

NOA  
Gregory Scott Hermanski #69140  
A/K/A Robert James Day  
(defendant, pro per)  
High Desert State Prison  
P.O. Box 650  
Indian Springs, NV 89018

FILED

MAY 8 1 1 PM '03

*Shelly E. Ruggione*  
CLERK

FILED

DISTRICT COURT

CLARK COUNTY, NEVADA

MAY 13 2003

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. M. Mucado*  
DEPUTY CLERK

THE STATE OF NEVADA,  
Plaintiff,

vs.

GREGORY SCOTT HERMANSKI  
A/K/A ROBERT JAMES DAY,  
Defendant.

No. 41405

Case No. C167783

Dept. No. IV

NOTICE OF APPEAL

TO: THE STATE OF NEVADA

DAVID ROGER, DISTRICT ATTORNEY, CLARK COUNTY, NEVADA  
and DEPARTMENT IV OF THE EIGHTH JUDICIAL DISTRICT COURT  
OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF CLARK.

NOTICE is hereby given that GREGORY SCOTT HERMANSKI, A/K/A  
ROBERT JAMES DAY, presently incarcerated in the Nevada State  
Prison, appeals to the Supreme Court of the State of Nevada  
from the judgment entered against said defendant on the 30th  
day of April, 2003, whereby he was convicted of Count I,  
Robbery With Use of a Deadly Weapon and Count II, Burglary  
While in Possession of a Deadly Weapon, sentenced to a maximum  
term of LIFE WITHOUT THE POSSIBILITY OF PAROLE, with no days  
credit for time served; pay \$25 Administrative Assessment Fee  
and \$250 DNA Analysis Fee; submit to a blood test and/or saliva  
test to determine genetic markers or secretor status; Defendant  
adjudged an habitual offender.

MAY 13 2003

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
DEPUTY CLERK

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DATED this 6th day of May, 2003.

Gregory Scott Hermanski  
Gregory Scott Hermanski #69140  
A/K/A Robert James Day  
(defendant, pro per)  
High Desert State Prison  
P.O. Box 650  
Indian Springs, NV 89018

1 GREGORY SCOTT HERMANSKI  
2 A/K/A ROBERT JAMES DAY  
3 NDOC No. 69140  
4 P.O. Box 650, HDSP  
5 Indian Springs, Nevada 89018

6 APPELLANT - IN PROPRIA PERSONA

7 DISTRICT COURT  
8 CLARK COUNTY, NEVADA

9 --oo0oo--

10 GREGORY SCOTT HERMANSKI,  
11 A/K/A ROBERT JAMES DAY,  
12 Appellant,

13 vs.

14 THE STATE OF NEVADA, et al.,  
15 Respondent(s).

Case No. C167783

Dept No. IV

Docket

16 DESIGNATION OF RECORD ON APPEAL

17 TO: SHIRLEY PARRAGUIRRE, Clerk  
18 Eighth Judicial District Court  
19 Post Office Box 551601  
20 200 South Third Street  
21 Las Vegas, Nevada 89155-1601

22 The above-named Appellant hereby designates the entire record of  
23 the above-entitled case, to include all the papers, documents, pleadings,  
24 and transcripts thereof, as and for the Record on Appeal.

25 DATED this 6th day of May, 20 03.

26 Respectfully Submitted By:

27 *Gregory Scott Hermanski*  
28 GREGORY SCOTT HERMANSKI 61940  
APPELLANT - IN PROPRIA PERSONA

//

/

**CERTIFICATE OF SERVICE BY MAILING**

I, GREGORY SCOTT HERMANSKI, hereby certify, pursuant to NRCP 5(b), that on this 6th  
A/K/A ROBERT JAMES DAY  
day of May, 2003, I mailed a true and correct copy of the foregoing, "NOTICE OF

APPEAL; and DESIGNATION OF RECORD ON APPEAL"

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

SHIRLEY B. PARRAGUIRRE  
COUNTY CLERK  
P.O. BOX 551601  
200 S. THIRD ST  
LAS VEGAS, NEVADA 89155-1601

CLARK COUNTY DISTRICT ATTORNEY  
DAVID ROGER  
200 S. THIRD ST  
P.O. BOX 552212  
LAS VEGAS, NEVADA 89155-2212

SUPREME COURT OF NEVADA  
OFFICE OF THE CLERK  
201 S CARSON STREET, STE 201  
CARSON CITY, NEVADA 89701-4702

CC:FILE

DATED: this 6th day of May, 2003.

*Gregory Scott Hermanski*  
GREGORY SCOTT HERMANSKI #69140  
Appellant /In Propria Personam  
Post Office box 650 [HDSP]  
Indian Springs, Nevada 89018  
IN FORMA PAUPERIS:

FILED

1 ASTA

District Court 2003 MAY -8 PM 2: 27  
Clark, County, Nevada  
*Shirley B. Paragon*  
CLERK

Case No. C167783

Department IV

7 THE STATE OF NEVADA, )  
8 Plaintiff, )  
9 vs. )  
10 GREGORY SCOTT HERMANSKI aka )  
11 ROBERT JAMES DAY, )  
12 Defendant(s), )

14  
15 CASE APPEAL STATEMENT

- 16 1. Appellant(s): GREGORY SCOTT HERMANSKI aka ROBERT JAMES DAY  
17 2. Judge: KATHY HARDCASTLE  
18 3. All Parties, District Court:

19 Plaintiff, THE STATE OF NEVADA

20 Defendant(s), GREGORY SCOTT HERMANSKI aka ROBERT JAMES DAY

- 21 4. All Parties, Appeal:

22 Appellant(s), GREGORY SCOTT HERMANSKI aka ROBERT JAMES DAY

23 Respondent, THE STATE OF NEVADA

- 24 5. Appellate Counsel: Proper Person,

25 GREGORY SCOTT HERMANSKI aka ROBERT JAMES DAY #69140,

26 PO BOX 650 INDIAN SPRINGS NV 89018, Appellant

1 THE STATE OF NEVADA, David Roger, District Attorney, 200 South Third  
2 Street, Las Vegas, Nevada 89155 (702) 455-4711, Counsel for Respondent

3 6. District Court, APPOINTED

4 7. On Appeal, N/A

5 8. Forma Pauperis: N/A

6 9. Date Commenced in District Court: 06/08/2000

7  
8 DATED this 8 day of May, 2003.

9  
10 SHIRLEY B. PARRAGUIRRE  
CLARK COUNTY CLERK

11 By

12 MANUEL RIVAS, DEPUTY CLERK  
13 200 South Third Street  
14 P.O. Box 551601  
15 Las Vegas, Nevada 89155-1601  
16 (702) 455-4409  
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GREGORY SCOTT HERMANSKI  
A/K/A ROBERT JAMES DAY  
NDOC No. 69140  
P.O. Box 650, HDSP  
Indian Springs, Nevada 89018

FILED

MAY 8 1 30 PM '03

*Shirley B. Parraguirre*  
CLERK

APPELLANT - IN PROPRIA PERSONA

DISTRICT COURT

CLARK COUNTY, NEVADA

--ooOoo--

GREGORY SCOTT HERMANSKI,  
A/K/A ROBERT JAMES DAY,

Appellant,

vs.

THE STATE OF NEVADA, et al.,

Respondent(s).

Case No. C167783

Dept No. IV

Docket                     

DESIGNATION OF RECORD ON APPEAL

TO: SHIRLEY PARRAGUIRRE, Clerk  
Eighth Judicial District Court  
Post Office Box 551601  
200 South Third Street  
Las Vegas, Nevada 89155-1601

The above-named Appellant hereby designates the entire record of  
the above-entitled case, to include all the papers, documents, pleadings,  
and transcripts thereof, as and for the Record on Appeal.

DATED this 6th day of May, 2003.

Respectfully Submitted By:

*Gregory Scott Hermanski*  
GREGORY SCOTT HERMANSKI 61940  
APPELLANT - IN PROPRIA PERSONA

//

/

**CERTIFICATE OF SERVICE BY MAILING**

I, GREGORY SCOTT HERMANSKI, hereby certify, pursuant to NRCP 5(b), that on this 6th  
A/K/A ROBERT JAMES DAY  
day of May, 2003, I mailed a true and correct copy of the foregoing, "NOTICE OF  
APPEAL; and DESIGNATION OF RECORD ON APPEAL"

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

SHIRLEY B. PARRAGUIRRE  
COUNTY CLERK  
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200 S. THIRD ST  
LAS VEGAS, NEVADA 89155-1601

CLARK COUNTY DISTRICT ATTORNEY  
DAVID ROGER  
200 S. THIRD ST  
P.O. BOX 552212  
LAS VEGAS, NEVADA 89155-2212

SUPREME COURT OF NEVADA  
OFFICE OF THE CLERK  
201 S CARSON STREET, STE 201  
CARSON CITY, NEVADA 89701-4702

CC:FILE

DATED: this 6th day of May, 2003.

*Gregory Scott Hermanski*  
GREGORY SCOTT HERMANSKI #69140  
Appellant /In Propria Personam  
Post Office box 650 [HDSP]  
Indian Springs, Nevada 89018  
IN FORMA PAUPERIS:



DATE: 05/08/03  
CASE NO. 00-C-167783-C

I N D E X

TIME 1:51 PM  
JUDGE:Hardcastle, Kathy

STATE OF NEVADA

[ ] vs Hermanski, Gregory S

[ ]

001 D1 Gregory S Hermanski  
P O Box 650  
Indian Springs, NV 89018

000015 Wommer, Paul E.  
NO. 1 625 S. Sixth Stree  
Las Vegas, NV 89101

NO.	FILED/REC	CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0001	06/08/00	CBO	/CRIMINAL BINDOVER	Fee \$0.00			
0002	06/08/00	ARRN	/INITIAL ARRAIGNMENT	001		06/13/00	
0003	06/09/00	INFO	/INFORMATION	001		06/09/00	
0004	06/19/00	ORDR	/ORDER COMMITMENT	001			
0005	06/21/00	TRAN	/REPORTER'S TRANSCRIPT OF PROCEEDINGS - CONDITIONAL WAIVER OF PRELIMINARY	001		06/21/00	Y
HEARING							
0006	08/25/00	ORDR	/ORDER	001			
0007	09/21/00	OCAL	/COURT ADMINISTRATIONS' REQUEST FOR STATUS CHECK	001	RE	11/14/00	
0008	09/27/00	ORDR	/ORDER	001			
0009	10/04/00	OTTE	/ORDER TO TRANSPORT DEFENDANT	001		10/04/00	
0010	10/04/00	JUDG	/FINDINGS OF COMPETENCY	001		10/04/00	
0011	11/15/00	RMTJ	/JUSTICE COURT REMITTITUR	001		11/15/00	
0012	11/17/00	ORDR	/ORDER REMAND	001		11/17/00	
0013	12/06/00	CASO	/CASE (RE)ACTIVATED ON				
0014	12/06/00	CBO	/CRIMINAL BINDOVER	001			
0015	12/06/00	ARRN	/INITIAL ARRAIGNMENT	001		12/11/00	
0016	12/07/00	INFO	/INFORMATION	001		12/07/00	
0017	12/11/00	CALC	/CALENDAR CALL	001		02/21/01	
0018	12/11/00	JURY	/TRIAL BY JURY VJ 2/23	001	VC	02/26/01	
0019	01/09/01	TRAN	/REPORTER'S TRANSCRIPT OF PRELIMINARY HEARING	001		12/04/00	
0020	01/23/01	LIST	/NOTICE OF WITNESSES	001			
0021	02/21/01	OCAL	/STATUS CHECK: FINAL TRIAL ORDER	001		02/23/01	
0022	02/21/01	INFO	/AMENDED INFORMATION	001		02/21/01	
0023	02/21/01	REQT	/MOTION AND NOTICE OF MOTION TO AMEND INFORMATION	001			
0024	02/21/01	ORDR	/ORDER TO AMEND INFORMATION	001			
0025	02/22/01	MOT	/DEFT'S MOTION TO DISMISS INFORMATION	001	DN	03/12/01	
0026	02/23/01	CALC	/CALENDAR CALL	001		02/28/01	
0027	02/23/01	JURY	/TRIAL BY JURY	001		03/15/01	
0028	02/22/01	LIST	/WITNESS LIST	001			
0029	02/27/01	LIST	/NOTICE OF WITNESSES	001			
0030	03/12/01	MOT	/ALL PENDING MOTIONS FOR 3/12/01	001		03/12/01	
0031	03/12/01	TRB	/TRIAL BEGINS	001			
0032	03/15/01	SENT	/SENTENCING	001	GR	05/09/01	
0033	03/15/01	TRE	/TRIAL ENDS	001			
0034	03/09/01	REQT	/MOTION TO DISMISS FOR FAILURE TO PRESERVE EVIDENCE	001		03/12/01	
0035	02/21/01	CINF	/INFORMATION CORRECTED IN OPEN COURT	001		03/12/01	
0036	03/14/01	CRJL	/CRIMINAL JURY LIST	001			
0037	02/21/01	CINF	/INFORMATION CORRECTED IN OPEN COURT	001		03/13/01	
0038	03/15/01	VER	/VERDICT	001		03/15/01	
0040	03/20/01	MOT	/STATE'S MOTION TO AMEND INFORMATION	001	GR	03/26/01	
0041	03/20/01	NOEV	/NOTICE OF EXHIBIT(S) IN THE VAULT			03/12/01	

(Continued to page 2)

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0042	03/15/01	PINU/PROPOSED JURY INSTRUCTIONS NOT USED AT TRIAL	001			
0043	03/15/01	INST/INSTRUCTIONS TO THE JURY	001			
0044	03/26/01	INFO/SECOND AMENDED INFORMATION	001		03/26/01	
0045	03/26/01	ORDR/ORDER TO AMEND INFORMATION	001		03/26/01	
0046	05/11/01	CSCL/CASE CLOSED			05/09/01	
0047	05/15/01	NOEV/NOTICE OF EXHIBIT(S) IN THE VAULT			05/09/01	
0048	05/18/01	JMNT/ADMINISTRATION/ASSESSMENT FEE	0001		05/21/01	
0049	05/18/01	JMNT/GENETIC TESTING FEE	0001		05/21/01	
0050	05/18/01	JUDG/JUDGMENT OF CONVICTION (PLEA OF GUILTY)	001		05/16/01	
0051	06/08/01	REQT/REQUEST FOR ROUGH DRAFT TRANSCRIPT	001			
0052	06/08/01	NOAS/NOTICE OF APPEAL	001	AP		
0053	06/08/01	STAT/CASE APPEAL STATEMENT	001			
0054	07/02/01	TRAN/REPORTER'S TRANSCRIPT TRIAL BY JURY; VOLUME I - DAY 1	001		03/13/01	
0055	07/02/01	TRAN/REPORTER'S TRANSCRIPT OF DAY 2 - VOL. II	001		03/14/01	
0056	07/02/01	TRAN/REPORTER'S TRANSCRIPT OF SENTENCING	001		05/09/01	
0057	07/02/01	TRAN/REPORTER'S TRANSCRIPT DEFT'S MOTION TO DISMISS INFORMATION	001		03/12/01	
0058	07/12/01	NOTC/NOTICE OF TRANSCRIPTS (3/12/01 THRU 5/9/01) ON SHELVES				
0059	09/25/01	ORDR/ORDER FOR TRANSCRIPT	001			
0060	11/01/01	TRAN/REPORTER'S TRANSCRIPT OF PROCEEDINGS	001		02/21/01	
0061	12/17/01	APCL/APPEAL TO SUPREME COURT: CLOSED			11/15/01	
0062	02/01/02	HEAR/AT THE REQUEST OF THE COURT CLARIFICATN SENTENCE/SUPREME CT VR 2/7	001	VC	02/27/02	
0063	02/07/02	CASO/CASE (RE)ACTIVATED ON				
0064	02/15/02	ORDR/ORDER FOR PRODUCTION OF INMATE	001	HG	02/27/02	
0065	04/18/02	JMNT/CLERK'S CRTF-AFFIRMED IN PART/REMAND	0001		04/19/02	
0066	04/18/02	CCJA/NEVADA SUPREME COURT CLERKS CERTIFICATE/JUDGMENT - AFFIRMED IN PART/REMAND	001	GR	04/18/02	
0067	06/21/02	CASO/CASE (RE)ACTIVATED ON				
0068	06/21/02	HEAR/DEFT'S REQUEST RESENTENCING PURSUANT TO ORDER OF SUPREME COURT /14	001	MT	12/04/02	
0069	07/19/02	MOT /DEFT'S MOTION FOR A NEW TRIAL /15	001	DN	12/04/02	
0070	07/19/02	MOT /DEFT'S MOTION TO VACATE SENTENCE AS AN HABITUAL CRIMINAL /16	001	GR	12/04/02	
0071	07/19/02	ORDR/ORDER FOR TRANSCRIPT	001			
0072	07/25/02	MOT /ALL PENDING MOTIONS 07-25-02	001		07/25/02	
0073	08/01/02	HEAR/AT THE REQUEST OF THE COURT/TRANSCRIPT OF VOIR DIRE/18	001	OC	12/04/02	
0074	08/14/02	MOT /ALL PENDING MOTIONS 08-14-02	001		08/14/02	
0075	08/28/02	OCAL/STATUS CHECK: 08/28/02	001		08/28/02	
0076	08/27/02	STAT/DECLARATION OF DEFENDANT	001			
0077	08/30/02	MOT /DEFT'S MTN FOR A NEW TRIAL/21	001	DN	12/04/02	
0078	08/28/02	MOT /ALL PENDING MOTIONS 8-28-02			08/28/02	
0079	08/28/02	MOT /DEFT'S MOTION TO DISMISS PURSUANT TO HABITUAL CRIMINAL STATUTE, NRS 207.010 /23	001	MT	12/04/02	
0080	09/26/02	ORDR/ORDER FOR PRODUCTION OF INMATE	001		10/02/02	
0081	10/01/02	REQT/MOTION FOR A NEW TRIAL	001	SC	10/02/02	
0082	10/02/02	MOT /ALL PENDING MOTIONS 10-02-02	001		10/02/02	
0083	10/02/02	OPPS/STATES OPPOSITION TO DEFENDANTS MOTION TO VACATE SENTENCE AS AN HABITUAL	001			Y

(Continued to page 3)

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
CRIMINAL						
0084	10/02/02	OPPS/STATES OPPOSITION TO DEFENDANTS MOTION FOR NEW TRIAL	001			
0085	05/18/01	CINF/JUDGMENT OF CONVICTION CORRECTED IN OPEN COURT	001		10/02/02	
0086	12/03/02	MOT /DEFT'S PRO PER MTN TO DISMISS CNSL/APPOINT CNSL/25	001	GR	12/16/02	
0087	12/03/02	RSPN/STATES RESPONSE TO DEFENDANTS MOTION FOR NEW TRIAL	001			
0088	12/05/02	SENT/SENTENCING	001		01/22/03	
0089	12/06/02	MOT /ALL PENDING MOTIONS 12-04-02	001		12/04/02	
0090	12/04/02	OBJ /OBJECTION	001			
0091	12/12/02	NOEV/NOTICE OF EXHIBIT(S) IN THE VAULT			12/04/02	
0092	12/16/02	HEAR/CONFIRMATION OF COUNSEL/WOMMER	001	CM	01/22/03	
0093	12/26/02	NOTC/NOTICE OF INTENT TO SEEK PUNISHMENT AS A HABITUAL CRIMINAL	001			
0094	12/30/02	ORDR/ORDER APPOINTING COUNSEL	001		12/30/02	
0095	01/22/03	MOT /ALL PENDING MOTIONS 01-22-03	001		01/22/03	
0096	01/22/03	SENT/SENTENCING	001	GR	04/30/03	
0097	02/11/03	TRAN/REPORTER'S TRANSCRIPT OF PROCEEDINGS	001		04/26/00	
0098	04/01/03	ORDR/ORDER FOR PRODUCTION OF INMATE	001	SC	04/21/03	
0099	05/06/03	HEAR/DEFT'S REQUEST TO CLAIIFY APPOINTMENT OF COUNSEL/31	001		05/12/03	
0100	05/06/03	CSCL/CASE CLOSED			04/30/03	
0101	05/07/03	CASO/CASE (RE)OPENED			05/12/03	
0102	05/07/03	NOAS/NOTICE OF APPEAL	001	AP	05/07/03	
0103	05/07/03	STAT/CASE APPEAL STATEMENT	001			

## CRIMINAL COURT MINUTES

00-C-167783-C STATE OF NEVADA vs Hermanski, Gregory S

---

06/13/00 09:00 AM 00 INITIAL ARRAIGNMENT

HEARD BY: Kathy Hardcastle, Judge; Dept. 4

OFFICERS: BILLIE JO CRAIG, Relief Clerk  
TINA SMITH, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
002415	Moreo, Thomas J.	Y
001 D1	Hermanski, Gregory S	Y
PUBDEF	Public Defender	Y
004735	Roundtree, Stacey	Y

Ms. Roundtree advised there were two incompetent reports and submitted the second report from Dr. Paglini. Pursuant to NRS 178.425, COURT ORDERED, defendant REMANDED to the custody of the Administrator of the Mental Hygiene and Mental Retardation Division for the Department of Human Resources for detention and treatment at a secure facility operated by the Mental Hygiene and Mental Retardation Division.

L.C.

---

10/04/00 09:00 AM 00 COURT ADMINISTRATIONS' REQUEST FOR  
STATUS CHECK

HEARD BY: Kathy Hardcastle, Judge; Dept. 4

OFFICERS: BILLIE JO CRAIG, Relief Clerk  
TINA SMITH, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
006246	Campbell, Cara L.	Y
001 D1	Hermanski, Gregory S	N
PUBDEF	Public Defender	Y
005686	Khamsi, Bitu	Y

FINDINGS (OF COMPETENCY) AND ORDER TO TRANSPORT SIGNED AND FILED IN OPEN COURT. Court noted it received the reports. COURT ORDERED, matter CONTINUED for defendant to be present.

L.C.

CONTINUED TO: 10/25/00 09:00 AM 01

## CRIMINAL COURT MINUTES

00-C-167783-C STATE OF NEVADA

vs Hermanski, Gregory S

CONTINUED FROM PAGE: 001

10/25/00 09:00 AM 01 COURT ADMINISTRATIONS' REQUEST FOR  
STATUS CHECK

HEARD BY: Kathy Hardcastle, Judge; Dept. 4

OFFICERS: DOROTHY KELLY, Court Clerk  
TINA SMITH, Reporter/Recorder

PARTIES: STATE OF NEVADA  
002804 Villegas, Victoria A.  
001 D1 Hermanski, Gregory S  
PUBDEF Public Defender  
004735 Roundtree, Stacey

Y  
Y  
N  
Y  
Y

COURT ORDERED, matter CONTINUED for deft's presence. Court instructed  
counsel to call Lakes Crossing.

L.C.

COURT'S ADMINISTRATION'S REQUEST FOR STATUS CHECK

CONTINUED TO: 11/08/00 09:00 AM 02

11/08/00 09:00 AM 02 COURT ADMINISTRATIONS' REQUEST FOR  
STATUS CHECK

HEARD BY: Kathy Hardcastle, Judge; Dept. 4

OFFICERS: DOROTHY KELLY, Court Clerk  
TINA SMITH, Reporter/Recorder

PARTIES: STATE OF NEVADA  
006246 Campbell, Cara L.  
001 D1 Hermanski, Gregory S  
PUBDEF Public Defender  
001231 Dejulio, Douglas P.

Y  
Y  
N  
Y  
Y

Deft not transported; therefore, COURT ORDERED, matter CONTINUED.

L.C.

COURT ADMINISTRATION'S REQUEST FOR STATUS CHECK

CONTINUED TO: 11/14/00 09:00 AM 03

CONTINUED ON PAGE: 003

## CRIMINAL COURT MINUTES

00-C-167783-C STATE OF NEVADA

vs Hermanski, Gregory S

CONTINUED FROM PAGE: 002

11/14/00 09:00 AM 03 COURT ADMINISTRATIONS' REQUEST FOR  
STATUS CHECK

HEARD BY: Kathy Hardcastle, Judge; Dept. 4

OFFICERS: BILLIE JO CRAIG, Relief Clerk  
TINA SMITH, Reporter/Recorder

PARTIES: STATE OF NEVADA  
006246 Campbell, Cara L.  
001 D1 Hermanski, Gregory S  
PUBDEF Public Defender  
001231 Dejulio, Douglas P.

Y  
Y  
Y  
Y  
Y

Court noted defendant competent. COURT ORDERED, matter REMANDED TO JUSTICE COURT to start over with a Preliminary Hearing on charges.

CUSTODY

11/20/00 8:00 AM REMANDED TO JUSTICE COURT, DEPT. 1

12/11/00 09:00 AM 00 INITIAL ARRAIGNMENT

HEARD BY: Kathy Hardcastle, Judge; Dept. 4

OFFICERS: GREER JENNISON, Relief Clerk  
TINA SMITH, Reporter/Recorder

PARTIES: STATE OF NEVADA  
002415 Moreo, Thomas J.  
001 D1 Hermanski, Gregory S  
PUBDEF Public Defender  
005620 Dickson, Dianne

Y  
Y  
Y  
Y  
Y

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

CUSTODY

2/21/01 9:00 AM CALENDAR CALL - DEPT. IV

2/26/01 10:30 AM JURY TRIAL - DEPT. IV

CONTINUED ON PAGE: 004

## CRIMINAL COURT MINUTES

00-C-167783-C STATE OF NEVADA

vs Hermanski, Gregory S

CONTINUED FROM PAGE: 003

02/21/01 09:00 AM 00 CALENDAR CALL

HEARD BY: Kathy Hardcastle, Judge; Dept. 4

OFFICERS: DOROTHY KELLY, Court Clerk  
TINA SMITH, Reporter/Recorder

PARTIES: STATE OF NEVADA  
006246 Campbell, Cara L.  
001 D1 Hermanski, Gregory S  
PUBDEF Public Defender  
005686 Khamisi, Bitu

Y  
Y  
Y  
Y  
Y

AMENDED INFORMATION, MOTION TO AMEND INFORMATION FILED IN OPEN COURT. ORDER TO AMEND INFORMATION SIGNED AND FILED IN OPEN COURT. Ms. Khamisi stated Ms. Dickson informed her she is ready to proceed to trial; she requested a start date of next Tuesday or later. Ms. Campbell stated this is Mr. Fattig's case; trial should take two days with four to six witnesses. COURT ORDERED, matter CONTINUED for trial order.

CUSTODY

02-23-01 9:00 A.M. STATUS CHECK: FINAL TRIAL ORDER

02/23/01 09:00 AM 00 STATUS CHECK: FINAL TRIAL ORDER

HEARD BY: Kathy Hardcastle, Judge; Dept. 4

OFFICERS: DOROTHY KELLY, Court Clerk  
TINA SMITH, Reporter/Recorder

PARTIES: STATE OF NEVADA  
001538 Hehn, William A.  
001 D1 Hermanski, Gregory S  
PUBDEF Public Defender  
001231 Dejulio, Douglas P.

Y  
Y  
Y  
Y  
Y

State announced ready for trial. Due to Court's schedule (murder trial), COURT ORDERED, trial date VACATED and RESET.

CUSTODY

02-28-01 9:00 A.M. CALENDAR CALL

03-12-01 10:30 A.M. TRIAL BY JURY

## CRIMINAL COURT MINUTES

00-C-167783-C STATE OF NEVADA

vs Hermanski, Gregory S

CONTINUED FROM PAGE: 004

02/28/01 09:00 AM 00 CALENDAR CALL

HEARD BY: Kathy Hardcastle, Judge; Dept. 4

OFFICERS: DOROTHY KELLY, Court Clerk  
TINA SMITH, Reporter/RecorderPARTIES: STATE OF NEVADA  
002804 Villegas, Victoria A.  
001 D1 Hermanski, Gregory S  
PUBDEF Public Defender  
005620 Dickson, DianneY  
Y  
Y  
Y  
Y

Both sides announced ready for a one-and-one-half day trial. COURT ORDERED, Trial Date Stands, Deft's Motion to Dismiss Information to be heard before trial.

CUSTODY

03-12-01 10:30 A.M. TRIAL BY JURY...DEFT'S MOTION TO DISMISS INFORMATION

03/12/01 09:00 AM 00 ALL PENDING MOTIONS FOR 3/12/01

HEARD BY: Kathy Hardcastle, Judge; Dept. 4

OFFICERS: BILLIE JO CRAIG, Relief Clerk  
LIZ GARCIA, Reporter/RecorderPARTIES: STATE OF NEVADA  
001538 Hehn, William A.  
006639 Fattig, John T  
001 D1 Hermanski, Gregory S  
PUBDEF Public Defender  
005620 Dickson, DianneY  
Y  
Y  
Y  
Y  
Y

DEFT'S MOTION TO DISMISS INFORMATION...JURY TRIAL

Court noted there was no legal basis to dismiss Information. A Supplemental Motion submitted to the Court. COURT ORDERED, Motion to Dismiss for Failure to Preserve Evidence is DENIED. Upon Court's inquiry, Ms. Dickson advised there were negotiations pending the outcome of this Motion. Mr. Hehn advised there was a Guilty Plea Agreement and a Second Amended Information in the file. Ms. Dickson requested matter trail to talk with defendant. COURT ORDERED, matter to TRAIL. RECALLED. Ms. Dickson requested additional time for defendant to make a decision. COURT ORDERED, matter to TRAIL until 1:30 PM today.

CONTINUED ON PAGE: 006



## CRIMINAL COURT MINUTES

00-C-167783-C STATE OF NEVADA

vs Hermanski, Gregory S

CONTINUED FROM PAGE: 005

RECALLED. Ms. Dickson advised defendant not arraigned on the Amended Information which included the habitual status. Also, there was a question as to the Amended Information indicating in Count II as Burglary while in Possession of a Firearm in the summary even though it was a knife. COURT ORDERED, the Amended Information AMENDED BY INTERLINEATION to indicate in the summary BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON (F). Arguments regarding defendant taking stand and what prior convictions will be used. COURT ORDERED, this Motion and the Supplemental Motion DENIED as there is no legal basis and the Certified JOC of 1984 can be used and others if certified and the State is prepared to present evidence. Ms. Dickson objected. COURT ORDERED, Trial CONTINUED to next day.

CUSTODY

3/13/01 10:30 AM JURY TRIAL

03/13/01 10:30 AM 01 TRIAL BY JURY

HEARD BY: Kathy Hardcastle, Judge; Dept. 4

OFFICERS: BILLIE JO CRAIG, Relief Clerk  
LIZ GARCIA, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
006639	Fattig, John T	Y
001 D1	Hermanski, Gregory S	Y
PUBDEF	Public Defender	Y
005620	Dickson, Dianne	Y

At 11:09 AM, the Jury Panel, counsel and defendant present. At 11:09 AM, Mr. Fattig made his introduction. At 11:10 AM, Ms. Dickson made her introduction. Voir dire oath given at 2:14 PM. Alternate sworn to try the case at 2:16 PM. The Clerk read the Amended Information to the Jury at 2:20 PM. Opening statements by Mr. Fattig. Opening statements by Ms. Dickson. Witnesses sworn and testified. Exhibits (see Worksheets). COURT ORDERED, EVENING RECESS. OUTSIDE THE PRESENCE OF THE JURY, the Court advised defendant of his right to testify on his own behalf. Defendant stated he understood. Colloquy regarding remaining witnesses and additional certified copies of convictions. At 5:10 PM, Court recessed for the evening.

CUSTODY

CONTINUED TO: 03/14/01 10:30 AM 02

## CRIMINAL COURT MINUTES

00-C-167783-C STATE OF NEVADA

vs Hermanski, Gregory S

CONTINUED FROM PAGE: 006

03/14/01 10:30 AM 02 TRIAL BY JURY

HEARD BY: Kathy Hardcastle, Judge; Dept. 4

OFFICERS: BILLIE JO CRAIG, Relief Clerk  
LIZ GARCIA, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
006639	Fattig, John T	Y
001 D1	Hermanski, Gregory S	Y
PUBDEF	Public Defender	Y
005620	Dickson, Dianne	Y

Jury Instructions settled in Open Court. Counsel stipulated to the presence of the Jury at 10:40 AM. Witnesses sworn and testified. (See Worksheets.) Exhibits (see Worksheets). At 11:54 AM, the State rests. COURT ORDERED, NOON RECESS. At 1:32 PM, counsel stipulated to the presence of the Jury. Testimony continues. At 2:13 PM, defense rests. The Court instructed the Jury on the laws which applied to the case. Closing arguments by Mr. Fattig at 2:27 PM. Closing arguments by Ms. Dickson at 3:16 PM. Rebuttal argument by Mr. Fattig at 3:38 PM. Bailiff sworn to take charge of the Jury at 3:49 PM. Bailiff sworn to take charge of the Alternate at 3:49 PM. OUTSIDE THE PRESENCE OF THE JURY, Ms. Dickson objected to the hearsay statements by the trucker as inadmissible hearsay, detective failed to look for defendant's shirt, and offer to truck driver of \$100.00 to take defendant to New Orleans. Court stated its findings. COURT ORDERED, objection OVERRULED. COURT ORDERED, EVENING RECESS.

## CUSTODY

CONTINUED TO: 03/15/01 10:30 AM 03

## CRIMINAL COURT MINUTES

00-C-167783-C STATE OF NEVADA

vs Hermanski, Gregory S

CONTINUED FROM PAGE: 007

03/15/01 10:30 AM 03 TRIAL BY JURY

HEARD BY: Kathy Hardcastle, Judge; Dept. 4

OFFICERS: BILLIE JO CRAIG, Relief Clerk  
LIZ GARCIA, Reporter/Recorder

PARTIES: STATE OF NEVADA  
006639 Fattig, John T  
001 D1 Hermanski, Gregory S  
PUBDEF Public Defender  
005620 Dickson, Dianne

Y  
Y  
Y  
Y  
Y

At the hour of 2:08 PM, the Jury returned with a verdict finding Defendant Day GUILTY OF COUNT I - ROBBERY WITH USE OF A DEADLY WEAPON (F) AND COUNT II - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON (F). The Court thanked and excused the Jurors. The State will file for habitual offender treatment. COURT ORDERED, matter referred to P&P for a PSI and SET for Sentencing.

CUSTODY

5/2/01 9:00 AM SENTENCING

03/26/01 09:00 AM 00 STATE'S MOTION TO AMEND INFORMATION

HEARD BY: Kathy Hardcastle, Judge; Dept. 4

OFFICERS: BILLIE JO CRAIG, Relief Clerk  
TINA SMITH, Reporter/Recorder

PARTIES: STATE OF NEVADA  
002804 Villegas, Victoria A.  
001 D1 Hermanski, Gregory S  
PUBDEF Public Defender  
005620 Dickson, Dianne

Y  
Y  
Y  
Y  
Y

COURT ORDERED, State's Motion to Amend Information is GRANTED. Ms. Dickson objected. ORDER TO AMEND INFORMATION AND SECOND AMENDED INFORMATION SIGNED AND FILED IN OPEN COURT.

CUSTODY

## CRIMINAL COURT MINUTES

00-C-167783-C      STATE OF NEVADA      vs Hermanski, Gregory S  
CONTINUED FROM PAGE: 008

05/02/01 09:00 AM 00 SENTENCING

HEARD BY: Kathy Hardcastle, Judge; Dept. 4

OFFICERS: DOROTHY KELLY, Court Clerk  
KEITH REED/kar, Relief Clerk  
TINA SMITH, Reporter/Recorder

PARTIES:              STATE OF NEVADA  
006639      Fattig, John T  
  
001 D1      Hermanski, Gregory S  
PUBDEF      Public Defender  
005620      Dickson, Dianne

Y  
Y  
  
Y  
Y  
Y

Joy Mundy-Neal of Parole and Probation present. Court noted the Defendant refused to be interviewed for the Pre-Sentence Investigation Report (PSI). Ms. Dickson stated P & P requested the Deft. not make a statement due to his contention he is not guilty of the charges. DEFENDANT DAY ADJUDGED GUILTY of of COUNT I, ROBBERY WITH USE OF A DEADLY WEAPON (F) and COUNT II, BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON (F). COURT ORDERED, matter CONTINUED to review a certified copy of the Judgment of Conviction.

CUSTODY

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

05/09/01 09:00 AM 01 SENTENCING

HEARD BY: Kathy Hardcastle, Judge; Dept. 4

OFFICERS: BILLIE JO CRAIG, Relief Clerk  
TINA SMITH, Reporter/Recorder

PARTIES:              STATE OF NEVADA  
006639      Fattig, John T  
  
001 D1      Hermanski, Gregory S  
PUBDEF      Public Defender  
005620      Dickson, Dianne

Y  
Y  
  
Y  
Y  
Y

Brenda Lewis of the Dept. of P & P present. Ms. Dickson inquired if the Court received the Supplemental PSI. Arguments by counsel regarding habitual treatment. COURT ADJUDGED DEFENDANT DAY GUILTY OF COUNT I - ROBBERY WITH USE OF A DEADLY WEAPON (F) AND CT. II - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON (F). Parties argued and submitted. Exhibits (see worksheet). COURT ORDERED, in addition to the \$25.00 Administrative Assessment Fee and \$250.00 DNA Analysis Fee and defendant to submit to a blood and/or saliva test to determine genetic markers or secretor status,

## CRIMINAL COURT MINUTES

00-C-167783-C STATE OF NEVADA

vs Hermanski, Gregory S

CONTINUED FROM PAGE: 009

Defendant ADJUDGED an HABITUAL OFFENDER. Defendant SENTENCED to a MAXIMUM of THREE HUNDRED (300) MONTHS and a MINIMUM of ONE HUNDRED TWENTY (120) MONTHS in the Nevada Department of Prisons, with THREE HUNDRED EIGHT-TWO (382) DAYS Credit For Time Served. RECALLED LATER. Mr. Fattig request defendant be sentenced in CT. II. The Court advised when a defendant is adjudged an habitual offender, sentence applies to both counts.

NDP

02/06/02 09:00 AM 00 AT THE REQUEST OF THE COURT  
CLARIFICATN SENTENCE/SUPREME CT VR 2/7

HEARD BY: Kathy Hardcastle, Judge; Dept. 4

OFFICERS: Dorothy Kelly, Court Clerk  
Tina Smith, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
000981	Noxon, Arthur G.	Y
001 D1	Hermanski, Gregory S	N
PUBDEF	Public Defender	Y
005620	Dickson, Dianne	Y

Ms. Dickson stated the Deft. has not been transported. She further stated there is a motion for reconsideration in the Supreme Court. Court stated it has a remittitur. COURT ORDERED, matter CONTINUED; a Writ has to be prepared to have Deft. transported.

NDC

AT REQUEST OF COURT: CLARIFICATION OF SENTENCE PER SUPREME COURT ORDER

CONTINUED TO: 02/27/02 09:00 AM 01

## CRIMINAL COURT MINUTES

00-C-167783-C      STATE OF NEVADA      vs Hermanski, Gregory S  
CONTINUED FROM PAGE: 010

06/26/02 09:00 AM 00 DEFT'S REQUEST RESENTENCING PURSUANT TO  
ORDER OF SUPREME COURT /14

HEARD BY: Kathy Hardcastle, Judge; Dept. 4

OFFICERS: Dorothy Kelly, Court Clerk  
Tina Smith, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
000981	Noxon, Arthur G.	Y
001 D1	Hermanski, Gregory S	N
PUBDEF	Public Defender	Y
005620	Dickson, Dianne	Y

Court stated an Order to Transport Deft. has to be prepared. State advised it will prepare the Order. COURT ORDERED, matter CONTINUED.

NDC

DEFT'S REQUEST FOR RE-SENTENCING PURSUANT TO SUPREME COURT ORDER

CONTINUED TO: 07/24/02 09:00 AM 01

07/25/02 09:00 AM 00 ALL PENDING MOTIONS 07-25-02

HEARD BY: Kathy Hardcastle, Judge; Dept. 4

OFFICERS: Dorothy Kelly, Court Clerk  
Debra Van Blaricom, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
007900	Schubert, David	Y
001 D1	Hermanski, Gregory S	Y
PUBDEF	Public Defender	Y
005620	Dickson, Dianne	Y

DEFT'S MOTION FOR A NEW TRIAL...DEFT'S MOTION TO VACATE SENTENCE AS AN  
HABITUAL CRIMINAL...DEFT'S REQUEST FOR RE-SENTENCING PURSUANT TO SUPREME  
COURT ORDER

Ms. Dickson stated this was remanded from the Supreme Court for sentencing. She further stated she obtained information that records are not Mr. Day's records; fingerprints attached to a document do not match the Deft.'s. She requested the sentencing be vacated. State requested time to respond. COURT ORDERED, matter CONTINUED. Court advised Ms. Dickson the Deft. does not have to be present for the next Court date. Ms. Dickson responded the Deft. wants to be present. Court directed the State to prepare an Order to

## CRIMINAL COURT MINUTES

00-C-167783-C STATE OF NEVADA

vs Hermanski, Gregory S

CONTINUED FROM PAGE: 011

Transport Deft. to all proceedings.

NDC

08-14-02 9:00 A.M. (MOTIONS AND REQUEST AS REFLECTED ABOVE)

08/14/02 09:00 AM 00 ALL PENDING MOTIONS 08-14-02

HEARD BY: Kathy Hardcastle, Judge; Dept. 4

OFFICERS: Dorothy Kelly, Court Clerk  
Tina Smith, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
007900	Schubert, David	Y
001 D1	Hermanski, Gregory S	Y
PUBDEF	Public Defender	Y
005620	Dickson, Dianne	Y

DEFT'S MOTION FOR A NEW TRIAL...DEFT'S MOTION TO VACATE SENTENCE AS AN  
HABITUAL CRIMINAL...DEFT'S REQUEST FOR RE-SENTENCING PURSUANT TO SUPREME  
COURT ORDER...AT THE REQUEST OF THE COURT: ADDRESS REQUEST FOR TRANSCRIPT OF  
VOIR DIRE

Mr. Schubert requested a continuance as Deputy District Attorney, Scott  
Mitchell, is on vacation; COURT, SO ORDERED.

NDC

08-28-02 9:00 A.M. MOTIONS AND REQUESTS AS REFLECTED ABOVE

## CRIMINAL COURT MINUTES

00-C-167783-C STATE OF NEVADA vs Hermanski, Gregory S  
CONTINUED FROM PAGE: 012

08/28/02 09:00 AM 00 ALL PENDING MOTIONS 8-28-02

HEARD BY: Kathy Hardcastle, Judge; Dept. 4

OFFICERS: Alan Castle, Relief Clerk  
Tina Smith, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
007900	Schubert, David	Y
001 D1	Hermanski, Gregory S	Y
PUBDEF	Public Defender	Y
001135	Lieberman, Gary H.	Y
005620	Dickson, Dianne	Y

DEFT'S MOTION FOR NEW TRIAL...DEFT'S MOTION TO VACATE SENTENCE AS A HABITUAL CRIMINAL...DEFT'S MOTION FOR RE-SENTENCING PURSUANT TO SUPREME COURT ORDER...AT THE REQUEST OF THE COURT: ADDRESS REQUEST OF VOIR DIRE

Deft's motion to dismiss Count pursuant to habitual criminal statute, NRS 207.010 FILED IN OPEN COURT. Following colloquy regarding Deft's correct identity, COURT ORDERED, ALL MATTERS CONTINUED. FURTHER ORDERED, Deft. does not need remain here and is to be sent back to NDC.

10/2/02 9:00 AM DEFT'S MOTION FOR NEW TRIAL...DEFT'S MOTION TO VACATE SENTENCE AS A HABITUAL CRIMINAL...DEFT'S MOTION FOR RE-SENTENCING PURSUANT TO SUPREME COURT ORDER...AT THE REQUEST OF THE COURT: ADDRESS REQUEST OF VOIR DIRE...DEFT'S MOTION TO DISMISS COUNT PURSUANT TO HABITUAL CRIMINAL STATUTE, NRS 207.010

09/09/02 09:00 AM 00 DEFT'S MTN FOR A NEW TRIAL/21

HEARD BY: Kathy Hardcastle, Judge; Dept. 4

OFFICERS: Denise Husted, Relief Clerk  
Tina Smith, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
006056	Bauer, Elizabeth B.	Y
001 D1	Hermanski, Gregory S	N
PUBDEF	Public Defender	Y
005620	Dickson, Dianne	Y

COURT ORDERED, motion CONTINUED.

NDC

CONTINUED TO: 10/02/02 09:00 AM 01



## CRIMINAL COURT MINUTES

00-C-167783-C STATE OF NEVADA

vs Hermanski, Gregory S

CONTINUED FROM PAGE: 013

10/02/02 09:00 AM 00 ALL PENDING MOTIONS 10-02-02

HEARD BY: Kathy Hardcastle, Judge; Dept. 4

OFFICERS: Dorothy Kelly, Court Clerk  
Tina Smith, Reporter/Recorder

PARTIES: STATE OF NEVADA  
000346 Mitchell, Scott S.  
001 D1 Hermanski, Gregory S  
PUBDEF Public Defender  
005620 Dickson, Dianne

Y  
Y  
N  
Y  
Y

DEFT'S MOTION FOR A NEW TRIAL...DEFT'S MOTION TO VACATE SENTENCE AS AN HABITUAL CRIMINAL...DEFT'S REQUEST FOR RE-SENTENCING PURSUANT TO SUPREME COURT ORDER...AT THE REQUEST OF THE COURT: ADDRESS REQUEST FOR TRANSCRIPT OF VOIR DIRE...DEFT'S MOTION TO DISMISS COUNT PURSUANT TO HABITUAL CRIMINAL STATUTE, NRS 207.010...DEFT'S MOTION FOR A NEW TRIAL

State's Opposition to Defendant's Motion to Vacate Sentence as an Habitual Criminal and State's Opposition to Defendant's Motion for New Trial FILED IN OPEN COURT. COURT ORDERED, Judgment of Conviction to be AMENDED BY INTERLINEATION to reflect Deft. found guilty pursuant to Jury Verdict. Ms. Dickson stated she has new evidence whereby the Deft. happened upon Mr. Beck who submitted an affidavit stating he was working with the Deft. on the day in question. Mr. Mitchell stated that as to the Motion to Vacate Sentence as an Habitual Criminal, he concurs with the motion; the State wants to resentence Deft., since he was not the person he was sentenced under. He further stated the Deft. admitted he is not Robert James Day; he is Gregory Scott Hermanski and from running an FBI identity, he is a twelve-time convicted felon and has an outstanding warrant from North Carolina and felony convictions from Florida and a Federal conviction. Mr. Mitchell further stated that Robert Day is someone the Deft. met, and because the Deft. pulled identity fraud in Court, the State will file new charges for perjury and identity fraud. Mr. Mitchell requested a new sentencing date be set and requested time to obtain ID materials from the other jurisdictions; the Deft. has convictions from 1969. Court stated it will leave everything as is and ORDERED, matter CONTINUED sixty (60) days. Court instructed the State to obtain information and when it is responded to the Court will decide what to do. Mr. Mitchell stated he wants a new Pre-Sentence Report and wants to have the Deft. at the jail. Ms. Dickson stated the Deft. does not want to talk to the Division of Parole and Probation; the State had Deft's fingerprints from day one.

NDC

12-04-02 9:00 A.M. MOTIONS AS REFLECTED ABOVE

## CRIMINAL COURT MINUTES

00-C-167783-C STATE OF NEVADA

vs Hermanski, Gregory S

CONTINUED FROM PAGE: 014

12/04/02 09:00 AM 00 ALL PENDING MOTIONS 12-04-02

HEARD BY: Kathy Hardcastle, Judge; Dept. 4

OFFICERS: Dorothy Kelly, Court Clerk  
Tina Smith, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
000346	Mitchell, Scott S.	Y
001 D1	Hermanski, Gregory S	Y
PUBDEF	Public Defender	Y
005620	Dickson, Dianne	Y

DEFT'S MOTION FOR A NEW TRIAL...DEFT'S MOTION TO VACATE SENTENCE AS AN HABITUAL CRIMINAL...DEFT'S REQUEST FOR RE-SENTENCING PURSUANT TO SUPREME COURT ORDER...AT THE REQUEST OF THE COURT: ADDRESS REQUEST FOR TRANSCRIPT OF VOIR DIRE...DEFT'S MOTION TO DISMISS COUNT PURSUANT TO HABITUAL CRIMINAL STATUTE, NRS 207.010...DEFT'S MOTION FOR A NEW TRIAL

Objection FILED IN OPEN COURT. Ms. Dickson stated the Deft. wants to file a motion objecting to the proceedings. As to the Motion to Vacate Sentence, Mr. Mitchell stated all parties are in agreement Deft. is Gregory Hermanski; he was sentenced as Robert Day; sentencing should be vacated, a new sentencing date set and a new Pre-Sentence Report prepared. He further stated the Deft. has a record that requires this Court to sentence him as a violent habitual criminal; he has two bank robbery certifications and one is on the way. Mr. Mitchell stated the State is prepared to say the Deft. has eleven (11) felony convictions; he requested the prior opposition be withdrawn as the State has verified Mr. Hermanski is not Robert James Day. Court noted the Deft. lied to the Court. Ms. Dickson stated there has been another motion filed by the Deft. Court stated it does not recognize motions filed by the Defendant; they are to be presented to his attorney. Ms. Dickson stated the Motion for a New Trial was based on confirmation the Deft. had a parole violation at the time he ran from police; she requested the copy of documentation and the Birth Certificate be made part of the record....(Defendant's Exhibits A and B). Court stated the Deft. could have made that known to counsel; it is not new evidence. Ms. Dickson stated a witness, Mr. Beck, was located in prison. COURT ORDERED, Deft's Motion for New Trial is DENIED. As to Habitual Criminal Charges, Ms. Dickson stated that is a jury question. Court stated the Deft. has misrepresented who he is; his name is Gregory Scott Hermanski. Mr. Mitchell stated the Deft's FBI number is 888420G. COURT ORDERED, matter REFERRED to the Division of Parole and Probation for a new Pre-Sentence Report and set for sentencing. COURT FURTHER ORDERED, Deft's Motion to Vacate Sentence as an Habitual Criminal is GRANTED; Deft's Request for Re-Sentencing Pursuant to Supreme Court Order is MOOT; At the Request of Court: Address Request for Transcript of Voir Dire is OFF CALENDAR; Deft's Motion to Dismiss Count Pursuant to Habitual Criminal Statute NRS 207.010 is MOOT. Due to Defendant's outburst in Court, Court stated it will hear the motion set for December 16th, without him;

CONTINUED ON PAGE: 016

## CRIMINAL COURT MINUTES

00-C-167783-C STATE OF NEVADA

vs Hermanski, Gregory S

CONTINUED FROM PAGE: 015

Defendant IS NOT TO BE PRESENT IN COURT ON December 16TH.

NDC

12-16-02 9:00 A.M. DEFT'S PRO PER MOTION TO DISMISS COUNSEL/APPOINT COUNSEL

12/16/02 09:00 AM 00 DEFT'S PRO PER MTN TO DISMISS  
CNSL/APPOINT CNSL/25

HEARD BY: Kathy Hardcastle, Judge; Dept. 4

OFFICERS: Denise Husted, Relief Clerk  
Tina Smith, Reporter/Recorder

PARTIES: STATE OF NEVADA  
005984 Hart, Marty  
001 D1 Hermanski, Gregory S  
PUBDEF Public Defender  
005620 Dickson, Dianne

Y  
Y  
N  
Y  
Y

Ms. Dickson advised the Court that the Defendant no longer wants her to represent him due to confusion regarding factual allegations of the Defendant's identity. COURT ORDERED, independent counsel is appointed to review the ineffective assistance of counsel claim; matter set for confirmation of counsel.

NDC

CLERK'S NOTE: Dept. IV Judicial Executive Assistant to notify appropriate counsel of Court date.

12/23/02 9:00 AM CONFIRMATION OF COUNSEL

## CRIMINAL COURT MINUTES

00-C-167783-C STATE OF NEVADA

vs Hermanski, Gregory S

CONTINUED FROM PAGE: 016

12/23/02 09:00 AM 00 CONFIRMATION OF COUNSEL/WOMMER

HEARD BY: Kathy Hardcastle, Judge; Dept. 4

OFFICERS: Denise Husted, Relief Clerk  
Tina Smith, Reporter/Recorder

PARTIES: STATE OF NEVADA  
006056 Bauer, Elizabeth B.  
001 D1 Hermanski, Gregory S  
PUBDEF Public Defender  
005620 Dickson, Dianne

Y  
Y  
N  
Y  
Y

Ms. Dickson stated this matter is not at the post conviction stage yet, however there is a disagreement regarding factual allegations. Court directed Mr. Wommer to review the file prior to sentencing and matter CONTINUED to that date. Ms. Dickson stated she will give the file to Mr. Wommer.

NDC

CONTINUED TO: 01/22/03 09:00 AM 01

01/22/03 09:00 AM 00 ALL PENDING MOTIONS 01-22-03

HEARD BY: Kathy Hardcastle, Judge; Dept. 4

OFFICERS: Dorothy Kelly, Court Clerk

PARTIES: STATE OF NEVADA  
005984 Hart, Marty  
001 D1 Hermanski, Gregory S  
000015 Wommer, Paul E.  
005620 Dickson, Dianne

Y  
Y  
N  
Y  
Y

CONFIRMATION OF COUNSEL (WOMMER)...SENTENCING

Carolyn Butts present for the Division of Parole and Probation (P&P). Ms. Dickson stated P&P is requesting a 30-day continuance; COURT, SO ORDERED. Court noted Mr. Wommer previously confirmed as counsel.

NDC

02-26-03 9:00 A.M. SENTENCING

CONTINUED ON PAGE: 018

## CRIMINAL COURT MINUTES

00-C-167783-C      STATE OF NEVADA      vs Hermanski, Gregory S  
CONTINUED FROM PAGE: 017

02/26/03 09:00 AM 00 SENTENCING

HEARD BY: Kathy Hardcastle, Judge; Dept. 4

OFFICERS: Carole D'Aloia, Court Clerk  
Carrie Hansen, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
001538	Hehn, William A.	Y
001 D1	Hermanski, Gregory S	Y
000015	Wommer, Paul E.	Y

Officer C. Butts of the Division of Parole and Probation (P&P) present. Mr. Wommer advised Defendant was not transported and matter will need to be continued. Mr. Wommer further advised that Court appointed him since Ms. Dickson had a conflict and Mr. Wommer CONFIRMED as counsel. COURT ORDERED, matter CONTINUED and instructed the State to prepare an Order to Transport.

CUSTODY (COC)

CONTINUED TO: 03/26/03 09:00 AM 01

03/26/03 09:00 AM 01 SENTENCING

HEARD BY: Kathy Hardcastle, Judge; Dept. 4

OFFICERS: Dorothy Kelly, Court Clerk

PARTIES:	STATE OF NEVADA	Y
005984	Hart, Marty	Y
001 D1	Hermanski, Gregory S	N
000015	Wommer, Paul E.	Y

Carolyn Butts present for the Division of Parole and Probation. Mr. Wommer stated he substituted in as counsel for the Deft; he and the Deft. have been in contact. He further stated he has been in trial and has not been able to see the Deft. in the High Desert yet; the Deft. was not transported today. COURT ORDERED, matter CONTINUED; State to prepare an Order to Transport.

NDC

SENTENCING

CONTINUED TO: 04/30/03 09:00 AM 02

## CRIMINAL COURT MINUTES

00-C-167783-C

STATE OF NEVADA

vs Hermanski, Gregory S

CONTINUED FROM PAGE: 018

04/30/03 09:00 AM 02 SENTENCING

HEARD BY: Kathy Hardcastle, Judge; Dept. 4

OFFICERS: Dorothy Kelly, Court Clerk  
Carrie Hansen, Reporter/Recorder

## PARTIES:

	STATE OF NEVADA	Y
000346	Mitchell, Scott S.	Y
001 D1	Hermanski, Gregory S	Y
000015	Wommer, Paul E.	Y
005620	Dickson, Dianne	Y

William Lizura present for the Division of Parole and Probation (P&P). DEFT. HERMANSKI ADJUDGED GUILTY OF CT. I ROBBERY WITH USE OF A DEADLY WEAPON (F) AND CT. II - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON (F). Court heard argument as to Deft's Habitual Criminal status. Mr. Mitchell noted Defendant's prior felonies and stated that under the law, the maximum penalty has to be imposed; it is not discretionary. Mr. Wommer stated he substituted in as counsel for sentencing; Ms. Dickson represented the Deft. previously. Mr. Wommer read Defendant's statement in Court. Court directed Mr. Wommer to put the matters contained in Deft's statement in a motion. Mr. Mitchell provided Court with certified copies of Deft's Judgment of Convictions along with other paperwork reflecting Deft's past convictions. DEFT. HERMANSKI ADJUDGED GUILTY AS A HABITUAL OFFENDER IN COUNTS I AND II. In addition to the \$25 Administrative Assessment Fee and \$150 DNA Fee, COURT ORDERED, Deft. SENTENCED in COUNT I to LIFE in the Nevada Department of Corrections WITHOUT the Possibility of Parole and in COUNT II to LIFE in the Nevada Department of Corrections WITHOUT the Possibility of Parole; Count II to run CONCURRENTLY with Count I with NO Credit for Time Served; Deft. to submit to a test to determine genetic markers. Court advised counsel he can file the appropriate motion as to credit for time served while Deft. serving Federal time.

05/08/03

CASE NO. 00-C-167783-C

E X H I B I T S

1:51 PM

CASE STATUS: INACTIVE

STATE OF NEVADA

[ ] vs Hermanski, Gregory S

[ ]

NO.	CODE	EXHIBIT DESCRIPTION	SUB	OF/OB	DATE	S
0001	P-1	/PHOTO - MCDONALDS, WENDY'S	S	AD/NO	03/13/01	V
0002	P-2	/PHOTO - PANTS	S	AD/NO	03/13/01	V
0003	P-3	/PHOTO - WADE OF MONEY	S	AD/NO	03/13/01	V
0004	P-4	/CHART - AREA	S	AD/NO	03/13/01	V
0005	P-5	/EVIDENCE ENV W/5A - KNIFE	S	AD/NO	03/13/01	V
0006	D-A	/PHOTO - RBT. JAMES DAY	001	/	99/99/99	V
0007	P/1	/VIOLATION RPT DTD 3/27/80	S	OF/	05/09/01	V
0008	P/2	/DEPT OF JUSTICE, CERTIFICATE OF REC.,	S	OF/	05/09/01	V
0009	P/3	/JUDGMT OF COMMITMENT #CRS17416 & 177992	S	OF/	05/09/01	V
0010	P/4	/INDICTMENT 94 CRS 4336	S	OF/	05/09/01	V
0011	D/A	/FBI - FORM FD-249	001	OF/	05/09/01	V
0012	D/B	/NOTICE OF ACTION - 2/7/96	001	OF/	05/09/01	V
0013	D/C	/NOTICE OF ACTION - 10/25/95	001	OF/	05/09/01	V
0014	P	/*****12/4/02 HEARING****		/	99/99/99	
0015	D.A	/WARRANT APPLICATION	001	/	99/99/99	V
0016	D.B	/COPY OF BIRTH CERTIFICATE	001	/	99/99/99	V

eff: 9/1/96

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

**GREGORY SCOTT HERMANSKI  
PO BOX 650  
INDIAN SPRINGS NV 89018**

**DATE: May 8, 2003**

**CASE: C167783**

**RE CASE: STATE OF NEVADA VS GREGORY SCOTT HERMANSKI**

NOTICE OF APPEAL FILED: 05/08/03

RULE 3(e) DOCUMENTS TRANSMITTED: 05/08/03

RULE 3(e) DOCUMENTS **NOT** TRANSMITTED/MISSING:  
**JUDGMENT OF CONVICTION**

**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}.



# *Certification of Copy*

STATE OF NEVADA }  
COUNTY OF CLARK } SS:

I, SHIRLEY B. PARRAGUIRRE, the duly elected, qualifying and acting Clerk of Clark County, in the State of Nevada, and Ex-Officio Clerk of the District Court, do hereby certify that the foregoing is a true, full and correct copy of the original:

NOTICE OF APPEAL; CASE APPEAL STATEMENT;  
DESIGNATION OF RECORD ON APPEAL; DISTRICT COURT DOCKET ENTRIES;  
DISTRICT COURT MINUTES; EXHIBIT LIST; NOTICE OF DEFICIENCY;

THE STATE OF NEVADA,

Plaintiff,

vs.

GREGORY SCOTT HERMANSKI,

Defendant.

D.C. CASE C167783  
DEPARTMENT IV

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto  
set my hand and Affixed the seal of the  
Court at my office, Las Vegas, Nevada, on  
this the 8 day of May, 2003

SHIRLEY B. PARRAGUIRRE,  
CLARK COUNTY CLERK

MANUEL RIVAS, Deputy Clerk

**SUPREME COURT OF THE STATE OF NEVADA  
OFFICE OF THE CLERK**

GREGORY SCOTT HERMANSKI A/K/A ROBERT JAMES DAY,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

**Supreme Court No. 41405**

District Court Case No. C167783

**RECEIPT FOR DOCUMENTS**

TO: Gregory Scott Hermanski #69140  
Attorney General Brian Sandoval/Carson City  
Clark County District Attorney David J. Roger  
Shirley Parraguirre , Clark Co. Clerk

You are hereby notified that the Clerk of the Supreme Court has received and/or filed the following:

05/13/03 Filing Fee Waived: Criminal.

05/13/03 Filed Certified Copy of proper person Notice of Appeal.  
Appeal docketed in the Supreme Court this day.

DATE: May 13, 2003

Janette M. Bloom, Clerk of Court

By: sy  
Deputy Clerk