

1 NOAS
2 STANLEY A. WALTON, ESQ.
3 Nevada State Bar No. 004784
4 550 E. Charleston, Blvd., Suite A
5 Las Vegas, Nevada 89104
6 (702)383-8112

FILED

JUN 28 3 26 PM '02

Ashley C. Paragins

CLERK

FILED

DISTRICT COURT

CLARK COUNTY, NEVADA

JUL 03 2002

THE STATE OF NEVADA,

Plaintiff,

-vs-

ASHLEY WILLIAM BENNETT,
#1107300,

Defendant.

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *Alvarado*
DEPUTY CLERK

No. 39864

Case No. C175914

Dept. No. XI

NOTICE OF APPEAL

TO: THE STATE OF NEVADA, Plaintiff;

TO: STEWART L. BELL, ESQ., District Attorney; and

PLEASE TAKE NOTICE that ASHLEY WILLIAM BENNETT, by and through his attorney of record, STANLEY A. WALTON, ESQ., herein, appeals to the Supreme Court, State of Nevada, the Judgment of Conviction and the sentencing issued in District Court Department XI, on June 18, 2002, for:

Murder with use of a deadly weapon (Open Murder).

The defendant was sentenced as follows:

In addition to the \$25.00 Administrative Assessment Fee, Defendant was sentenced to

LIFE without the possibility of parole in the Nevada Department of Corrections plus an

RECEIVED

JUL 03 2002

JANETTE M. BLOOM
CLERK OF SUPREME COURT
DEPUTY CLERK

02-11394

1 equal and CONSECUTIVE term of LIFE without the possibility of parole for the use of a
2 deadly weapon; submit to DNA testing to determine genetic markers and pay \$150.00
3 DNA FEE as best able, pay restitution jointly and severally with co-offenders Lailoni
4 Morrison and Anthony Gantt in the amount of \$30,432.06 with 396 DAYS credit for time
5 served.
6

7 DATED this 29th Day of June, 2002.
8

9 Respectfully Submitted,
10

11 Stanley A. Walton
12 STANLEY A. WALTON, ESQ.
13 Nevada State Bar No. 004784
14 550 E. Charleston Blvd., Suite A
15 Las Vegas, Nevada 89104
16 (702)383-8112
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DATE: 06/28/02
CASE NO. 01-C-175914-C

I N D E X

TIME 6:33 PM
JUDGE: Douglas, Michael L

STATE OF NEVADA

[] vs Bennett, Ashley W

[E]

001 D1 Ashley W Bennett

004784 Walton, Stanley A.
NO. 1 550 E. Charleston #e
Las Vegas, NV 89108

002 D Lailoni D Morrison

000824 Schieck, David M.
NO. 1 Schieck & Derke
302 E Carson #918
Las Vegas, NV 89101

003 D Anthony Gantt
330 S Casino Center Dr
Las Vegas, NV 89101

Pro Se

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0001	06/07/01	INFO/INFORMATION Fee \$0.00			06/07/01	
0002	06/07/01	ARRN/INITIAL ARRAIGNMENT	AL		06/19/01	
0003	06/08/01	CBO /CRIMINAL BINDOVER	AL			
0004	06/08/01	NOEV/NOTICE OF EXHIBIT(S) IN THE VAULT			06/08/01	
0005	06/19/01	CALC/CALENDAR CALL (VK 8/7/01)	AL	VC	08/16/01	
0006	06/19/01	JURY/TRIAL BY JURY (VK 8/7/01)	AL	VC	08/20/01	
0007	06/29/01	MOT /DEFT'S MOTION FOR DISCOVERY OF PROSECUTION FILE RECORDS AND INFO	003		07/19/01	
0008	06/20/01	ORDR/ORDER APPOINTING COUNSEL	002			
0009	06/20/01	ORDR/ORDER	001			
0010	06/20/01	APPL/EX-PARTE APPLICATION FOR APPOINTMENT OF INVESTIGATOR APPLICATION	001			Y
		OF INVESTIGATOR	001			
0011	06/20/01	APPL/EX-PARTE APPLICATION FOR ORDER TO PRODUCE DEFENDANT FOR POLYGRAPH	001			Y
		EXAMINATION	001			
0012	07/02/01	TRAN/REPORTER'S TRANSCRIPT OF PRELIMINARY HEARING	AL			
0013	06/21/01	ORDR/ORDER TO PRODUCE DEFENDANT FOR POLYGRAPH EXAMINATION	001			
0014	06/22/01	REQT/EX PARTE MOTION FOR APPOINTMENT OF INVESTIGATOR AND FOR EXCESS FEES	002			
0015	06/21/01	ORDR/ORDER FOR APPOINTMENT OF INVESTIGATOR	001			
0016	06/25/01	EXPR/EX PARTE ORDER APPOINTING INVESTIGATOR AND FOR EXCESS FEES	002			
0017	07/02/01	TRAN/REPORTER'S TRANSCRIPT OF PRELIMINARY HEARING			06/05/01	
0018	07/03/01	ROC /RECEIPT OF COPY				
0019	07/14/01	ASSG/Reassign Case From Judge Gibbons TO Judge Douglas				
0020	07/05/01	NOEV/NOTICE OF TRANSCRIPTS ON THE SHELVES			06/05/01	
0021	07/19/01	MOT /DEFT'S MOTION TO SEVER	002	GR	07/31/01	
0022	07/19/01	MOT /DEFT'S MOTION TO SET BAIL	002	GR	07/31/01	
0023	07/19/01	MOT /DEFT'S MOTION TO SUPPRESS	002	GP	09/13/01	
0024	07/20/01	OCAL/STATUS CHECK: DEFT GANTT'S MTN FOR DISCOVERY	003		07/31/01	
0025	07/10/01	JOIN/NOTICE OF JOINDER IN MOTION FOR DISCOVERY OF PROSECUTION FILES RECORDS	002		07/10/01	Y

(Continued to page 2)

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
AND INFORMATION NECESSARY TO A FAIR TRIAL						
0026	07/10/01	OPPS/STATES OPPOSITION TO DEFENDANTS MOTION	003			Y
		FOR DISCOVERY OF PROSECUTION FILES	003			
RECORDS AND INFORMATION NECESSARY TO A FAIR TRIAL						
0027	07/11/01	APPL/EX PARTE APPLICATION FOR ORDER TO	001			Y
		PRODUCE DEFENDANT FOR	001			
POLYGRAPH EXAMINATION						
0028	07/11/01	ORDR/ORDER TO PRODUCE DEFENDANT FOR POLYGRAPH	001			
		EXAMINATION	001			
0029	07/23/01	CERT/CERTIFICATE OF MAILING	AL			
0030	07/31/01	MOT /ALL PENDING MOTIONS 7-31-01	AL		07/31/01	
0031	07/31/01	OCAL/STATUS CHECK: TRIAL STATUS/WAIVER OF	AL		MH 08/07/01	
		RIGHT TO SPEEDY TRIAL	AL			
0032	07/31/01	MOT /DEFT'S MOTION TO SUPPRESS STATEMENT OF	003		DN 08/28/01	
		ANTHONY GANTT	003			
0033	08/03/01	MOT /DEFT'S MOTION FOR BAIL REDUCTION	001		GR 08/28/01	
0034	08/03/01	MOT /DEFT'S MOTION TO SEVER	001		VC 08/17/01	
		SET IN ERR ON WRONG DAY	001			
0035	07/19/01	ROC /RECEIPT OF COPY	001		07/19/01	
0036	07/20/01	ORDR/ORDER TO TRANSCRIPT	003			
0037	07/20/01	LIST/NOTICE OF EXPERT WITNESSES	AL			
0038	08/03/01	MOT /DEFT'S MOTION TO SEVER	001		GR 08/28/01	
0039	07/25/01	REQT/EX PARTE REQUEST AND ORDER FOR THE	003			Y
		COURTS IN-CAMERA INSPECTION OF	003			
JUVENILE RECORDS						
0040	08/07/01	CALC/CALENDAR CALL	001		10/25/01	
0041	08/07/01	CALC/CALENDAR CALL	002		VC 10/25/01	
		(VJ 08-28-01)	002			
0042	08/07/01	JURY/TRIAL BY JURY (VJ 10/25/01)	001		VC 10/29/01	
0043	08/07/01	JURY/TRIAL BY JURY	002		VC 10/29/01	
		(VJ 08-28-01)	002			
0044	08/07/01	CALC/CALENDAR CALL	003		11/15/01	
0045	08/07/01	JURY/TRIAL BY JURY (VJ 11/15/01)	003		VC 11/19/01	
0046	08/07/01	OCAL/STATUS CHECK: TRIAL DATE	001		08/28/01	
0047	08/08/01	MOT /DEFT'S JOINDER IN MOTIONS TO SEVER	003		GR 08/28/01	
0048	08/08/01	MOT /DEFT'S MOTION RO RELEASE WITHOUT BAIL OR	003		GP 08/28/01	
		FOR REDUCTION OF BAIL	003			
0049	08/09/01	TRAN/REPORTER'S TRANSCRIPT OF STATUS CHECK:	AL		08/07/01	Y
		TRIAL STATUS/ WAIVER OF RIGHT TO	AL			
SPEEDY TRIAL - ALL DEFENDANT'S MOTION TO SUPPRESS STATEMENTS OF MORRISON						
0050	08/09/01	TRAN/REPORTER'S TRANSCRIPT OF DEFENDANT'S	AL		07/19/01	Y
		MOTION FOR DISCOVERY OF PROSECUTION	AL			
FILES, RECORDS & INFORMATION NECESSARY TO A FAIR TRIAL						
0051	08/10/01	MOT /ALL PENDING MOTIONS 8-7-01	AL		08/07/01	
0052	08/01/01	ORDR/EX PARTE REQUEST AND ORDER FOR	003			
		INSPECTION OF JUVENILE HALL RECORDS	003			
0053	08/01/01	ROC /RECEIPT OF COPY	003		07/31/01	
0054	08/03/01	ROC /RECEIPT OF COPY	001		08/03/01	
0055	08/03/01	ROC /RECEIPT OF COPY	001		08/03/01	
0057	08/08/01	NOTC/NOTICE OF JOINDER IN MOTIONS TO SEVER	003			
0058	08/17/01	TRAN/REPORTER'S TRANSCRIPT OF PROCEEDINGS	AL		06/19/01	
		ARRAIGNMENT	AL			

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0059	08/15/01	REQT/GANTTS EXPEDITED EX-PARTE REQUEST AND EXPEDITED ORDER FOR THE COURTS	003			Y
		IN-CAMERA INSPECTION OF JUVENILE RECORDS	003			
0060	08/28/01	CALC/CALENDAR CALL	002		01/10/02	
0061	08/28/01	JURY/TRIAL BY JURY (VJ 1/10/02)	002	VC	01/14/02	
0062	08/29/01	MOT /ALL PENDING MOTIONS 8/28/01	AL		08/28/01	
0063	08/31/01	TRAN/REPORTER'S TRANSCRIPT OF PROCEEDINGS	*D		08/28/01	
0064	08/27/01	OPPS/STATES OPPOSITION TO DEFENDANT LAILONI MORRISONS MOTION TO SUPPRESS	002			
0065	08/27/01	OPPS/STATES OPPOSITION TO DEFENDANT ANTHONY GANTT'S MOTION TO SUPPRESS	003			
0066	09/04/01	ORDR/ORDER DENYING DEFENDANTS MOTION TO SUPPRESS	003		09/04/01	
0067	09/11/01	ORDR/ORDER TO PRODUCE DEFENDANT FOR POLYGRAPH EXAMINATION	001			
0068	09/10/01	ORDR/ORDER DENYING DEFENDANTS MOTION TO SUPPRESS	003		08/28/01	
0069	09/12/01	EXPT/EX PARTE APPLICATION FOR ORDER TO PRODUCE DEFENDANT FOR POLYGRAPH EXAMINATION	001			Y
0070	09/13/01	EXH /EXHIBITS FOR COURTS CONSIDERATION	003			
0071	09/19/01	TRAN/REPORTER'S TRANSCRIPT DEFT' MOTION TO SUPPRESS	001		09/13/01	
0072	10/15/01	MOT /DEFT'S MTN IN LIMINE EVIDENCE GANG AFFILIATION/28	001		11/08/01	
0073	10/15/01	ROC /RECEIPT OF COPY	001		10/15/01	
0074	10/17/01	MOT /DEFT'S MTN TO REDUCE BAIL/29	002	DN	10/23/01	
0075	10/18/01	ROC /RECEIPT OF COPY	002		10/18/01	
0076	10/19/01	ROC /RECEIPT OF COPY	001		10/18/01	
0077	10/19/01	LIST/DESIGNATION OF WITNESSES	001			
0078	10/19/01	NOTC/NOTICE OF ALIBI PURSUANT TO NRS 174.233	001			
0079	10/19/01	ROC /RECEIPT OF COPY	001		10/18/01	
0080	10/23/01	SUBP/SUBPOENA	001	SC	10/31/01	
			001	SV	10/22/01	
0081	10/23/01	SUBP/SUBPOENA	001	SC	10/31/01	
			001	SV	10/22/01	
0082	10/23/01	SUBP/SUBPOENA	001	SC	10/31/01	
			001	SV	10/22/01	
0083	10/23/01	SUBP/SUBPOENA	001	SC	10/31/01	
			001	SV	10/22/01	
0084	10/23/01	SUBP/SUBPOENA	001	SC	10/31/01	
			001	SV	10/22/01	
0085	10/25/01	JURY/TRIAL BY JURY VJ 10-30-01	001	VC	10/30/01	
0086	10/25/01	LIST/NOTICE OF WITNESSES	AL			
0087	10/30/01	CALC/CALENDAR CALL	001		11/08/01	
0088	10/30/01	JURY/TRIAL BY JURY (VJ 11/8/01)	001	VC	11/13/01	
0089	10/31/01	MOT /ALL PENDING MOTIONS 10-30-01	001		10/31/01	
0090	10/29/01	SUBP/SUBPOENA	001	SC	10/31/01	
			001	SV	10/25/01	
0091	10/29/01	SUBP/SUBPOENA	001	SC	10/31/01	
			001	SV	10/24/01	
0092	10/29/01	SUBP/SUBPOENA	001	SC	10/31/01	
			001	SV	10/27/01	

NO.	FILED/REC	CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0093	10/30/01	ORDR/ORDER TO PRODUCE DEFENDANT FOR POLYGRAPH EXAMINATION	001				
0094	10/30/01	ORDR/ORDER FOR APPOINTMENT OF INVESTIGATOR	001				
0095	10/31/01	SUBP/SUBPOENA	001	SC	10/31/01		
			001	SV	10/29/01		
0096	10/31/01	SUBP/SUBPOENA DUCES TECUM	001	SC	10/31/01		
			001	SV	10/29/01		
0097	11/08/01	MOT /DEFT'S MTN IN LIMINE TO PRECLUDE EVID OF GANG AFFILIATION/34 VK 11-27-01	003	VC	01/10/02		
			003				
0098	11/08/01	MOT /DEFT'S MTN TO REMAND TO JUVENILE COURT/35 VK 11-27-01	003	VC	01/10/02		
			003				
0099	11/06/01	ROC /RECEIPT OF COPY	001		11/06/01		
0100	11/06/01	SUPP/SUPPLEMENTAL DESIGNATION OF WITNESSES	001				
0101	11/08/01	CALC/CALENDAR CALL	001		11/20/01		
0102	11/08/01	JURY/TRIAL BY JURY Vj 11-20-01	001	VC	11/26/01		
0103	11/07/01	OTTE/ORDER TO TRANSPORT	003		11/14/01		
0104	11/09/01	MOT /ALL PENDING MOTIONS 11/8/01	001		11/08/01		
0105	11/08/01	REQT/NOTICE OF MOTION AND MOTION TO CONTINUE	001		11/08/01		
0106	11/09/01	ROC /RECEIPT OF COPY	003		11/09/01		
0107	11/09/01	ROC /RECEIPT OF COPY	003		11/08/01		
0108	11/09/01	ROC /RECEIPT OF COPY	003		11/08/01		
0109	11/15/01	CALC/CALENDAR CALL VK 11-27-01	003	VC	01/10/02		
0110	11/15/01	JURY/TRIAL BY JURY VK 11-27-01	003	VC	01/14/02		
0111	11/20/01	JURY/TRIAL BY JURY VJ 11-27-01	001	VC	11/27/01		
0112	11/20/01	MOT /ALL PENDING MOTIONS 11-20-01	AL		11/20/01		
0113	11/21/01	ARRN/STATE'S REQUEST TO CALENDAR	003	GR	11/27/01		
0114	11/21/01	ARRN/STATE'S REQUEST ENTRY OF PLEA	003		11/27/01		
0115	11/27/01	MOT /ALL PENDING MOTIONS 11-27-01	003		11/27/01		
0116	11/27/01	SENT/SENTENCING	003		04/02/02		
0117	11/27/01	HEAR/STATE'S REQUEST FOR HANDWRITING SAMPLE	001	GR	12/06/01		
0118	11/27/01	CALC/CALENDAR CALL	001		01/10/02		
0119	11/27/01	JURY/TRIAL BY JURY (VJ 1/3/02)	001	VC	01/07/02		
0120	11/27/01	MEMO/GUILTY PLEA MEMORANDUM/AGREEMENT	003				
0121	11/28/01	SUBP/SUBPOENA	001	SV	11/26/01		
			001	SC	11/30/01		
0122	11/28/01	SUBP/SUBPOENA	001	SV	11/28/01		
			001	SC	11/30/01		
0123	11/28/01	SUBP/SUBPOENA	001	SV	11/26/01		
			001	SC	11/13/01		
0124	11/28/01	SUBP/SUBPOENA	001	SV	11/26/01		
			001	SC	11/30/01		
0125	11/26/01	FUS /FILED UNDER SEAL EX PARTE MOTION	001				
0126	11/26/01	FUS /FILED UNDER SEAL ORDER	001				
0127	12/05/01	MOT /DEFT'S PRO PER MTN TO DISMISS COUNSEL AND APPOINTMENT OF ALTERNATE COUNSEL/50	003	OC	12/18/01		
			003				
0128	12/06/01	TRAN/REPORTER'S TRANSCRIPT STATE'S REQUEST: ENTRY OF PLEA	AL		11/27/01		
			AL				
0129	12/03/01	REQT/NOTICE OF MOTION AND MOTION TO COMPEL HANDWRITING SAMPLE	001	SC	12/06/01		
			001				
0130	12/06/01	TRAN/REPORTER'S TRANSCRIPT PRETRIAL MOTIONS	AL		11/27/01		
0131	12/05/01	REQT/EX PARTE MOTION FOR ORDER FOR CONTACT VISIT	002				
			002				

(Continued to page 5)

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0132	12/05/01	OBJ /DEFENDANT BENNETTS OBJECTION TO THE STATES NOTICE OF MOTION AND	001			Y
		MOTION TO COMPEL HANDWRITING SAMPLE	001			
0133	12/05/01	ROC /RECEIPT OF COPY	001		12/05/01	
0134	12/10/01	EXPR/EX PARTE ORDER GRANTING MOTION FOR CONTACT VISIT	002			
			002			
0135	12/10/01	ORDR/ORDER GRANTING MOTION TO COMPEL PRODUCTION OF HANDWRITING SAMPLES	001		12/10/01	
			001			
0136	12/11/01	ROC /RECEIPT OF COPY	002			
0137	12/13/01	SUBP/SUBPOENA	001	SC	01/11/02	
			001	SV	12/12/01	
0138	12/24/01	MOT /DEFT'S MTN FOR DISCOVERY/51	001	VC	01/23/02	
		VH 12-28-01	001			
0139	12/24/01	ROC /RECEIPT OF COPY	001		12/24/01	
0140	12/28/01	MOT /DEFT'S MTN FOR DISCOVERY /52	001	MR	01/03/02	
0141	12/28/01	ORDR/ORDER SHORTENING TIME	001			
0142	12/28/01	REQT/EX PARTE MOTION FOR ORDER SHORTENING TIME	001			
			001			
0143	12/28/01	DOW /SUPPLEMENTAL DESIGNATION OF WITNESS	001			
0144	12/28/01	ROC /RECEIPT OF COPY	001		12/28/01	
0145	12/28/01	ROC /RECEIPT OF COPY	001		12/28/01	
0146	01/03/02	MOT /ALL PENDING MOTIONS (1/3/02)	001		01/03/02	
0147	01/03/02	JURY/TRIAL BY JURY (VJ 1/10/02)	001	VC	01/14/02	
0148	01/10/02	CALC/CALENDAR CALL	001		01/17/02	
0149	01/10/02	CALC/CALENDAR CALL	002		01/17/02	
0150	01/10/02	JURY/TRIAL BY JURY	001	JV	02/04/02	
0151	01/10/02	JURY/TRIAL BY JURY (VJ 1/17/02)	002	VC	01/22/02	
0152	01/11/02	MOT /ALL PENDING MOTIONS 1/10/02	AL		01/10/02	
0153	01/14/02	ORDR/MEDIA REQUEST TO PERMIT CAMERA ACCESS TO PROCEEDINGS AND ORDER GRANTING			01/14/02	
0154	01/17/02	MOT /ALL PENDING MOTIONS (1/17/02)	AL		01/17/02	
0155	01/17/02	CALC/CALENDAR CALL	002		01/31/02	
0156	01/17/02	JURY/TRIAL BY JURY VJ 1-28-02	002	VC	01/29/02	
0157	01/22/02	ORDR/MEDIA REQUEST TO PERMIT CAMERA ACCESS TO PROCEEDINGS AND ORDER GRANTING	001		01/22/02	
			001			
0158	01/24/02	TRB /TRIAL BEGINS			01/22/02	
0159	01/22/02	INFO/AMENDED INFORMATION	001		01/22/02	
0160	01/22/02	OPPS/STATES OPPOSITION TO DEFENDANTS MOTION IN LIMINE TO PRECLUDE EVIDENCE OF GANG	001			Y
			001			
AFFILIATION						
0161	01/25/02	JLST/DISTRICT COURT JURY LIST	001			
0162	01/29/02	SUBP/SUBPOENA	001	SC	01/28/02	
			001	SV	01/19/02	
0163	01/29/02	SUBP/SUBPOENA	001	SC	01/28/02	
			001	SV	01/19/02	
0164	01/29/02	SUBP/SUBPOENA	001	SC	01/28/02	
			001	SV	01/19/02	
0165	01/29/02	SUBP/SUBPOENA	001	SC	01/28/02	
			001	SV	01/18/02	
0166	01/29/02	SUBP/SUBPOENA	001	SC	01/28/02	
			001	SV	01/25/02	
0167	01/29/02	SUBP/SUBPOENA	001	SC	01/28/02	
			001	SV	01/24/02	

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0168	01/29/02	SUBP/SUBPOENA	001	SC	01/28/02	
			001	SV	01/24/02	
0169	01/29/02	SUBP/SUBPOENA	001	SC	01/28/02	
			001	SV	01/24/02	
0170	01/29/02	SUBP/SUBPOENA	001	SC	01/28/02	
			001	SV	01/24/02	
0171	01/29/02	SUBP/SUBPOENA	001	SC	01/28/02	
			001	SV	01/24/02	
0172	01/29/02	SUBP/SUBPOENA	001	SC	01/28/02	
			001	SV	01/18/02	
0173	01/31/02	CALC/CALENDAR CALL	002		03/14/02	
0174	01/31/02	JURY/TRIAL BY JURY VJ 3/14/02	002	VC	03/18/02	
0175	01/30/02	SUPP/SUPPLEMENTAL DESIGNATION OF WITNESSES	001			
0176	02/04/02	HEAR/PENALTY HEARING	001		02/06/02	
0177	02/04/02	INST/INSTRUCTIONS TO THE JURY INSTRUCTION NO 1	001			
			001			
0178	02/04/02	VER /VERDICT	001		02/04/02	
0179	02/06/02	SENT/SENTENCING	001		03/21/02	
0180	02/05/02	REQT/EX PARTE MOTION FOR ORDER TO PREPARE TRANSCRIPT	002			
			002			
0181	02/06/02	STIP/STIPULATION WAIVING SEPARATE PENALTY HEARING AND ALLOWING SENTENCE TO BE IMPOSED BY THE COURT	001			Y
			001			
0182	02/07/02	SUBP/SUBPOENA	001	SC	01/31/02	
			001	SV	01/31/02	
0183	02/07/02	SUBP/SUBPOENA	001	SC	01/31/02	
			001	SV	01/31/02	
0184	02/11/02	MOT /DEFT'S MTN FOR NEW TRIAL/67	001	DN	02/21/02	
0185	02/11/02	ROC /RECEIPT OF COPY	001		02/11/02	
0186	02/12/02	NOEV/NOTICE OF EXHIBIT(S) IN THE VAULT			01/22/02	
0187	02/13/02	TRE /TRIAL ENDS			02/06/02	
0188	02/14/02	ORDR/ORDER TO PREPARE TRANSCRIPT	002			
0189	02/15/02	ROC /RECEIPT OF COPY	002		02/15/02	
0190	02/20/02	OPPS/STATES OPPOSITION TO DEFENDANTS MOTION FOR NEW TRIAL	001			
			001			
0191	03/01/02	ORDR/ORDER DENYING DEFENDANTS MOTION FOR NEW TRIAL	001		03/01/02	
			001			
0192	03/13/02	TRAN/REPORTER'S TRANSCRIPT PORTION OF JURY TRIAL - DAY 1 (JURY SELECTION NOT TRANSCRIBED) VOLUME 1	001			Y
			001		01/22/02	
0193	03/13/02	TRAN/REPORTER'S TRANSCRIPT PORTION OF JURY TRIAL - DAY 2 (JURY SELECTION NOT TRANSCRIBED) VOLUME II	001			Y
			001		01/23/02	
0194	03/13/02	TRAN/REPORTER'S TRANSCRIPT PORTION OF JURY TRIAL - DAY 3 (JURY SELECTION NOT TRANSCRIBED) VOLUME III	001			Y
			001		01/24/02	
0195	03/13/02	TRAN/REPORTER'S TRANSCRIPT JURY TRIAL - DAY 4 VOLUME IV	001		01/25/02	
			001			
0197	03/13/02	TRAN/REPORTER'S TRANSCRIPT JURY TRIAL - DAY 9 VOLUME IX	001		02/01/02	
			001			
0198	03/13/02	TRAN/REPORTER'S TRANSCRIPT JURY TRIAL - DAY 6 VOLUME VI	001		01/29/02	
			001			

(Continued to page 7)

NO.	FILED/REC	CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0199	03/13/02	TRAN/REPORTER'S TRANSCRIPT JURY TRIAL - DAY 7	001			01/30/02	
		VOLUME VII	001				
0200	03/13/02	TRAN/REPORTER'S TRANSCRIPT JURY TRIAL - DAY 8	001			01/31/02	
		VOLUME VIII	001				
0201	03/13/02	TRAN/REPORTER'S TRANSCRIPT JURY TRIAL - DAY	001			02/04/02	
		10 - VERDICT VOLUME X	001				
0202	03/13/02	TRAN/REPORTER'S TRANSCRIPT JURY TRAIL - DAY	001				
		11 WAIVER OF PENALTY PHASE VOLUME XI	001			02/06/02	
0203	03/14/02	MOT /BINDRUP'S MTN TO WITHDRAW AS COUNSEL	001	VC		03/26/02	
		& CONTINUE SENTENCING/68 VH 3-15-02	001				
0204	03/14/02	CALC/CALENDAR CALL	002			05/23/02	
0205	03/14/02	JURY/TRIAL BY JURY	002			06/07/02	
0206	03/15/02	MOT /SCOTT BINDRUP'S MTN TO WITHDRAW AS	001	GR		03/19/02	
		COUNSEL /71	001				
0207	03/15/02	ORDR/ORDER SHORTENING TIME	001			03/19/02	
0208	03/15/02	ROC /RECEIPT OF COPY	001			03/15/02	
0209	03/15/02	SUBP/SUBPOENA	002	SC		03/18/02	
			002	SV		03/14/02	
0210	03/13/02	TRAN/REPORTER'S TRANSCRIPT OF PROCEEDINGS	001			01/28/02	
		JURY TRIAL DAY 5 VOLUME V	001				
0211	03/15/02	REQT/EX PARTE MOTION FOR ORDER SHORTENING	001				
		TIME	001				
0212	03/19/02	HEAR/CONFIRMATION OF COUNSEL	001			03/21/02	
0213	03/19/02	OCAL/STATUS CHECK: SET SENTENCING DATE	001			03/21/02	
0214	03/20/02	MOT /DEFT'S PRO PER MTN TO DISMISS COUNSEL OF	001	MT		04/02/02	
		RECORD/74	001				
0215	03/20/02	MOT /DEFT'S PRO PER MOTION TO TO PROCEED IN	001	GR		04/02/02	
		FORMA PAUPERIS /75	001				
0216	03/20/02	MOT /DEFT'S PRO PER MTN TO RESET	001	GR		04/02/02	
		SENTENCING/76	001				
0217	03/21/02	MOT /ALL PENDING MOTIONS 3/21/02	001			03/21/02	
0218	03/21/02	OCAL/STATUS CHECK: SENTENCING	001			04/02/02	
0219	03/27/02	ORDR/ORDER APPOINTING COUNSEL AT THE COURT	001				
		APPOINTED HOURLY RATE	001				
0220	03/28/02	MOT /ALL PENDING MOTIONS (03-28-02)	AL			03/28/02	
0221	03/29/02	ORDR/ORDER	001				
0222	04/02/02	SENT/SENTENCING	001	GR		06/18/02	
0223	04/03/02	MOT /ALL PENDING MOTIONS 04/02/02	001			04/02/02	
0224	05/07/02	ORDR/ORDER FOR INVESTIGATOR FEES IN EXCESS OF	001				
		STATUTORY AMOUNT	001				
0225	05/07/02	APPL/EX-PARTE APPLICATION FOR INVESTIGATOR	001				
		FEES IN EXCESS OF STATUTORY AMOUNT	001				
0226	05/21/02	EXPR/EX PARTE ORDER GRANTING MOTION FOR	002				
		CONTACT VISIT	002				
0227	05/22/02	LIST/NOTICE OF WITNESSES	002				
0228	05/24/02	SENT/SENTENCING	003	GR		06/06/02	
0229	05/24/02	LIST/SUPPLEMENTAL NOTICE OF WITNESSES	002				
0230	05/28/02	TRB /TRIAL BEGINS				05/28/02	
0231	05/28/02	INFO/AMENDED INFORMATION	002			05/28/02	
0232	05/29/02	JLST/DISTRICT COURT JURY LIST	002				
0233	06/04/02	MOT /ALL PENDING MOTIONS 6/04/02	AL			06/04/02	
0234	06/05/02	ORDR/MEDIA REQUEST TO PERMIT CAMERA ACCESS TO	002			06/05/02	
		PROCEEDINGS AND ORDER GRANTING	002				

(Continued to page 8)

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0235	06/05/02	ORDR/ORDER REQUIRING MATERIAL WITNESS TO POST	002			
		BAIL OR BE COMMITTED TO CUSTODY	002			
0236	06/07/02	SENT/SENTENCING	002		07/25/02	
0237	06/06/02	JLST/AMENDED DISTRICT COURT JURY LIST	002			
0238	06/10/02	MOT /DEFT'S MTN FOR NEW TRIAL /85	001	VC	06/13/02	
		VJ(6/11/02)	001			
0239	06/10/02	TRE /TRIAL ENDS			06/07/02	
0240	06/07/02	INST/INSTRUCTIONS TO THE JURY	002			
0241	06/06/02	PINU/PROPOSED JURY INSTRUCTIONS NOT USED AT	002			
		TRIAL	002			
0242	06/10/02	ROC /RECEIPT OF COPY	001		06/07/02	
0243	06/07/02	JMNT/VERDICT	0002		06/11/02	
0244	06/10/02	ROC /RECEIPT OF COPY	001		06/10/02	
0245	06/10/02	ORDR/ORDER SHORTENING TIME	001			
0246	06/11/02	NOEV/NOTICE OF EXHIBITS IN THE VAULT			05/28/02	
0247	06/11/02	MOT /DEFT'S MTN FOR NEW TRIAL	001	DN	06/18/02	
0248	06/11/02	AFFD/AFFIDAVIT OF SERVICE/ARREST	002	SV	06/06/02	
0249	06/17/02	OPPS/STATES OPPOSITION TO DEFENDANT ASHLEY	001			
		BENNETTS MOTION FOR NEW TRIAL	001			
0250	06/18/02	MOT /ALL PENDING MOTIONS 06-18-02	001		06/18/02	
0251	06/18/02	JMNT/ADMINISTRATION/ASSESSMENT FEE	0003		06/19/02	
0252	06/18/02	JMNT/GENETIC TESTING FEE	0003		06/19/02	
0253	06/18/02	JMNT/JUDGMENT OF RESTITUTION	0003		06/19/02	
0254	06/19/82	JUDG/JUDGMENT OF CONVICTION - PLEA OF GUILTY	003		06/18/02	
0255	06/20/02	JMNT/ADMINISTRATION/ASSESSMENT FEE	0001		06/21/02	
0256	06/20/02	JMNT/GENETIC TESTING FEE	0001		06/21/02	
0257	06/20/02	JMNT/JUDGMENT OF RESTITUTION	0001		06/21/02	
0258	06/20/02	JUDG/JUDGMENT OF CONVICTION - JURY TRIAL	001		06/20/02	

ORIGINAL

FILED

JUN 20 10 32 AM '02

Ashley B. Pangione
CLERK

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

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

ASHLEY WILLIAM BENNETT,
#1107300

Defendant.

Case No. C175914
Dept. No. XI

JUDGMENT OF CONVICTION (JURY TRIAL)

The Defendant previously entered plea(s) of not guilty to the crime(s) of **MURDER WITH USE OF A DEADLY WEAPON (Open Murder)**, in violation of NRS 200.020, 200.030, 193.165, and the matter having been tried before a jury, and the Defendant being represented by counsel and having been found guilty of the crime(s) of **FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON (Category A Felony)** and thereafter on the 18th day of June, 2002, the Defendant was present in Court for sentencing with his counsel, STAN WALTON, Esq.; and good cause appearing therefor,

THE DEFENDANT HEREBY ADJUDGED. guilty of the crime(s) as set forth in the jury's verdict and, in addition to the \$25.00 Administrative Assessment Fee, the Defendant is sentenced as follows: LIFE without the possibility of parole in the Nevada Department of Corrections plus an equal and CONSECUTIVE term of LIFE without the possibility of parole for the use of a deadly weapon; submit to DNA testing to determine genetic markers and pay \$150.00 DNA fee

RECEIVED

JUN 20 2002

COUNTY CLERK

1 as best able, pay restitution jointly and severally with co-offenders Lailoni Morrison and
2 Anthony Gantt in the amount of \$30,432.06 with 396 DAYS credit for time served.

3 DATED this 19 day of June, 2002.

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6 DISTRICT JUDGE
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CRIMINAL COURT MINUTES

01-C-175914-C STATE OF NEVADA vs Bennett, Ashley W

06/19/01 09:00 AM 00 INITIAL ARRAIGNMENT

HEARD BY: Mark Gibbons, Chief Judge; Dept. 7

OFFICERS: AMBER FARLEY, Court Clerk
GEORGETTE BYRD/GB, Relief Clerk
RENEE SILVAGGIO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
006612	Cram, Roger	Y
001 D1	Bennett, Ashley W	Y
002537	Bindrup, Scott L.	Y
002 D	Morrison, Lailoni D	Y
000824	Schieck, David M.	Y
003 D	Gantt, Anthony	Y
SPD	Special Public Defender	Y
005825	Wildeveld, Kristina M.	Y

AS TO DEFT. BENNETT: DEFT. BENNETT ARRAIGNED, PLED NOT GUILTY and INVOKED THE 60-DAY RULE. COURT ORDERED, matter set for trial.

AS TO DEFT. MORRISON: DEFT. MORRISON ARRAIGNED, PLED NOT GUILTY and INVOKED THE 60-DAY RULE. COURT ORDERED, matter set for trial.

AS TO DEFT. GANTT: DEFT. GANTT ARRAIGNED, PLED NOT GUILTY and INVOKED THE 60-DAY RULE. COURT ORDERED, matter set for trial.

Counsel has 21 days from the filing of the transcript to file any petitions of habeas corpus.

CUSTODY(ALL)

08/16/01 9:00 AM CALENDAR CALL

08/20/01 1:30 PM TRIAL BY JURY

CRIMINAL COURT MINUTES

01-C-175914-C

STATE OF NEVADA

vs Bennett, Ashley W

CONTINUED FROM PAGE: 001

07/31/01 09:00 AM 00 ALL PENDING MOTIONS 7-31-01

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

OFFICERS: Joyce Brown, Court Clerk
Liz Garcia, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
002805	Wall, David T.	Y
001 D1	Bennett, Ashley W	N
002537	Bindrup, Scott L.	Y
002 D	Morrison, Lailoni D	Y
004349	Oram, Christopher R.	Y
003 D	Gantt, Anthony	Y
SPD	Special Public Defender	Y
005825	Wildeveld, Kristina M.	Y

DEFT'S MOTION TO SET BAIL (MORRISON)...DEFT'S MOTION TO SEVER TRIALS OF DEFENDANTS (MORRISON)...DEFT'S MOTION TO SUPPRESS STATEMENTS OF MORRISON (MORRISON)...STATUS CHECK: DISCOVERY (GANTT)

AS TO DEFT'S MOTION TO SET BAIL, Mr. Wall advised this was Ms. De La Garza's case, she was asking for one week to respond, but he would respond orally. He further advised they met in Chambers with the Court on the matter. Mr. Oram advised he was not on this case and he was standing in for Mr. Schieck who asked the matter be continued.

Court noted it had received a letter from Mr. Schieck asking that a reasonable bail be set and thought \$50,000.00 would be appropriate. The State asked for \$100,000.00 noting Defendant Morrison was a known gang member and the victim was shot 14 times. Mr. Oram advised he thought the gang enhancement was dropped. COURT ORDERED bail set at \$200,000.00 on Morrison.

AS TO DEFT'S MOTION TO SEVER TRIALS OF DEFENDANTS (MORRISON); there was no opposition by State and COURT ORDERED motion GRANTED as to MORRISON ONLY.

AS TO DEFT'S MOTION TO SUPPRESS STATEMENTS OF MORRISON (MORRISON), COURT ORDERED matter CONTINUED to August 7, 2001.

AS TO STATUS CHECK: DISCOVERY, Ms. Wildeveld advised Ms. De La Garza had taken care of this; she wanted the date she first talked to police. She further advised she could not go to trial on August 16th.

Waivers of right to speedy trial was discussed and Mr. Wall asked they waive today. It was noted Mr. Gantt was age 16; Court advised he was certified up as an adult and this was an open murder case.

CONTINUED ON PAGE: 003

CRIMINAL COURT MINUTES

01-C-175914-C STATE OF NEVADA

vs Bennett, Ashley W

CONTINUED FROM PAGE: 002

Mr. Bindrup stepped up; advised he represented the third Co-Defendant, Ashley Bennett, and he would be filing a motion to continue this week.

COURT ORDERED matter set for a status check on August 7th as to trial status on all Defendants.

CUSTODY (BOTH)

8-7-01 9:00 AM DEFT'S MOTION TO SUPPRESS STATEMENTS OF MORRISON (MORRISON)..
.STATUS CHECK: TRIAL STATUS, ALL DEFENDANTS (BENNETT, MORRISON, GANTT)

08/07/01 09:00 AM 00 ALL PENDING MOTIONS 8-7-01

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

OFFICERS: Joyce Brown/JB, Court Clerk
Amber Farley, Relief Clerk
Cat Nelson, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
006612	Cram, Roger	Y
001 D1	Bennett, Ashley W	Y
002537	Bindrup, Scott L.	Y
002 D	Morrison, Lailoni D	Y
004349	Oram, Christopher R.	Y
003 D	Gantt, Anthony	Y
SPD	Special Public Defender	Y
005825	Wildeveld, Kristina M.	Y

STATUS CHECK: TRIAL STATUS/WAIVER OF RIGHT TO SPEEDY TRIAL - ALL...DEFT'S MOTION TO SUPPRESS STATEMENTS OF MORRISON - MORRISON...DEFENDANT'S MOTION FOR BAIL REDUCTION - BENNETT

Court inquired if they have a complete waiver of a speedy trial from all three individuals and advised there were issues as to discovery. Mr. Bindrup, who was representing Defendant Bennett, advised they had discussed this matter; there was no way he could be prepared on August 20th; and he was willing to accommodate a short extension. Speedy trial rule waived.

Mr. Oram, standing in for Mr. Schieck and representing Defendant Morrison advised he had talked to Mr. Schieck; he also wanted a short continuance and would waive a speedy trial. Ms. Wildeveld, representing Defendant Gantt, advised they had already waived; she had asked for a number of Juvenile records; and they would not be available for six to eight weeks. She further advised she had a death penalty case set in October.

CONTINUED ON PAGE: 004

CRIMINAL COURT MINUTES

01-C-175914-C STATE OF NEVADA

vs Bennett, Ashley W

CONTINUED FROM PAGE: 003

Discussion as to motions set on August 16th and 17th. COURT ORDERED, the Calendar Call and Jury Trial dates VACATED; the motions set for August 16th and 17th CONTINUED to August 28th; the Defendant's Motion To Suppress Statements Of Morrison and Defendant's Motion For Bail Reduction - Bennett CONTINUED to August 28th; Calendar Call and Jury Trial dates set for all three, using October and November dates. Mr. Oram advised they filed for bail reduction on Morrison. COURT FURTHER ORDERED a status check as to trial date for Bennett on August 28th.

CUSTODY (ALL)

8-28-01 9:00 AM DEFT'S MOTION TO SUPPRESS STATEMENTS OF MORRISON - MORRISON.
..DEFT'S MOTION FOR BAIL REDUCTION - BENNETT...DEFT'S MOTION TO SUPPRESS
STATEMENT OF ANTHONY GANTT - GANTT...DEFT'S MOTION TO SEVER - BENNETT

10-25-01 9:00 AM CALENDAR CALL - BENNETT AND MORRISON

10-29-01 1:00 PM JURY TRIAL - BENNETT AND MORRISON

11-15-01 9:00 AM CALENDAR CALL - GANTT

11-19-01 1:00 PM JURY TRIAL - GANTT

08/28/01 09:00 AM 00 ALL PENDING MOTIONS 8/28/01

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

OFFICERS: Nancy Noble/nn, Relief Clerk
Cat Nelson, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
005927	De La Garza, Melisa	Y
001 D1	Bennett, Ashley W	Y
002537	Bindrup, Scott L.	Y
002 D	Morrison, Lailoni D	Y
000824	Schieck, David M.	Y
003 D	Gantt, Anthony	Y
SPD	Special Public Defender	Y
005825	Wildeveld, Kristina M.	Y

DEFT'S MOTION FOR BAIL REDUCTION-BENNETT...DEFT'S MOTION FOR RELEASE WITHOUT
BAIL OR FOR REDUCTION OF BAIL-GANTT...STATUS CHECK: TRIAL DATE-BENNETT...
DEFT'S JOINDER IN MOTIONS TO SEVER-GANTT...DEFT'S MTN TO SUPPRESS-MORRISON..
DEFT'S MOTION TO SUPPRESS STATEMENT OF ANTHONY GANTT-GANTT...DEFT'S MOTION
TO SEVER-BENNETT....

CRIMINAL COURT MINUTES

01-C-175914-C STATE OF NEVADA

vs Bennett, Ashley W

CONTINUED FROM PAGE: 004

As to Deft's Motion for Bail Reduction-Bennett, arguments by Mr. Bindrup requesting bail be set to reflect what was granted in conjunction with the other defendants. COURT ORDERED, bail set at \$250,000.

As to Deft's Motion for Release Without Bail or for Reduction of Bail-Gantt, Ms. Wildeveld submitted the intake services report to the court and argued for defendant's release. Opposition by the State. COURT ORDERED, bail set at \$150,000.

As to Status Check: Trial Date-Bennett, COURT ORDERED matter SEVERED as to all THREE DEFENDANTS. Trial date for Defendant Bennett STANDS.

As to Deft's Joinder in Motions to Sever-Gantt, COURT ORDERED motion GRANTED.

As to Deft's Motion to Suppress-Morrison, Mr. Schieck advised the State is requesting an evidentiary hearing regarding the statement and the defense concurs and requests the State review the video tape of the interview. There being no opposition by the State COURT ORDERED Defense to provide a copy of the video to the Court. Matter CONTINUED.

As to Deft's Motion to Suppress Statement of Anthony Gantt, argument by Ms. Wildeveld stating defendant had the right to have his parents present at the interview and defendant's mother would have been present if she was given the opportunity. Opposition by Ms. DeLaGarza stating on May 7, the defendant was read his rights and told he had the right to have his parents present. Further arguments by Ms. Wildeveld. COURT ORDERED motion DENIED. Ms. DeLaGarza stated even if the defendant's statement is suppressed the State has the right to use all statements for impeachment purposes. COURT ORDERED the statement may be used but may not be used in the State's case in chief.

FURTHER COURT ORDERED Trial date for Morrison VACATED and re-set.

CUSTODY (ALL)

CRIMINAL COURT MINUTES

01-C-175914-C STATE OF NEVADA vs Bennett, Ashley W
CONTINUED FROM PAGE: 005

10/25/01 09:00 AM 00 CALENDAR CALL

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

OFFICERS: Joyce Brown/jb, Court Clerk
Linda Skinner, Relief Clerk
Carrie Hansen, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
002805	Wall, David T.	Y
001 D1	Bennett, Ashley W	Y
002537	Bindrup, Scott L.	Y

Both sides announced ready for trial; it would last one week; and, at Court's inquiry, Mr. Wall advised it was not a capital case. COURT ORDERED the trial set for Tuesday at 1:00 P.M.

CUSTODY

10-30-01 1:00 P.M. JURY TRIAL

10/31/01 09:00 AM 00 ALL PENDING MOTIONS 10-30-01

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

OFFICERS: Joyce Brown/jb, Court Clerk
Keith Reed, Relief Clerk
Cat Nelson, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
002805	Wall, David T.	Y
001 D1	Bennett, Ashley W	Y
002537	Bindrup, Scott L.	Y

DEFENDANT'S MOTION IN LIMINE TO PRECLUDE EVIDENCE OF GANG AFFILIATION...TRIAL BY JURY (1:00 P.M.)

Court advised further investigation needed to be done and the Court had been asked to continue from this date. Mr. Bindrup asked for a status check the first of next week. Defendant wanted to proceed today. Discussion as to this and a meeting between Defendant and counsel last night. Court advised Defendant apparently agreed to the continuance last night. Mr. Wall advised there was a missing witness for the State; there was a concession for both sides; the reason they approached was because of a missing witness; and that witness does not have to be available any more. Court inquired about next week and Mr. Wall was not sure his witnesses would be available next week.

CRIMINAL COURT MINUTES

01-C-175914-C STATE OF NEVADA

vs Bennett, Ashley W

CONTINUED FROM PAGE: 006

COURT ORDERED trial set for today VACATED; new Calendar Call and Jury Trial dates set and the motion CONTINUED to the new Calendar Call date.

CUSTODY

11-8-01 9:00 AM DEFENDANT'S MOTION IN LIMINE TO PRECLUDE EVIDENCE OF GANG AFFILIATION...CALENDAR CALL

11-13-01 1:30 PM JURY TRIAL

11/08/01 09:00 AM 00 ALL PENDING MOTIONS 11/8/01

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

OFFICERS: AMBER FARLEY, Court Clerk
Cat Nelson, Reporter/Recorder

PARTIES: STATE OF NEVADA
005927 De La Garza, Melisa

Y

Y

001 D1 Bennett, Ashley W
002537 Bindrup, Scott L.

Y

Y

DEFT'S MOTION IN LIMINE TO PRECLUDE EVIDENCE OF GANG AFFILIATION...CALENDAR CALL

State's Notice of Motion and Motion to Continue FILED IN OPEN COURT. Ms. De La Garza stated the State is attempting to locate Sam Winbush, who is an essential corroborating witness in this case; further stated the witness has been under subpoena, and her investigator has some leads on his whereabouts; that the witness may be in fear for his safety. State's request is for two to three weeks. Mr. Bindrup opposed the Motion and moved to dismiss this matter. Mr. Bindrup further argued that this is a last minute search for this witness, and that he wasn't present at the Preliminary Hearing. Ms. De La Garza stated this witness had been subpoenaed for the Preliminary Hearing, and this is not last minute. Upon Court's inquiry, counsel estimated trial would take about one week. COURT ORDERED, State's Motion to Continue GRANTED and trial date VACATED and RESET. Court stated that if the State isn't ready to proceed next date, it is inclined to grant the Defense's motion to dismiss at that time.

CUSTODY

11/20/01 9:00 AM DEFT'S MOTION IN LIMINE TO PRECLUDE EVIDENCE OF GANG AFFILIATION...CALENDAR CALL

11/26/01 1:30 PM JURY TRIAL

CRIMINAL COURT MINUTES

01-C-175914-C STATE OF NEVADA

vs Bennett, Ashley W

CONTINUED FROM PAGE: 007

11/20/01 09:00 AM 00 ALL PENDING MOTIONS 11-20-01

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

OFFICERS: Joyce Brown, Court Clerk
Keith Reed/kar, Relief Clerk
Liz Garcia, Reporter/Recorder

PARTIES: STATE OF NEVADA
005144 Sweetin, James R.
001 D1 Bennett, Ashley W
003 D Gantt, Anthony
SPD Special Public Defender
005825 Wildeveld, Kristina M.

Y
Y
Y
Y
Y
Y

DEFT'S MOTION TO REMAND TO JUVENILE COURT (GANTT)...DEFT'S MOTION IN LIMINE
TO PRECLUDE EVIDENCE OF GANG AFFILIATION (GANTT)...CALENDAR CALL (BENNETT)

DEFENDANT BENNETT: Melinda Simpkins Esq., for Deft. Bennett. Ms. Simpkins
requested the trial be continued as the State has indicated there is a new
witness that would need to be interviewed. She noted the Deft. does not wish
to continue the matter. Mr. Sweetin did not oppose a continuance. COURT
ORDERED, request for continuance DENIED; matter set for trial. Mr. Sweetin
noted possible questions as to ineffectiveness of counsel due to the trial
not being continued. Parties noted a trial length of one week with 15-20
witnesses; no out of state witnesses.

DEFENDANT GANTT: Court noted no opposition was received. Ms. Wildeveld
requested a continuance to the time of the calendar call to have the
Defendant examined. There being no opposition, COURT SO ORDERED.

CUSTODY (BOTH)

11-27-01 1:30 PM JURY TRIAL (BENNETT)

1-10-02 9:00 AM CALENDAR CALL...DEFT'S MOTION TO REMAND TO JUVENILE
COURT...DEFT'S MOTION IN LIMINE TO PRECLUDE EVIDENCE OF GANG AFFILIATION
(GANTT)

CRIMINAL COURT MINUTES

01-C-175914-C STATE OF NEVADA

vs Bennett, Ashley W

CONTINUED FROM PAGE: 008

11/27/01 01:30 PM 00 TRIAL BY JURY VJ 11-27-01

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

OFFICERS: Joyce Brown, Court Clerk
Cat Nelson, Reporter/Recorder

PARTIES: STATE OF NEVADA
005927 De La Garza, Melisa
002805 Wall, David T.

001 D1 Bennett, Ashley W
002537 Bindrup, Scott L.

Y
Y
Y

Y
Y

During the morning calendar on this date, Mr. Bindrup appeared before the Court. Court inquired if he knew what the status would be at 1:30. Mr. Bindup wanted to make a record at that time and Court advised the Defendant was to be dressed out for the 1:30 Court time. Court advised it would hear motions at 1:30 P.M.

At 1:30 P.M. Court convened with all parties present including Melinda Simpkins, Esq., who was present with Mr. Bindrup. Court advised there was an agreement with Mr. Gantt to testify in this case and inquired as to the status as to this trial at this time. Mr. Bindrup advised the change of plea occurred just an hour ago; he had received a 100 page transcript of the statement of Mr. Gantt and an agreement made to testify against his client; this totally changed the perspective of the case, their defense, and now had to take a different look at the case. He further advised it was a more devastating case as they now had a participant who will testify; to date they were not going into the past of any of the Defendants; now they need to do that and get information to impeach Mr. Gantt; he understood there was a cassette tape of Mr. Gantt. Mr. Bindrup advised he was in Court yesterday when Mr. Gantt was talked to by his attorney; Ms. Wildeveld asked it be continued to today when the plea would be taking place; and he noted Ms. Jackson was present for the Defendant and noted she had made no appearances in this case until today.

Court advised Mr. Bindrup he was engaging in supposition and he needed to move on as to why the case against Mr. Bennett should not go to trial, noting there was some history on Mr. Gantt's part because of some threats that were made; and his request for additional information on Mr. Gantt was filed after 5:00 P.M. on Friday. Court further advised the State could only ask Mr. Gantt to testify truthfully.

Mr. Bindrup advised he heard a statement about competency during Mr. Gantt's proceedings and would like to have an independent psychiatrist look at their report; he also thought there were certain allegations brought up by Mr. Gantt that could assist them, and this concerned a statement about a gun. He further advised the Court had signed an order to let them get Juvenile records and there was a request for an OST; his motion pending is to get any

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CRIMINAL COURT MINUTES

01-C-175914-C STATE OF NEVADA

vs Bennett, Ashley W

CONTINUED FROM PAGE: 009

or all of Mr. Gantt's records and be viewed in-camera to see if there was anything they could use in Mr. Bennett's trial. He further noted there was other discovery on Mr. Gantt and, in light of these circumstances, he asked to continue the trial as there was good cause for delay.

State announced ready to go to trial; nothing had changed in this case; he gave the statement with the same things; as to the victim going for a weapon or possibly going for a weapon, he said the victim was by the truck and thought there could be a weapon in the truck. State further advised Mr. Bindrup had known since last Wednesday that Mr. Gantt was thinking about taking a plea; and as to Ms. Wildeveld, she knows what is best for her client; he confessed to the crime and the matter would be submitted to the Court.

Mr. Bindrup advised out of necessity, he needed a short continuance as he needed just a little more time; and would request additional time on behalf of Mr. Bennett. Statement by Mr. Bennett who wanted to go to trial.

Court advised Mr. Bennett the concern he was voicing as to Mr. Gantt was the same as his attorney was voicing and wanted to be prepared for the input that Mr. Gantt's change of plea has had. Court noted that one of the continuances was a joint request by the State and the Defense; also, the information on the possible change of status did not come before the Court until Monday; and the agreement to testify changes the complexion of the case; it may, or may not, bolster whatever else was going to be put forth. Because of the change, the Court thinks it is appropriate to continue the matter, giving it a priority setting and ORDERED the trial vacated for today and re-set in the first week of the next stack.

Mr. Wall wanted to make a statement for the record including some letters I had been received by Mr. Gantt in the last week or ten days; and would request a sample of handwriting of Mr. Bennett for analysis by METRO to see if Mr. Bennett is the one writing the letters. Mr. Wall advised Mr. Bennett also contacted relatives of Mr. Gantt and they were getting to the point of asking that Mr. Bennett's telephone privileges be restricted except for counsel. Mr. Wall made an oral motion for the handwriting sample. Mr. Bindup wanted Mr. Wall's motions in writing; and he would let his client know these acts were strictly prohibited. COURT ORDERED the motion for handwriting sample would be set for December 6th. Court admonished Mr. Bennett to be careful in communicating to the family of Mr. Gantt or with Mr. Gantt so as not to put himself in a negative position.

CUSTODY

12-6-01 9:00 AM STATE'S REQUEST FOR HANDWRITING SAMPLE

1-3-02 9:00 AM CALENDAR CALL

1-7-02 1:30 PM JURY TRIAL

CRIMINAL COURT MINUTES

01-C-175914-C STATE OF NEVADA

vs Bennett, Ashley W

CONTINUED FROM PAGE: 010

12/06/01 09:00 AM 00 STATE'S REQUEST FOR HANDWRITING SAMPLE

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

OFFICERS: Joyce Brown, Court Clerk
Cat Nelson, Reporter/RecorderPARTIES: STATE OF NEVADA
002805 Wall, David T.
001 D1 Bennett, Ashley W
002537 Bindrup, Scott L.Y
Y
Y
Y

Court advised the State did put something in writing concerning the request for a handwriting sample and the Court did not receive a response. Short statement by Mr. Wall then matter submitted on the Points and Authorities. Mr. Bindrup just wanted to make sure the Court had reviewed his objection which was filed yesterday. Court did review it and advised it goes more to what the information is used for; that had not been established at this time; and the Court would deal with that when necessary. Mr. Wall inquired if Mr. Bindrup wanted to be present and Mr. Bindrup advised that he did.

COURT ORDERED State's Request For Handwriting Sample GRANTED, noting the Court had not seen the document or contents thereof.

CUSTODY

01/03/02 09:00 AM 00 ALL PENDING MOTIONS (1/3/02)

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

OFFICERS: Joyce Brown, Court Clerk
Greer Jennison/gj, Relief Clerk
Cat Nelson, Reporter/RecorderPARTIES: STATE OF NEVADA
003649 Kephart, William D.
001 D1 Bennett, Ashley W
002537 Bindrup, Scott L.Y
Y
Y
Y

DEFT'S MOTION FOR DISCOVERY ... CALENDAR CALL

Melinda Simpkins Esq. appearing with Mr. Bindrup. Mr. Kephart advised this is Ms. De La Garza's case; he is obtaining tape evidence but does not have any of the psychological reports and is in trial next week. Ms. Simpkins advised she has only just had contact with Ms. De La Garza regarding the exhibits for the preliminary hearing. Upon Court's inquiry, the State advised trial is expected to take five (5) to six (6) days, with 15 to 20

CRIMINAL COURT MINUTES

01-C-175914-C STATE OF NEVADA

vs Bennett, Ashley W

CONTINUED FROM PAGE: 011

witnesses. Ms. De La Garza present at this time. As to Deft's motion, COURT ORDERED, motion GRANTED; trial date VACATED and RESET. Further, Court stated discovery is to be completed as quickly as possible as it is not the Court's intention to unduly delay this trial. FURTHER, calendar call CONTINUED for status check on information State has access to.

CUSTODY

CONTINUED TO 1/10/02 9:00 AM (CALENDAR CALL)

1/14/02 1:30PM JURY TRIAL

01/10/02 09:00 AM 00 ALL PENDING MOTIONS 1/10/02

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

OFFICERS: Joyce Brown, Court Clerk
Amber Farley, Relief Clerk
Cat Nelson, Reporter/Recorder

PARTIES: STATE OF NEVADA
002805 Wall, David T.

001 D1 Bennett, Ashley W
002537 Bindrup, Scott L.

002 D Morrison, Lailoni D
000824 Schieck, David M.

Y
Y

Y
Y

Y
Y

CALENDAR CALL (BENNETT & MORRISON)

Mr. Wall announced ready to proceed; stated defense counsel have requested a copy of the video and audio tapes, which are presently being prepared and will be available this afternoon. Mr. Wall stated Mr. Schieck has requested a copy of the transcript of Defendant Gantt's statement, which will be provided today. Mr. Wall stated the case is severed, and each Defendant's trial is estimated to last at least 6 days, with 20 witnesses. Court stated it is presently in trial this week with Mr. Wall and ORDERED, calendar call set for next week. Mr. Schieck stated he has another case in this department with five defendants the week of the 28th. Court noted the Defendants in that other case are not in custody, and this case will take priority. Court further ORDERED, subpoenas to remain in effect for new trial dates.

CUSTODY (BOTH)

1/17/02 9:00 AM CALENDAR CALL

1/22/02 1:30 PM JURY TRIAL

CRIMINAL COURT MINUTES

01-C-175914-C STATE OF NEVADA

vs Bennett, Ashley W

CONTINUED FROM PAGE: 012

01/17/02 09:00 AM 00 ALL PENDING MOTIONS (1/17/02)

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

OFFICERS: Connie Kalski/ck, Court Clerk
Georgette Byrd, Relief Clerk
Cat Nelson, Reporter/Recorder

PARTIES: STATE OF NEVADA
002805 Wall, David T.

001 D1 Bennett, Ashley W
002537 Bindrup, Scott L.

002 D Morrison, Lailoni D
000824 Schieck, David M.

Y
Y

Y
Y

Y
Y

CALENDAR CALL...DEFENDANT BENNETT and DEFENDANT MORRISON

DEFENDANT BENNETT: Court noted there were issues of outstanding discovery and questioned counsel as to whether or not they were solved. Mr. Schieck advised the Court of the discovery that has been passed on, a video and audio tape, and stated he believes everything has been turned over. Mr. Wall advised he also has a transcript of the video/audio tape which he will turn over to Mr. Schieck. Both counsel announced ready for trial. COURT ORDERED, trial date STANDS and jury selection as to this defendant will begin at 1:00 PM.

DEFENDANT MORRISON: Ms. Melinda Simpkins also present on behalf of Defendant. Ms. Simpkins advised they had filed a motion to suppress that the Court has not heard yet. Mr. Wall advised he believes this motion should be heard just prior to trial commencing; Court concurred.

Defendant Morrison advised he wanted to make a statement to the Court. Court advised Defendant that anything he said on the record could be brought in at the trial phase and held against him. Defendant advised he understood. Statements by Defendant Morrisson. COURT ORDERED, trial date VACATED and RESET as to this Defendant.

CUSTODY (BOTH)

1/24/02 9:00 AM CALENDAR CALL

1/29/02 1:30 PM JURY TRIAL

CRIMINAL COURT MINUTES

01-C-175914-C STATE OF NEVADA

vs Bennett, Ashley W

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01/22/02 01:00 PM 00 TRIAL BY JURY

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

OFFICERS: Joyce Brown, Court Clerk
Cat Nelson, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	005927 De La Garza, Melisa	Y
	006316 Goettsch, Becky S.	Y
	001 D1 Bennett, Ashley W	Y
	002537 Bindrup, Scott L.	Y

Melinda Simpkins, Esq. present with Mr. Bindrup. OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL. State's Opposition To Defendant's Motion In Limine To Preclude Evidence Of Gang Affiliation FILED IN OPEN COURT. Amended Information alleging Count I - Murder With Use Of A Deadly Weapon (Open Murder) (F) FILED IN OPEN COURT. Court went over the document filed in open Court, advising the only thing the Amended Information did was take out of the heading the names of the other parties and made the charging document just for this Defendant, since he is the only Defendant the Court was going forward on today. Court also noted a copy of Defendant's Witness list.

Court advised, as to the request of Defense for Juvenile records on Mr. Gantt, the Court had not received the records; Court's office called; they said they would have them here this morning; The Court did not get them this morning; they are supposed to get them over this afternoon; and the Court will get them to Defense as quickly as possible. Court further advised another issue to be partially dealt with today was the Defendant's Motion In Limine To Preclude Evidence Of Gang Affiliation; for clarification, should the Court determine it is appropriate, there still needs to be a proffer or Petrocelli Hearing. Ms. Simpkins advised the State has to prove by clear and convincing evidence that he was affiliated with a gang; he did have affiliation, but does not now; after prison he stopped all affiliation with gangs; and asked to keep it out.

Ms. De La Garza argued it was impossible to tell this story without going through the gang affiliation, noting it starts with them being at the home of a slain gang member. Court advised case law in Nevada would allow them to go forward with the use of gang affiliation as well as "the whole story" and noted it had to be put in context. Court further advised if it became more prejudicial than probative, they would have to examine the context; they would have to show clear and convincing evidence; they would need to show motive to the Jury, noting they tell the Jury to listen only to evidence in the Courtroom. Court advised the State may be allowed to go forward to show the Court it should come in. Ms. De La Garza advised the Court could have Mr. Gantt come over or the State did attach a copy of the transcript of an interview in which the Court can see exactly how the State intends to present this to the Court. Ms. Simpkins asked to have Mr. Gantt

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CRIMINAL COURT MINUTES

01-C-175914-C STATE OF NEVADA

vs Bennett, Ashley W

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and Ms. Neal present to question. Court advised it would be appropriate to have them present to see if it was more probative or prejudicial, and inquired if the State was in a position to give a very narrow version of what this case is about. Ms. De La Garza advised she was. Court advised the Law Clerk just handed the Court a note that the records would be here by 3:30 P.M. Ms. De La Garza was concerned with going on without knowing how the Court will rule on the gang question. Court noted this was not about pre-determining a Jury, but as to fairness and impartiality; and instructed Counsel to stay away from questions about gangs in their questioning. State advised Mr. Neal Gantt to be present first thing tomorrow.

JURY PANEL PRESENT. Jury selection proceeded. Jury Panel admonished and dismissed for the evening to return at 1:30 P.M. tomorrow.

OUTSIDE JURY PANEL, Court instructed Counsel to be present at 1:00 P.M. for a Petrocelli; as to the package from Juvenile Court, they have not arrived and the Court would hope they will be here in the morning. Court noted there was a side-bar as to Juror #192 whereby Defense had asked to challenge Juror Levasseur about weight and credence; he said he would have to hear all the evidence and make a determination; and COURT ORDERED the request DENIED.

Court adjourned for the evening.

CUSTODY

CONTINUED TO: 01/23/02 01:00 PM 01

01/23/02 01:00 PM 01 TRIAL BY JURY

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

OFFICERS: Joyce Brown, Court Clerk
Cat Nelson, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	005927 De La Garza, Melisa	Y
	006316 Goettsch, Becky S.	Y
	001 D1 Bennett, Ashley W	Y
	002537 Bindrup, Scott L.	Y

Court convened at 1:30 P.M. Melinda Simpkins, Esq. present with Mr. Bindrup. OUTSIDE THE PRESENCE OF PROSPECTIVE JURY PANEL, Court noted this was the time set for hearing the motion in limine to preclude evidence of gang affiliation. Witness Pamela Neal sworn and testified. Anthony Gantt sworn and testified. He was accompanied by his attorney, Kristina Wildeveld.

Court advised the motion in limine was Defendant's motion so they could open

CRIMINAL COURT MINUTES

01-C-175914-C STATE OF NEVADA

vs Bennett, Ashley W

CONTINUED FROM PAGE: 015

and close the argument. Ms. Simpkins argued in support of the motion. Argument for State by Ms. De La Garza who asked that gang affiliation be allowed in the trial. Ms. Simpkins presented last argument and asked it be kept out.

Court advised for the purpose of this trial, it was not appropriate to prove the character of the person; the State is offering it as proof of motive; is it prejudicial? Yes, because it conjures up images of gangs; is it probative? Yes, it goes to explaining why people do what they did on that date; whether or not the Defendant is a Gerson or GPK, the Court must say on the record, it is not over-whelming evidence that he is a GPK, but would allow the State to examine both Mr. Gantt and Ms. Neal as to his relationship with the parties that lived in the area, thus letting the Jury make the determination as to whether he just lives in the neighborhood and is known as a Gerson, or if he is in fact a GPK. Court asked State not to state affiliation; or whether Defendant is a Gerson GPK, but through witnesses, let the Jury draw their own conclusions; Counsel not to label him. Court further advised as to bringing up Gerson GPK and Rolling Sixties in the opening, the Jury would make a final determination after hearing witnesses.

PROSPECTIVE JURY PANEL PRESENT, Court proceeded with Jury selection. At 5:45 P.M. Jury Panel admonished and dismissed for the evening.

OUTSIDE JURY PANEL, Court noted Jury selection should be concluded tomorrow and they would get into opening statements. State had a problem with Mr. Gantt in that Ms. Wildeveld would not be present on Friday and they would try to get him in tomorrow. Court advised if they get to Mr. Gantt, someone from Ms. Wildeveld's office could be present. Court further noted she would not be standing at the witness box during questioning with the Jury present.

Court adjourned at 6:00 P.M.

CUSTODY

CONTINUED TO: 01/24/02 01:00 PM 02

CRIMINAL COURT MINUTES

01-C-175914-C

STATE OF NEVADA

vs Bennett, Ashley W

CONTINUED FROM PAGE: 016

01/24/02 01:00 PM 02 TRIAL BY JURY

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

OFFICERS: Joyce Brown, Court Clerk
Cat Nelson, Reporter/Recorder

PARTIES: STATE OF NEVADA
005927 De La Garza, Melisa
001 D1 Bennett, Ashley W
002537 Bindrup, Scott L.

Y

Y

Y

Y

Court convened. Melinda Simpkins, Esq. present with Mr. Bindrup. John Avery from the District Attorney's office present to assist Ms. De La Garza. OUTSIDE THE JURY PANEL, Counsel advised the charge filed by the State was "open murder"; however, it is life with or life without the possibility of parole and it was appropriate for the Jury to know there would be a separate hearing to set punishment. Also, it is appropriate to ask the Jury if they have any difficulty in setting punishment or to the forms of punishment, or if having to set punishment, creates a problem as to inability to set either form of punishment. Off the record.

Back on record, but still outside the Jury Panel, Court advised some ground rules would be laid before the panel came back in; the Court will let the prospective Jurors know the trial will be divided into two phases; first, to find guilty or not guilty; if found guilty, the law in this state requires the Jury to set the punishment. Also, in this state, if found guilty, there are three forms of punishment - life without the possibility of parole; life with the possibility of parole after twenty years have been served, or fifty years definite term with parole eligibility beginning when minimum of twenty years have been served.

PROSPECTIVE JURY PANEL PRESENT, Court advised the panel that one of the Deputy District Attorneys was out with concerns about her pregnancy, but she was fine. Jury selection proceeded. Court advised the charge against Mr. Bennett was marked "open murder" and explained the two phases of trial; and, if found guilty, the forms of punishment that would be considered in phase II. Court advised the Jury Panel they would not be considering punishment when considering guilty or not guilty; if found guilty, the Court would set a penalty phase and the law requires the Jury to set punishment. Court named the three forms of punishment to be considered. Jury selection proceeded. At 5:00 P.M. a twenty minute break was given the Jurors in the box while an additional panel was brought in.

OUTSIDE THE JURY PANEL, Court advised it had ten additional prospective Jurors coming in. Court noted at side-bar, a peremptory challenge that was used by the State as to #197, Mr. Bindrup raised a Batson challenge. Mr. Bindrup made statements for the record including he thought the dismissal of Ms. Marshall was on racial grounds. He moved for a mis-trial, and raised a

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CRIMINAL COURT MINUTES

01-C-175914-C STATE OF NEVADA

vs Bennett, Ashley W

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Batson challenge.

Ms. De La Garza advised African-Americans make up only 9 1/2 to 10% of the general population; the basis for challenging Ms. Marshall was each time she asked her a question, she cut her off before hearing all the question; they are asked to hear all the evidence before making a decision and she was afraid Ms. Marshall would not do that. As to Mr. Henry, he goes into that area to see some of his parishioners and would be uncomfortable going into that area.

Court advised there were three African-Americans on the original list of forty-eight potential Jurors; that comes up to about 7% and the African-American population of this area is down to 7 1/2 to 8%; it was not by any intent of Jury Services. As to the general request for a mis-trial, COURT ORDERED request DENIED, noting there was still one African American left on the panel. As to Mr. Henry, the record will speak for itself. As to Ms. Marshall, the Court felt the State had a neutral basis for striking her from the panel because she seemed to be pre-disposed to an opinion before hearing the question. COURT ORDERED the Batson challenge DENIED.

New Prospective Jury Panel brought in for questioning; then joined by ones already selected. Jury sworn at 6:35. Court thanked and dismissed remaining Panel. Jury admonished and dismissed for the evening. OUTSIDE THE JURY, selection of Secret Alternates as follows:

First Alternate, Juror #199 McCoy in seat #6;
Second Alternate, #195 Gentile-Pushea in seat #8.

Ms. De La Garza advised a prior Co-Defendant, Lewis Matthews, was present earlier today and she asked him to leave the courtroom; so the Bailiff asked him to leave. Court advised next time it should be brought to the Court's attention, as it was not the choice of State or Defense.

Court adjourned.

CUSTODY

CONTINUED TO: 01/25/02 01:00 PM 03

CRIMINAL COURT MINUTES

01-C-175914-C STATE OF NEVADA

vs Bennett, Ashley W

CONTINUED FROM PAGE: 018

01/25/02 01:00 PM 03 TRIAL BY JURY

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

OFFICERS: Joyce Brown, Court Clerk
Cat Nelson, Reporter/Recorder

PARTIES: STATE OF NEVADA
005927 De La Garza, Melisa
001 D1 Bennett, Ashley W
002537 Bindrup, Scott L.

Y

Y

Y

Y

Melinda Simpkins, Esq. present with Mr. Bindrup. John Avery from the District Attorney's office present to assist Ms. De La Garza. Court convened, OUTSIDE THE JURY, Ms. De La Garza advised she anticipates the first witness would be Pamela Neal; and, in going through the preliminary hearing in Justice Court, they brought up that she had another case in the system, #01FN0625X. She advised that case against Ms. Neal was dismissed on that morning; Defense wants to bring that up because it would go to credibility; and Mr. Bindrup attempted to go into the facts of that case. She further stated this was not admissible unless they can show it is relevant to the truthfulness of the witness; if they try to get to the specific facts of that case, they would need to go through a Petrocelli hearing, which would mean filing a motion and going before the Court to show there was some relevance. Court inquired if Defense had difficulty with limited use outside getting into the specific facts. Defense advised they did not intend to get into the facts; however, there are some important elements in that case which shows her violence, noting a dear relative was killed. Court advised they could show relationship, but as to what she might do was not relevant, noting her charges had been dropped on that day; they are relevant as to showing bias, but as to specifics of the charge and what she might or might not do are not relevant and specific facts were not appropriate. Ms. De La Garza advised they were trying to show she is violent and that has nothing to do with this case. Court advised it would allow Defense to ask the question, "Did you make a statement?", but they are not to get into specifics.

JURY PRESENT, Conference at Bench. Court read preliminary instructions to the Jury; exclusionary rule invoked. Opening statement for State by Ms. De La Garza. Opening statement for Defense by Ms. Simpkins. Court heard testimony and admitted evidence as per worksheets. OUTSIDE THE JURY, Court noted for the record, as to State's proposed exhibit #2, the diagram prepared by a criminalist. Mr. Bindrup advised he had objected to the diagram because of the markings on it and needed to make a statement for the record. He advised he has a neutral exhibit and asked the Court to let State use that in lieu of using the diagram that set forth the markings. Ms. De La Garza advised the #2 diagram only had numbers; the legend, by instruction of the Court, was marked out; and the witness had no idea of what the numbers were. Court advised it did mark out some references and

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CRIMINAL COURT MINUTES

01-C-175914-C STATE OF NEVADA

vs Bennett, Ashley W

CONTINUED FROM PAGE: 019

there is a clear shield over it to be used in marking; the Court did not feel it was overly suggestive once it was marked out; and the State is allowed to follow their theory of the case and use their exhibits.

Court advised the next objection by Defense, Mr. Bindrup approached the Bench as to a criminal action against Ms. Neal; she said it went away because of lack of evidence. Statements by Mr. Bindrup including had she not testified that date, it would be set for a preliminary hearing; and it was not a case of insufficient evidence. He thought he had the right to get into what happened and more particulars of the case. Ms. De La Garza argued there was no reason for it to be dismissed except for lack of evidence and that was why it was dismissed. She further advised Ms. Simpkins told this Jury she would prove there was a deal with the District Attorney and that was absolutely not true; the door is not opened for more specific facts. Mr. Bindrup presented a document to the Court and referred to statements as to immunity agreement. Court noted it was in the transcript and was a conversation with Mr. Koot; and read in part, " yes, we are going to dismiss this case right now and other charges; it would not be re-filed"; and noted the State did dismiss and give her full immunity. The Court advised it would not deviate from decision of going into specifics, noting this trial was not about her; and her credibility was at issue. Ms. De La Garza quoted Mr. Koot, "We cannot prove the case and will dismiss the case" and made a statement for the record. Court noted it was dismissed with immunity and would not rule as to what could or could not be proved and would not allow Defense to do so.

JURY PRESENT, Court heard testimony and admitted evidence as per worksheets. Court admonished and dismissed the Jury for the evening.

Court adjourned.

CUSTODY

CONTINUED TO: 01/28/02 01:00 AM 04

CRIMINAL COURT MINUTES

01-C-175914-C STATE OF NEVADA vs Bennett, Ashley W

CONTINUED FROM PAGE: 020

01/28/02 01:00 AM 04 TRIAL BY JURY

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

OFFICERS: Joyce Brown, Court Clerk
Cat Nelson, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	005927 De La Garza, Melisa	Y
	001 D1 Bennett, Ashley W	Y
	002537 Bindrup, Scott L.	Y

Court convened at 1:15 P.M. Melinda Simpkins, Esq., present with Mr. Bindrup. John Avery from the District Attorney's office present to assist Ms. De La Garza. JURY PRESENT. Court inquired if anyone on the Jury heard or read anything about this case over the weekend. No one indicated they did. Court heard testimony and admitted evidence as per worksheet. Court admonished and gave Jury a short break; then continued to hear testimony and admit evidence as per worksheets. During the testimony of Sandra Nielson-Hanes, State asked she be deemed an expert in crime scene investigation and preservation. No objections. COURT SO ORDERED.

At 5:35 P.M. Jury admonished and dismissed for the evening. Court adjourned.

CUSTODY

CONTINUED TO: 01/29/02 01:00 PM 05

CRIMINAL COURT MINUTES

01-C-175914-C STATE OF NEVADA

vs Bennett, Ashley W

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01/29/02 01:00 PM 05 TRIAL BY JURY

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

OFFICERS: Joyce Brown, Court Clerk
Cat Nelson, Reporter/Recorder

PARTIES: STATE OF NEVADA
005927 De La Garza, Melisa
001 D1 Bennett, Ashley W
002537 Bindrup, Scott L.

Y
Y
Y
Y

Melinda Simpkins, Esq., present with Mr. Bindrup. John Avery from the District Attorney's office present to assist Ms. De La Garza. WITHOUT JURY, Ms. De La Garza advised she was anticipating Mr. Gantt will be testifying after Ms. Nielson-Hanes; she gave Mr. Bindrup a copy of the Guilty Plea Agreement and anticipated introducing that into evidence for the Jury. She further advised it would need to be redacted; Mr. Bindrup was to see what he wanted redacted; Mr. Bindrup gave her a letter that Mr. Gantt had written to the Defendant and thought he wanted to cross-examine him on the letter, noting he received the letter last week. At Court's inquiry, Ms. De La Garza advised she thought she would be finished with Ms. Nielson-Hanes in about an hour.

JURY PRESENT. Court heard testimony and admitted evidence as per worksheets. Jury admonished and given break. OUTSIDE THE JURY, Court admonished those in the courtroom, there would be no talking and no facial gestures. JURY PRESENT, Mr. Anthony Gantt called, sworn, and advised he would not testify. Jury admonished and sent on a break. OUTSIDE THE JURY, Court asked Mr. Gantt to go with his attorney, the investigator, and security to the courtroom next door. Back on record, still outside the Jury and spectators. Court stated to Mr. Gantt, he was asked if he would testify as to events of March 3rd of last year; at that time he indicated he would not testify; the Court took a recess for him to meet with his Counsel outside State or Defense; and inquired as to his wish. The Defendant advised he wanted to go forward and he would testify. Ms. De La Garza asked that all spectators be kept from the courtroom. She noted a Co-Defendant was in the courtroom and some cousins and other people who might intimidate this witness - a veiled threat.

Mr. Bindrup objected advising the constitution provides for open Court and he objected to closing it. He further argued there was no threat, the Court took precautions to keep order, noting if spectators made motions or facial expressions, the Bailiff would remove them. He mentioned constitutional rights several times. Court advised, since Mr. Bindrup was making a record, if he had a specific quote, the Court would like to hear it; the Court is free to make inquiry of Mr. Gantt; and did not want the public locked out. Kristina Wildeveld, Esq., Counsel for Mr. Gantt, advised he was still a Juvenile. Court advised this was not Juvenile Court and not a closed

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CRIMINAL COURT MINUTES

01-C-175914-C STATE OF NEVADA

vs Bennett, Ashley W

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courtroom. Court advised Mr. Gantt he had indicated that he was willing to testify; inquired if the Court calls the Jury and spectators back in, would he still be willing to testify? Mr. Gantt, advised he did not know. After more questioning, Mr. Gantt advised he would testify.

JURY PRESENT, Court heard testimony from Mr. Gantt and admitted evidence as per worksheets. At 7:45 P.M. Jury admonished and dismissed for the evening. Court adjourned.

CUSTODY

CONTINUED TO: 01/30/02 01:00 PM 06

01/30/02 01:00 PM 06 TRIAL BY JURY

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

OFFICERS: Joyce Brown, Court Clerk
Cat Nelson, Reporter/Recorder

PARTIES: STATE OF NEVADA
005927 De La Garza, Melisa
001 D1 Bennett, Ashley W
002537 Bindrup, Scott L.

Y
Y
Y
Y

Court convened. Melinda Simpkins, Esq., present with Mr. Bindrup. John Avery from the District Attorney's office present to assist Ms. De La Garza. Defendant's Supplemental Designation of Witnesses FILED IN OPEN COURT. OUTSIDE THE JURY, Court advised they spoke in Chambers as to an issue, in lieu of not having the Coroner's presentation available, they had the Coroner's diagram which may be passed out during examination and picked up after examination. Ms. De La Garza advised she received from Mr. Bindrup, the Supplemental Designation of Witness, calling Mark Koch; it was untimely; it was her understanding in speaking to Mr. Koch, the only thing he did was arrest Pam Neal in her case; and Mr. Bindrup further wants to go into the conversation that she had with Detective Koch as to a statement allowed, "Did Eric Bass deserve to die?" She further argued they had already litigated that; she has testified as to what she would state; and it should be excluded.

Mr. Bindrup advised it was not his intention to call him unless he needed to. Court advised having filed the supplemental this date, if he was going to be called, the Court would like a proffer as to what he would be testifying.

Ms. De La Garza advised about 12:45 she received from Ms. Simpkins a complaint against Detective Michael Bodner; she did not see any allegation of a false report and read from the document; and, in looking at it, the

CONTINUED ON PAGE: 024

CRIMINAL COURT MINUTES

01-C-175914-C STATE OF NEVADA

vs Bennett, Ashley W

CONTINUED FROM PAGE: 023

allegations are unlawful and malicious. Court inquired as to specific allegations against each person. Ms. De La Garza advised they were listed individually in separate paragraphs; and she did not think it was relevant in this case. Ms. Simpkins advised she could ask about specific incidents; she does not intend to go into any of the facts. Court wanted a proffer as to when and who. Court advised Counsel, they were not to use this document by waiving it at the Jury, as that was specifically prohibited. At Court's inquiry as to status, Ms. Simpkins advised the lawsuit was pending at this time. Court read from statutes; and advised, if relevant to truthfulness, they have a complaint filed against the individual alleging battery; the charges were dismissed and that was a final determination. The COURT ORDERED it would allow the questioning of Bodner as to whether a lawsuit had been commenced against him by Mr. Thomas as to alleged battery which was thereafter dismissed in District Court; going into it further will not be allowed, noting there were reasons why it was dismissed. It may be used for a very limited purpose.

Mr. Simpkins advised the State had elicited from Mr. Gantt that Defendant's family had received threats; there needed to be proof; they asked for handwriting samples; and never did get them. Court asked for clarity as to request. Ms. Simpkins advised there were allegations of intimidation to his family and that letters came from Mr. Bennett to Mr. Gantt; there was no basis for that allegation concerning his family. Ms. De La Garza advised Mr. Bindrup opened the door and put statements on the record. Mr. Bindrup did not think the door was opened. Court advised it did think the door was opened, noting Lewis Matthews aka "Chew" was sitting in the back of the courtroom; the Court had to have the Bailiff have him stop gesturing as though holding a gun against his nose and then pointing it at Mr. Gantt.

JURY PRESENT. Court heard testimony and admitted evidence as per worksheets. During Dr. Telgenhoff's testimony, State asked he be qualified as an expert in the field of forensic pathology. COURT SO ORDERED. Jury admonished and given break.

OUTSIDE THE JURY, Court advised during examination of witness from North Las Vegas, Defense objected as to photographs because of the number of photos; Ms. Simpkins thought there were too many; they were too large; and would be prejudicial. Ms. De La Garza advised when you have fourteen wounds, you would have some exit wounds. Court advised the photographs would speak for themselves; photographs of deceased's body prejudicial? Yes, they are; they are probative also, and do not shock the conscience of the Court; they are to help the Jury and were not paraded before the Jury. Court felt they were more probative than prejudicial and ORDERED they be allowed.

JURY PRESENT, Court continued to hear testimony and admit evidence as per worksheets. During testimony of Mr. Krylo, Ms. De Le Garza asked he be qualified as an expert in firearms and tool marks. Court so noted his expertise. At 5:35 Jury admonished and given a break, then dismissed for the evening.

CRIMINAL COURT MINUTES

01-C-175914-C STATE OF NEVADA

vs Bennett, Ashley W

CONTINUED FROM PAGE: 024

OUTSIDE THE JURY, Court advised the last sidebar was based on witness recanting what was told to him by Mr. Gantt; Mr. Bindrup objected and put a statement on the record including he thought they were leading into gang activities and did not want to proceed down that avenue. Ms. De La Garza advised there was only one statement about gang; that was as to Mr. Gantt being or not being a member of the gang; and the detective had not given his opinion at all. Court concluded that the witness had not testified as to his opinion, but re-called what was told to him by prior witnesses. Court further advised they should limit the use of "gangs" and underlying perceived gang activities.

Court advised it was not keeping the Jury as late as last evening. Mr. Bindrup advised his cross-examination would be extensive and asked to continue this until tomorrow. While still outside the presence of the Jury, Court read into the record the Defendant's constitutional rights to testify or not testify and noted it would go over it again tomorrow.

Mr. Bindrup moved orally, if Defendant chose to testify in his own defense, that the State be precluded from talking about the specific facts or allegations on any of Defendant's convictions. The cases referred to were one in 1994 (F) Attempt Possession of Controlled Substance; 1997 (F) Ex-Felon in Possession of a Firearm; 1997 (F) Assault With A Deadly Weapon; and 1996 (GM) and that would not be allowed as it was barred. Mr. Bindrup petitioned the Court to preclude the State from utilizing those prior convictions. Ms. De La Garza advised the State would intend to use the first three; it would not put in the Gross Misdemeanor. Court advised as to the 1994 and the two 1997 cases, they are within the ten year framework; it goes to credibility so the Court would allow it as to the three only. The Court advised it would re-address this when the State rested.

Court noted it would be helpful if Court would start looking at Instructions and case law. Court adjourned at 5:40 P.M.

CUSTODY

CONTINUED TO: 01/31/02 01:00 PM 07

CRIMINAL COURT MINUTES

01-C-175914-C STATE OF NEVADA

vs Bennett, Ashley W

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01/31/02 01:00 PM 07 TRIAL BY JURY

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

OFFICERS: Joyce Brown, Court Clerk
Cat Nelson, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
005927	De La Garza, Melisa	Y
001 D1	Bennett, Ashley W	Y
002537	Bindrup, Scott L.	Y

Melinda Simpkins, Esq. present with Mr. Bindrup. John Avery from the District Attorney's Office present to assist Ms. De La Garza. Court convened at 1:40 P.M. OUTSIDE JURY, discussion as to what people right outside the door could hear. Ms. De La Garza avised they could hear everything that was being said and asked they be moved down the hall. No objection by Defense.

JURY PRESENT, Court heard testimony and admitted evidence as per worksheets. State rests at 3:40 P.M. Jury admonished and given short break.

OUTSIDE THE JURY, Ms. De La Garza advised that Mr. Avery, the Law Clerk assisting her was approached by a Juror. Mr. Avery advised one of the Jurors spoke to him and he said he could not talk. The Juror said they remembered that and that was all that was said.

Court advised Mr. Bennett again of his rights to testify or not testify. Court had gone through those rights yesterday, but gave him time to think about it over night. Defendant advised he had no questions about his rights. Court had ruled yesterday that some of the felonies would be allowed to be gone into, but not in detail and Court would leave the choice as to whether or not to testify to Defendant and his Counsel.

JURY PRESENT. Court continued to hear testimony and admit evidence as per worksheets. Jury admonished and dismissed for the evening.

OUTSIDE THE JURY, Court advised Defense had not rested at this time; they will decide whether or not they will call another witness. Ms. Simpkins advised as to the witness, Reed, she would like to recall and offer a proffer. Court advised it was a double or possible triple hearsay and she could make her proffer at this time. Ms. Simpkins put her statement on the record noting there was a three way call. Court would not let that in and found it was not relevant as to these proceedings; the matter DENIED at this time and proffer had been made. Statements by Defendant Bennett and Court advised it would not debate the rulings of the Court.

Court adjourned.

CRIMINAL COURT MINUTES

01-C-175914-C STATE OF NEVADA

vs Bennett, Ashley W

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CUSTODY

CONTINUED TO: 02/01/02 10:00 AM 08

02/01/02 10:00 AM 08 TRIAL BY JURY

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

OFFICERS: Joyce Brown, Court Clerk
Cat Nelson, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	005927 De La Garza, Melisa	Y
	001 D1 Bennett, Ashley W	Y
	002537 Bindrup, Scott L.	Y

Melinda Simpkins, Esq. present with Mr. Bindrup. John Avery from the District Attorney's office present to assist Ms. De La Garza. Court convened at 10:30. JURY PRESENT, Defense rests. No rebuttal. Court advised the Jury the Court and Counsel need to finish the written Jury Instructions so the Court could read them to the Jury. Court noted they needed to take an hour or so to get the Instructions finalized as to any additions or changes. The Court wanted to start promptly at 1:00 P.M. Jury admonished and dismissed to return at 12:45.

OUTSIDE THE JURY, both parties stipulated to a document to which redactions had been made. Ms. De La Garza made a record as to what the document was, a Guilty Plea Agreement and an Agreement To Testify with redacted portions. Court recessed to work on Instructions.

Court re-convened at 11:25. OUTSIDE THE JURY, Jury Instructions settled on the record. Court noted some were being re-drafted and would furnish a set for Mr. Bindrup.

Court re-convened after lunch. OUTSIDE THE JURY, Court advised it had inserted the corrected instructions and had verdict forms in the blue jackets. JURY PRESENT, Court read the Instructions to the Jury. Closing statement for State by Ms. De La Garza. Closing statement for Defense by Mr. Bindrup. Jury admonished and given break at 3:00 p.m. JURY PRESENT. Final closing by Ms. De La Garza for State. Case to Jury at 3:25 P.M. Court advised the Jury will deliberate until 5:00 P.M. and unless they make some indication they wanted to stay longer, they will quit at 5:00 and come back on Monday at 9:00 to continue deliberation. Court adjourned.

Jury was released at 5:00 P.M. for the evening.

CUSTODY

CONTINUED TO: 02/04/02 09:00 AM 09

CRIMINAL COURT MINUTES

01-C-175914-C STATE OF NEVADA

vs Bennett, Ashley W

CONTINUED FROM PAGE: 027

02/04/02 09:00 AM 09 TRIAL BY JURY

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

OFFICERS: Joyce Brown, Court Clerk
Cat Nelson, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	005927 De La Garza, Melisa	Y
	001 D1 Bennett, Ashley W	Y
	002537 Bindrup, Scott L.	Y

Melinda Simpkins, Esq. present with Mr. Bindrup. Mr. John Avery from the District Attorney's office present to assist Ms. De La Garza. Court convened at 11:25 A.M. as Jury had returned with a Verdict of GUILTY of MURDER OF THE FIRST DEGREE WITH USE OF A DEADLY WEAPON. Verdict and Instructions FILED IN OPEN COURT.

Court advised the Jury, they would need to be present on Wednesday and Court planned to conclude this matter that day. Jury admonished and dismissed until Wednesday, February 6th at 1:00 P.M.

CUSTODY

2-6-02 1:00 PM PENALTY HEARING

02/06/02 01:00 PM 00 PENALTY HEARING

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

OFFICERS: Joyce Brown, Court Clerk
Cat Nelson, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	005927 De La Garza, Melisa	Y
	001 D1 Bennett, Ashley W	Y
	002537 Bindrup, Scott L.	Y

Court convened at 1:15 P.M. Melinda Simpkins, Esq., present with Mr. Bindrup. Stipulation Waiving Separate Penalty Hearing And Allowing Sentence To Be Imposed By The Court FILED IN OPEN COURT.

OUTSIDE THE JURY, Court advised Counsel provided to the Court, this morning, a stipulation and waiver to allow sentence to be imposed by the Court; it was signed by Ms. De La Garza, Mr. Bindrup and Mr. Bennett. Court inquired of Mr. Bennett if his attorney talked to him about this document before he signed it. Mr. Bennett advised he did. At Court's inquiry, Mr. Bennett

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CRIMINAL COURT MINUTES

01-C-175914-C STATE OF NEVADA

vs Bennett, Ashley W

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also advised he wished sentence to be imposed by the Court.

COURT ORDERED matter referred to the Division of Parole and Probation for a PSI report and set for sentencing. Court instructed Counsel to advise the Court if they would be calling additional speakers, State or Defense.

Statements by Defendant Bennett who asked to make statements as to appeals, new trial, and letters for review by the Court. Mr. Bindrup advised he told the Defendant to wait until date of sentencing. Court advised he could put statements on the record at that time, noting his Counsel may have something in mind already. Court advised Counsel it would bring the Jury in to tell them what had occurred and to thank them; and in case they wanted to speak to the Jury, they may.

JURY PRESENT. Court thanked the Jury very much for their service and advised them before they came in, the Defendant stipulated to having the Court sentence him; when the Court does the sentencing, it is referred out to the Division of Parole and Probation for a PSI report; Defense or State may have additional Speakers at that time. Sentencing date was set, Jury was dismissed, and Court adjourned.

CUSTODY

3-21-02 9:00 AM SENTENCING

02/21/02 09:00 AM 00 DEPT'S MTN FOR NEW TRIAL/67

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

OFFICERS: Amber Farley, Relief Clerk
Cat Nelson, Reporter/Recorder

PARTIES: STATE OF NEVADA
007409 Kosewicz, Cheryl L.
001 D1 Bennett, Ashley W
007911 Simpkins, Melinda

N
Y
Y
Y

Ms. Simpkins argued with regard to the testimony of Ms. Neal; requested to renew Defendant's motion for a mistrial. Ms. Kosewicz submitted on the State's opposition. Court stated the arguments made today were substantially made during closing arguments by Defense counsel and that there was extensive examination of Ms. Neal. Court FINDS that the issues raised were put before the triars of fact and the credibility of the witness was clearly in the sole discretion of the jury. With regard to the testimony of Defendant Gantt and issues of intimidation, Court FINDS that the information was brought out to the jury and that the transcript will speak for itself. COURT ORDERED, Motion DENIED.

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CRIMINAL COURT MINUTES

01-C-175914-C STATE OF NEVADA

vs Bennett, Ashley W.

CONTINUED FROM PAGE: 029

03/19/02 09:00 AM 00 SCOTT BINDRUP'S MTN TO WITHDRAW AS
COUNSEL /71

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

OFFICERS: GEORGETTE BYRD/GB, Relief Clerk
Cat Nelson, Reporter/Recorder

PARTIES: STATE OF NEVADA
002805 Wall, David T.
001 D1 Bennett, Ashley W
002537 Bindrup, Scott L.
007911 Simpkins, Melinda

N
Y

Y
Y
Y

Upon Court's inquiry, Mr. Bindrup submitted as to his motion. Statements by the defendant. COURT ORDERED, since the relationship is broken down between the defendant and Mr. Bindrup, Scott Bindrup's Motion to Withdraw As Counsel And Continue Sentencing is GRANTED. FURTHER ORDERED, matter is set for confirmation of counsel and set sentencing date.

CUSTODY

03/21/02 9:00 AM CONFIRMATION OF COUNSEL..STATUS CHECK: SET SENTENCING DATE

03/21/02 09:00 AM 00 ALL PENDING MOTIONS 3/21/02

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

OFFICERS: Nora Pena, Court Clerk
GEORGETTE BYRD/GB, Relief Clerk
Cat Nelson, Reporter/Recorder

PARTIES: STATE OF NEVADA
007409 Kosewicz, Cheryl L.
001 D1 Bennett, Ashley W
004784 Walton, Stanley A.

N
Y

Y
Y

STATUS CHECK: SET SENTENCING DATE..CONFIRMATION OF COUNSEL..SENTENCING

Court noted Mr. Bindrup was prior counsel where communications broke down and new counsel needs to be appointed. Mr. Walton confirmed as counsel and requested one week to see where the case is as to sentencing. State presented pre-sentencing investigation report to Mr. Walton and Mr. Bindrup to turn file over to Mr. Walton. COURT ORDERED, matter set for status check on sentencing.

CUSTODY

CRIMINAL COURT MINUTES

01-C-175914-C STATE OF NEVADA

vs Bennett, Ashley W

CONTINUED FROM PAGE: 030

03/28/02 9:00 AM STATUS CHECK: SENTENCING

03/28/02 09:00 AM 00 ALL PENDING MOTIONS (03-28-02)

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

OFFICERS: Nora Pena, Court Clerk
Cat Nelson, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	007409 Kosewicz, Cheryl L.	Y
	001 D1 Bennett, Ashley W	Y
	003 D Gantt, Anthony	Y

STATUS CHECK: SENTENCING (BENNETT)...SENTENCING (GANTT)

Carolyn Butts of Parole and Probation (P & P) present. COURT ORDERED,
matter CONTINUED at request of counsel per message given to Judicial
Executive Assistant.

CUSTODY (BOTH)

04-02-02 9:00 AM STATUS CHECK: SENTENCING (BENNETT)...SENTENCING (GANTT)

04/02/02 09:00 AM 00 ALL PENDING MOTIONS 04/02/02

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

OFFICERS: GEORGETTE BYRD/GB, Relief Clerk
Cat Nelson, Reporter/Recorder

PARTIES:	STATE OF NEVADA	N
	005927 De La Garza, Melisa	Y
	001 D1 Bennett, Ashley W	Y
	004784 Walton, Stanley A.	Y

STATUS CHECK: SENTENCING..DEFT'S PRO PER MOTION TO RESET SENTENCING..Mr.
Walton stated he spoke with Ms. De La Garza DA and requested a 30-45 day
continuance for sentencing to file any dispositive motions. Further Mr.
Walton stated he has the transcripts. With no objections by the State,
COURT ORDERED, Deft's Pro Per Motion To Reset Sentencing is GRANTED.

DEFT'S PRO PER MOTION TO DISMISS COUNSEL OF RECORD..DEFT'S PRO PER MOTION TO
PROCEED IN FORMA PAUPERIS..COURT ORDERED, both are MOOT.

CRIMINAL COURT MINUTES

01-C-175914-C STATE OF NEVADA

vs Bennett, Ashley W

CONTINUED FROM PAGE: 031

CUSTODY

05/14/02 9:00 AM SENTENCING

05/14/02 09:00 AM 00 SENTENCING

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

OFFICERS: Nora Pena, Court Clerk
Cat Nelson, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
005927	De La Garza, Melisa	Y
001 D1	Bennett, Ashley W	Y
004784	Walton, Stanley A.	Y

Mr. Walton requested 3 weeks. No objection by Ms. DeLaGarza and requested 10:30 AM. COURT ORDERED, matter CONTINUED.

CUSTODY

CONTINUED TO: 06/04/02 10:30 AM 01

06/04/02 10:30 AM 00 ALL PENDING MOTIONS 6/04/02

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

OFFICERS: Nora Pena, Court Clerk
Cat Nelson, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
005927	De La Garza, Melisa	Y
001 D1	Bennett, Ashley W	Y
004784	Walton, Stanley A.	Y
003 D	Gantt, Anthony	Y
SPD	Special Public Defender	Y
005825	Wildeveld, Kristina M.	Y

SENTENCING DEFTS BENNETT AND GANTT

Pursuant to request of counsel, COURT ORDERED, matter CONTINUED 1 week as to deft. Bennett.

Court advised there were problems with the jail and COURT ORDERED, matter

CONTINUED ON PAGE: 033

CRIMINAL COURT MINUTES

01-C-175914-C STATE OF NEVADA

vs Bennett, Ashley W

CONTINUED FROM PAGE: 032

CONTINUED to Thursday as to deft. Gantt.

CUSTODY (BOTH)

CONTINUED: 6/06/02 9:00 AM SENTENCING (GANTT)...6/11/02 9:00 AM SENTENCING
(BENNETT)

06/11/02 10:30 AM 02 SENTENCING

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

OFFICERS: Nora Pena, Court Clerk
Barbara Blankenship/bb, Relief Clerk
Cat Nelson, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	005927 De La Garza, Melisa	Y
	001 D1 Bennett, Ashley W	Y
	004784 Walton, Stanley A.	Y

Ms. DeLaGarza requested a continuance until next Tuesday. COURT ORDERED,
Sentencing CONTINUED, and Motion For New Trial SET for next Tuesday. COURT
FURTHER ORDERED, Motion For New Trial set for 6/13/02 VACATED.

CUSTODY

6/18/02 10:30 AM DEFT'S MOTION FOR NEW TRIAL...SENTENCING

CONTINUED TO: 06/18/02 10:30 AM 03

CRIMINAL COURT MINUTES

01-C-175914-C STATE OF NEVADA

vs Bennett, Ashley W

CONTINUED FROM PAGE: 033

06/18/02 09:00 AM 00 ALL PENDING MOTIONS 06-18-02

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

OFFICERS: Nora Pena, Court Clerk
Cat Nelson, Reporter/Recorder

PARTIES: STATE OF NEVADA
005927 De La Garza, Melisa
001 D1 Bennett, Ashley W
004784 Walton, Stanley A.

Y
Y
Y
Y

DEFT'S MOTION FOR NEW TRIAL...SENTENCING/JURY 2/4/02

DEFT'S MOTION FOR NEW TRIAL: Argument by Mr. Walton in support of his motion based on 5 issues. Opposition by Ms. DeLaGarza in support of her brief. Reply by Mr. Walton. Court advised the issue as to the forms of punishment is moot because the State clarified the different forms and the other issues go to ineffective assistant of counsel; as to the allegations of intimidation the Court did see a hand gesture but the jury was not aware of that issue but it was brought before the Court; and as to the Petrocelli Hearing it was not appropriate because it came up in the mist of trial. COURT ORDERED, motion DENIED as to all issues.

Brenda Lewis of Parole and Probation (P & P) present. DEFT. BENNETT ADJUDGED GUILTY of MURDER OF THE FIRST DEGREE WITH USE OF A DEADLY WEAPON (F). Argument by Ms. DeLaGarza. Court noted it received letters on behalf of the deft. Statement by deft. Argument by Mr. Walton. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, Deft. SENTENCED to LIFE without the possibility of parole in the Nevada Department of Corrections plus an equal and CONSECUTIVE term of LIFE without the possibility of parole for the use of a deadly weapon; submit to DNA testing to determine genetic markers and pay \$150.00 DNA fee as best able, pay restitution jointly and severally with co-offenders Lailoni Morrison and Anthony Gantt in the amount of \$30,432.06 with 396 DAYS credit for time served.

NDC

06/28/02

E X H I B I T S

6:34 PM

CASE NO. 01-C-175914-C

CASE STATUS: ACTIVE

STATE OF NEVADA

[] vs Bennett, Ashley W

[E]

NO.	CODE	EXHIBIT DESCRIPTION	SUB	OF/OB	DATE	S
0001	P/D	/JUSTICE COURT EXHIBITS	S	/	06/08/01	V
0002	P/	/TRIAL EXHIBITS 1 THRU 127 (SEE LIST)	S	AD/NO	01/31/02	V
0003	D/	/TRIAL EXHIBITS A THRU S (SEE LIST)	001	AD/NO	01/25/02	V
0004	P/CT	/COURT EXHIBITS 1 & 2	S	/	99/99/99	V
0005	P1-79	/1-79 PHOTOGRAPHS	S	/	99/99/99	V
0006	P80-11	/80-118 EVID ENV CONT EVIDENCE	S	/	99/99/99	V
0007	P119-	/119-121 SMALL PHOTOS	S	/	99/99/99	V
0008	P122	/CORONOR MEDICAL EXAMINERS DIAGRAMS	S	AD/NO	06/04/02	V
0009	P123-	/123-125 SEALED EVIDENCE BAGS	S	AD/NO	06/04/02	V
0010	P126	/GROUP OF LARGE AUTOPSY PHOTOS	S	AD/NO	06/04/02	V
0011	P127	/GUILTY PLEA AGREEMENT	S	AD/NO	05/30/02	V
0012	P128	/.38 COLT GUN + CONTENT MAGAZINE W/AMMO	S	AD/NO	06/04/02	V
0013	D/A-I	/PHOTOGRAPHS		/	99/99/99	V

eff: 9/1/96

**COUNTY CLERK'S OFFICE
NOTICE OF DEFICIENCY
ON APPEAL TO NEVADA SUPREME COURT**

**TO: STANLEY A. WALTON, ESQ.
550 E. CHARLESTON BLVD STE A
LAS VEGAS, NV 89104**

DATE: June 28, 2002

CASE: C175914

RE CASE: STATE OF NEVADA VS ASHLEY WILLIAM BENNETT

NOTICE OF APPEAL FILED: 06/28/02

RULE 3(e) DOCUMENTS TRANSMITTED: 06/28/02

**RULE 3(e) DOCUMENTS NOT TRANSMITTED/MISSING:
*CASE APPEAL STATEMENT***

**FURTHER EXPLANATION OF
DOCUMENTS/FEES:**

REFER TO:

PROCEDURE:

NOTICE OF APPEAL

NRAP 3(a)

\$24.00 District Court Filing Fee (if applicable).

CASE APPEAL STATEMENT

NRAP 3(a)(1)

To be filed with Notice of Appeal:
Lists information necessary for docketing in the supreme court: district court case number; party names; counsel names; trial judge; whether trial or appellate counsel was appointed; whether appellant is proceeding in forma pauperis; date the proceedings commenced in the district court {NRAP Form 2}.

STATE OF NEVADA } **SS:**
COUNTY OF CLARK }

NOTICE OF APPEAL; DISTRICT COURT DOCKET
ENTRIES; JUDGMENT OF CONVICTION; DISTRICT COURT MINUTES; EXHIBIT LIST;
NOTICE OF DEFICIENCY;

Defendant.

now on file and of record in this office.

SHIRLEY B. PARRAGUIRRE,
CLARK COUNTY CLERK

~~Johnna Walker~~

Deputy Clerk