
Rachelle Hamilton  
Heard By: Glass,  
Jackie**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Coleman, Demarene  
Colucci, Carmine J.  
Pieper, Danielle K.

Defendant  
Attorney  
Attorney

**JOURNAL ENTRIES**

- Mr. Colucci requested the matter continued and that the transcript of deft.'s plea be prepared so he may file a motion, if appropriate, stating he met with deft. yesterday and deft. expressed a strong desire to withdraw his plea. Court noted it took deft.'s plea and knows it is a righteous plea, however, ORDERED, matter CONTINUED; Mr. Colucci to prepare an Order and submit it to the Court Recorder.

**CUSTODY**

8/14/07 8:30 AM DEFT.'S MOTION TO WITHDRAW GUILTY PLEA...SENTENCING

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 14, 2007

05C215295-1

The State of Nevada vs Demarene Coleman

August 14, 2007

8:30 AM

All Pending Motions

**ALL PENDING  
MOTIONS (8/14/07)**  
 Court Clerk: Tia  
 Everett/te  
 Reporter/Recorder:  
 Rachelle Hamilton  
 Heard By: Jackie  
 Glass

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

**PARTIES****PRESENT:**

Coleman, Demarene  
 Colucci, Carmine J.  
 Sweetin, James R.

Defendant  
 Attorney  
 Attorney

**JOURNAL ENTRIES**

**- DEFT'S MOTION TO WITHDRAW GUILTY PLEA...SENTENCING**

As to Deft's Motion to Withdraw Guilty Plea:

Mr. Colucci argued Deft. stated he did not understand the consequences of the plea or the possibility of the charges running consecutive instead of concurrent. Mr. Sweetin argued Deft. was fully canvassed and advised of all ramifications of the plea which he entered. Court noted, the plea is valid as it was entered freely and voluntarily; therefore, COURT ORDERED, Motion DENIED and proceed with Sentencing.

As to Sentencing:

DEFT. COLEMAN ADJUDGED GUILTY of COUNT 1 - FIRST DEGREE MURDER (F) AND COUNT 2 - BATTERY WITH USE OF A DEADLY WEAPON (F). Matter submitted. Statement by Deft. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, as to COUNT 1 - Deft.

SENTENCED to a MINIMUM of TWENTY (20) YEARS and a MAXIMUM of FIFTY (50) YEARS in the Nevada Department of Corrections (NDC) as to COUNT 2 - Deft. SENTENCED to a MINIMUM of FORTY-EIGHT (48) MONTHS and a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS in the Nevada Department of Corrections (NDC) CONCURRENT with COUNT 1; SEVEN HUNDRED FIFTY-FIVE (755) DAYS credit for time served.

Mr. Colucci moved to withdraw as counsel. COURT SO ORDERED.

BOND, if any, EXONERATED.

CLERK'S NOTE: minutes corrected to reflect correct sentence for count 1. 8/16/07te

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 21, 2007

05C215295-1

The State of Nevada vs Demarene Coleman

August 21, 2007

8:30 AM

Sentencing

**SENTENCING**  
**Court Clerk: Sandra**  
**Jeter**  
**Reporter/Recorder:**  
**Rachelle Hamilton**  
**Heard By: Jackie**  
**Glass**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Pieper, Danielle K.

Attorney

**JOURNAL ENTRIES**

- DEFT. MOTLEY ADJUDGED GUILTY of CONSPIRACY TO COMMIT BATTERY WITH USE OF A DEADLY WEAPON (GM). Matter submitted. COURT ORDERED, in addition to the \$25 Administrative Assessment Fee and \$150 DNA Analysis Fee to include testing for genetic markers and/or secretor status, deft. SENTENCED to TWELVE (12) MONTHS in the CLARK COUNTY DETENTION CENTER; sentence SUSPENDED, PROBATION for an indeterminate period not to exceed TWO (2) YEARS. CONDITIONS:

1. Deft. shall submit his/her person, property, place of residence, vehicle or areas under his/her control to search at any time, with or without a search warrant or warrant of arrest, for evidence of a crime or violation of probation by the Division of Parole and Probation or its agent. 2. Comply with any curfew imposed by P&P. 3. Obtain and maintain full-time employment. 4. Have no contact whatsoever with the two other victims. 5. Complete a substance abuse counseling program. 6. Submit to random U/A's.

BOND, if any, EXONERATED. COURT FURTHER ORDERED, deft. to REPORT to P&P IMMEDIATELY.

05C215295-1

NIC



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**November 18, 2008**

05C215295-1

The State of Nevada vs Demarene Coleman

<b>November 18, 2008</b>	<b>8:30 AM</b>	<b>Petition for Writ of Habeas Corpus</b>	<b>PTN FOR WRIT OF HABEAS CORPUS Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Jackie Glass</b>
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**HEARD BY:**

**COURTROOM:** No Location

**COURT CLERK:**

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:** Fattig, John T

Attorney

**JOURNAL ENTRIES**

- Defendant not present and in custody at the Nevada Department of Corrections.  
Court FINDS defendant is not entitled to post-conviction counsel; however, ORDERED, matter to be  
SET for a Lozada appeal; JEA to schedule same.  
NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****January 29, 2009**

05C215295-1

The State of Nevada vs Demarene Coleman

**January 29, 2009****11:00 AM****Request of Court**

**AT THE REQUEST  
OF THE COURT  
HEARING: RE  
LOZADA APPEAL  
Court Clerk: Kristen  
Brown  
Reporter/Recorder:  
Michelle Ramsey  
Heard By: Michael  
Villani**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

<b>PRESENT:</b>	Coleman, Demarene Simon, H. L.	Defendant Attorney
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**JOURNAL ENTRIES**

- Carmine Colucci, sworn and testified. Deft. sworn and testified. Submitted by Mr. Simon.  
Argument by the deft. Court stated the deft's argument was the basis for the motion to withdraw;  
subsequent to the sentencing, the deft. did not contact Mr. Colucci, therefore, ORDERED, Motion  
DENIED. Mr. Simon to prepare the order.  
NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****July 24, 2019**

05C215295-1

The State of Nevada vs Demarene Coleman

**July 24, 2019****9:00 AM****Motion****HEARD BY:** Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Olivia Black**RECORDER:** Cynthia Georgilas**REPORTER:****PARTIES****PRESENT:**Stanton, David L.  
State of NevadaAttorney  
Plaintiff**JOURNAL ENTRIES**

- Defendant not present. Court noted Defendant wanted a copy of a sealed record and believed Defendant was requesting his Pre- Sentence Investigation (PSI) report. COURT ORDERED, Motion GRANTED; Clerk's office to forward a copy of Defendant's PSI.

NDC

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

DEMARENE COLEMAN #1007335

P O BOX 208

INDIAN SPRINGS, NV 89070//ob/07/29/19

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****March 13, 2020**

05C215295-1

The State of Nevada vs Demarene Coleman

**March 13, 2020****3:00 AM****Minute Order****HEARD BY:** Villani, Michael**COURTROOM:** Chambers**COURT CLERK:** Susan Botzenhart**RECORDER:****REPORTER:****PARTIES****PRESENT:****JOURNAL ENTRIES**

- Court noted Defendant filed a First Amendment Petition for Writ of Mandamus Pursuant to NRS 34.185 on February 19, 2020. Court further noted this was a time computation writ, COURT ORDERED, matter TRANSFERRED TO DEPARTMENT 15.

NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****July 09, 2021**

05C215295-1

The State of Nevada vs Demarene Coleman

**July 09, 2021****8:30 AM****Motion for Appointment of  
Attorney****HEARD BY:** Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Samantha Albrecht**RECORDER:** Kristine Santi**REPORTER:****PARTIES****PRESENT:**Hamner, Christopher S.  
State of NevadaAttorney  
Plaintiff**JOURNAL ENTRIES**

- Defendant not transported.

Court noted the Judgment of Conviction was filed on 8/22/2007 and Defendant had stated he might want to file for post conviction relief, however he does not set forth a basis for that relief. Court FINDS the post conviction relief is time barred, Defendant has not shown any good cause why this matter was not filed earlier to get around the time bar, and none of the issues are overly complex which would require the appointment of an attorney, therefore COURT ORDERED, Motion DENIED. Court directed the State to prepare the Order. COURT FURTHER ORDERED, matter SET for Status Check and advised the Status Check would be vacated once the Order was filed.

NDC

7/29/2021 8:30 AM STATUS CHECK: ORDER

CLERK'S NOTE: A copy of this Minute Order was mailed to:

Demarene Coleman #1007335

SDCC

PO Box 208

PRINT DATE: 08/25/2023

Page 39 of 45

Minutes Date: October 04, 2005

Indian Springs, NV 89070 (7/13/2021 sa)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****July 29, 2021**

05C215295-1

The State of Nevada vs Demarene Coleman

**July 29, 2021****8:30 AM****Status Check: Status of  
Case****HEARD BY:** Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Samantha Albrecht**RECORDER:** Kristine Santi**REPORTER:****PARTIES****PRESENT:**Cole, Madilyn M.  
State of NevadaAttorney  
Plaintiff**JOURNAL ENTRIES**

- Defendant not present.

Court noted Defendant's Motion was denied and a Status Check was set for the Order to be prepared. Ms. Cole advised this was an Attorney General's case and they needed to be served. Court noted Mr. Hamner appeared at the last hearing. COURT ORDERED, State to prepare the Order for the denial of the Motion for Appointment of Attorney. Court directed the State to review the 7/9/2021 Minute Order. COURT FURTHER ORDERED, Status Check SET. Court advised the Status Check date would be vacated once the Order was filed.

NDC

8/12/2021 8:30 AM STATUS CHECK: ORDER

CLERK'S NOTE: A copy of this Minute Order was mailed to:  
Demarene Coleman #1007335  
SDCC  
PO Box 208

PRINT DATE: 08/25/2023

Page 41 of 45

Minutes Date: October 04, 2005

Indian Springs, NV 89070 (8/2/2021 sa)



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****February 01, 2022**

05C215295-1

The State of Nevada vs Demarene Coleman

**February 01, 2022****11:00 AM****Motion to Modify Sentence****HEARD BY:** Bluth, Jacqueline M.**COURTROOM:** RJC Courtroom 10C**COURT CLERK:** Kristen Brown**RECORDER:****REPORTER:****PARTIES****PRESENT:**

**JOURNAL ENTRIES**

- COURT ORDERED, Defendant's Motion for Modification of Sentence is DENIED. Defendant asks the Court to modify his sentence and amend his Judgment of Conviction to "reflect the Minimum-Maximum statute [of] twenty (20) to fifty (50)" years, or resentence such that he would be eligible for parole after ten (10) years. Defendant claims that he did not knowingly, intelligently, or voluntarily enter his guilty plea and he was sentenced based on an agreement between the parties that he would be sentenced to "Twenty (20) to Fifty (50) years." However, there is no evidence of any sort of agreement, and it is well established the Court sentences under its own discretion. Defendant does not allege that his sentence was based on a materially untrue assumption, *Townsend v. Burke*, 334 U.S. 736, 741, 68 S.Ct. 1252, 1255, 92 L.Ed. 1690 (1948), or that the Court has jurisdiction to modify his sentence. *Passanisi v. State*, 108 Nev. 319, 321, 831 P.2d 1371, 1373 (1992). Therefore, Defendant's Motion is DENIED.

NDC

CLERK'S NOTE: A copy of this minute order was electronically mailed to: John Afshar, Deputy District Attorney and a copy mailed to the Defendant./kb

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****May 09, 2023**

05C215295-1

The State of Nevada vs Demarene Coleman

**May 09, 2023****9:30 AM****Motion for Appointment of  
Attorney****HEARD BY:** Bluth, Jacqueline M.**COURTROOM:** RJC Courtroom 10C**COURT CLERK:** Kristen Brown**RECORDER:****REPORTER:****PARTIES****PRESENT:**

**JOURNAL ENTRIES**

- COURT ORDERED, Defendant's Ex Parte Motion for Appointment of Counsel and Request for Evidentiary Hearing is DENIED. As an initial matter, the Court notes that Defendant filed the instant Motion in this case, but it appears that Defendant intended it to be filed in his writ related case - A-23-868466-W. To that extent, the Court shall consider the instant Motion as being filed in both cases. Defendant has no guarantee under the United States Constitution or the Nevada Constitution to counsel in post-conviction proceedings. *Coleman v. Thompson*, 501 U.S. 722, 752, 111 S. Ct. 2546, 2566 (1991); *McKague v. Warden*, 112 Nev. 159, 163, 912 P.2d 255, 258 (1996). This Court does have discretion though under NRS 34.750 to appoint counsel under certain circumstances and after the consideration of numerous factors. These factors include: 1) the severity of the consequences facing a petitioner; 2) whether the issues presented are difficult; 3) whether the petitioner is unable to comprehend the proceedings; and 4) whether counsel is necessary to proceed with discovery. NRS 34.750(1). Here, Defendant does not address any of these factors in his Motion beyond mere assertions. As such, Defendant does not provide why the above factors weigh in favor of appointing him counsel. Further, to Defendant's request for an evidentiary hearing, not all necessary filings have been made yet for the Court to determine whether an evidentiary hearing is required; as such, this request is denied at this time. NRS 34.770. The State of Nevada to prepare an Order consistent with the Court's ruling.

NDC

PRINT DATE: 08/25/2023

Page 44 of 45

Minutes Date: October 04, 2005

CLERK'S NOTE: A copy of this minute order was electronically mailed to John Afshar, Deputy District Attorney and a copy mailed to the Defendant./kb

# Certification of Copy and Transmittal of Record

State of Nevada }  
County of Clark } SS:

Pursuant to the Supreme Court order dated August 4, 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 three volumes with pages numbered 1 through 547.

STATE OF NEVADA,

Plaintiff(s),

vs.

DEMARENE COLEMAN,

Defendant(s),

Case No: 05C215295-1

*Related Case A-23-868466-W*

Dept. No: VI

now on file and of record in this office.

**IN WITNESS THEREOF**, I have hereunto  
Set my hand and Affixed the seal of the  
Court at my office, Las Vegas, Nevada  
This 25 day of August 2023.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk