

PAULE WOMMER
A Professional Law Corporation
625 South Sixth Street • Las Vegas, Nevada 89101
Telephone: (702) 388-8817 & 388-8818 • Facsimile: (702) 388-8819

FILED
IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT JAMES DAY, MAY 30 8 08 AM '03
aka, GREGORY SCOTT HERMANSKI
Appellant
CLERK

CASE NO. 41405

vs.

THE STATE OF NEVADA,

Respondent.

C167783
FILED

JUN 4 2003

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY [Signature]
DEPUTY CLERK

CASE APPEAL STATEMENT

1. Name of appellant filing this case appeal statement:

ROBERT JAMES DAY, aka, GREGORY SCOTT HERMANSKI;

2. Identify the judge issuing the decision, judgment, or order appealed from:

The Honorable KATHY A. HARDCASTLE;

3. Identify all parties to the proceedings in the district court:

The parties in the district court were The State of Nevada and ROBERT JAMES DAY, aka, GREGORY SCOTT HERMANSKI;

4. Identify all parties involved in this appeal:

The parties to this appeal are the State of Nevada and ROBERT JAMES DAY, aka, GREGORY SCOTT HERMANSKI;

5. Set forth the name, law firm, address, and telephone number of all counsel on appeal and identify the party or parties whom they represent:

Appellant is represented by Paul E. Wommer, Esq., 625 South Sixth Street, Las Vegas, Nevada 89101, (702) 388-8817; Respondent is represented by the Clark County District Attorney's Office, 200 South Third Street, 7th Floor, Las Vegas, Nevada 89155. (702) 455-4711;

6. Indicate whether appellant was represented by appointed or retained counsel at trial:

RECEIVED
JUN 04 2003
JANETTE M. BLOOM
CLERK OF SUPREME COURT
DEPUTY CLERK

1 Appellant was represented by appointed counsel, the Clark
2 County Public Defender's Office;

- 3 7. Indicate whether appellant is represented by appointed or
4 retained counsel on appeal:

5 Mr. Wommer is Appellant's appointed counsel.

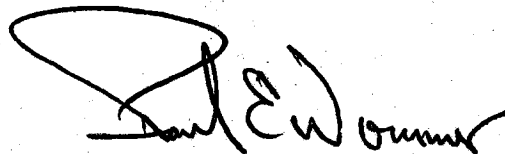
- 6 8. Indicate whether appellant was granted leave to proceed in
7 forma pauperis, and the date of entry of the district court
order granting such leave:

8 Mr. Wommer was appointed to represent Appellant on February
26, 2003.

- 9 9. Indicate the date the proceedings commenced in the district
10 court:

11 Proceedings commenced in the district court on December 7,
12 2000 with the filing of the indictment.

13 DATED this 29th day of May, 2003.

14 

15 PAUL E. WOMMER, ESQ.
16 Nevada Bar No. 000015
17 LAW OFFICE PAUL E. WOMMER
18 625 South Sixth Street
19 Las Vegas, Nevada 89101
20 (702) 388-8817
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May 30, 2003

Clerk of Supreme Court of Nevada
201 S. Carson St., Ste. 210
Capitol Complex
Carson City, Nevada 89710

Re: Robert James Day v. State of Nevada,
Case No. 41405

Dear Ms. Clerk:

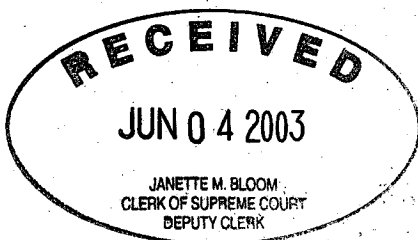
Enclosed please find two certified copies of the case appeal statement filed in the
above-referenced appeal.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul E. Wommer", with a large, loopy initial "P" and "W".

PAUL E. WOMMER, ESQ.

PEW/pam
Enclosure: As stated



CERTIFICATE OF MAILING

The foregoing **CASE APPEAL STATEMENT**, was served on the following, by mailing a copy thereof, first class, postage prepaid on this 29th day of May, 2003.

FRANKIE SUE DEL PAPA
NEVADA ATTORNEY GENERAL
100 North Carson Street
Carson City, Nevada 89701-4717

DAVID ROGER
DISTRICT ATTORNEY
Clark County Courthouse
Seventh Floor
200 South Third Street
Las Vegas, Nevada 89155

ROBERT JAMES DAY
Inmate No. 69140
HIGH DESERT CORRECTIONAL CENTER
P.O. Box 208
Indian Springs, Nevada 89018


Employee of PAUL E. WOMMER, ESQ.

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

May 30 '03


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

NOTICE TO FILE CASE APPEAL STATEMENT

TO: Paul E. Wommier

The 1996 amendments to the Nevada Rules of Appellate Procedure require appellant to file a Case Appeal Statement with the notice of appeal. NRAP 3(a)(1). The Clerk of the District Court has informed the Supreme Court of Nevada that your notice of appeal was filed without the required Case Appeal Statement.

Please file the Case Appeal Statement with the District Court Clerk's Office within 5 days of the date of this notice. Within 10 days of the date of this notice, you are responsible for filing two certified copies of the Case Appeal Statement with the Supreme Court Clerk's Office.

Your failure to file the Case Appeal Statement or to provide certified copies to the Supreme Court may result in the imposition of sanctions, including the dismissal of this matter.

DATE: May 27, 2003

Janette M. Bloom, Clerk of Court

By: 

Deputy Clerk

cc: Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Shirley Parraguirre, Clark Co. 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: Paul E. Wommer
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:

05/27/03 Filed Certified Copy of proper person Notice of Appeal.

05/27/03 Filed Certified Copy of Notice of Appeal.
(Docketing statement mailed to counsel for appellant.)

DATE: May 27, 2003

Janette M. Bloom, Clerk of Court

By: sy
Deputy Clerk

PAUL E. WOMMER
A Professional Law Corporation

625 South Sixth Street • Las Vegas, Nevada 89101
Telephone: (702) 388-8817 & 388-8818 • Facsimile: (702) 388-8819

NOT
PAUL E. WOMMER, ESQ.
Nevada Bar No. 000015
625 South Sixth Street
Las Vegas, Nevada 89101
(702) 388-8817
Attorney for Defendant
ROBERT JAMES DAY,
aka, GREGORY SCOTT HERMANSKI

FILED

MAY 22 4 07 PM '03

Shirley B. Bragg
CLERK

FILED

EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF MAY 27 2003

NEVADA IN AND FOR THE COUNTY OF CLARK

JAMETTE M. BLOOM
CLERK OF SUPREME COURT
BY *A. Alvarado*
DEPUTY CLERK

THE STATE OF NEVADA,

Plaintiff,

vs.

ROBERT JAMES DAY,
aka, GREGORY SCOTT HERMANSKI,
Defendant.

No. 41405

CASE NO. : C167783

DEPT NO. : IV

NOTICE OF APPEAL

TO: THE STATE OF NEVADA;

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

NOTICE is hereby given that ROBERT JAMES DAY, aka, GROEGORY
SCOTT HERMANSKI, intends to appeal, and does hereby appeal to the Supreme Court
of the State of Nevada from the Judgment of Conviction entered by this Court,
on the 16th day of May, 2003.

RECEIVED

MAY 27 2003

CLERK OF SUPREME COURT

By

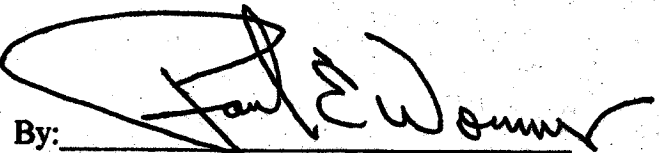
DEPUTY CLERK

03-08878

1 This appeal is taken from the whole judgment and every part thereof, and from
2 questions of both law and fact.
3

4 DATED this 24th day of May, 2003.
5

6 Respectfully submitted,
7 LAW OFFICES OF PAUL E. WOMMER
8

9
10 By: 

11 PAUL E. WOMMER, ESQ.
12 Attorney for ROBERT JAMES DAY,
13 aka GREGORY SCOTT HERMANSKI
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PAUL E. WOMMER

A Professional Law Corporation

625 South Sixth Street • Las Vegas, Nevada 89101

Telephone: (702) 388-8817 & 388-8818 • Facsimile: (702) 388-8819

1
2
3 **CERTIFICATE OF MAILING**

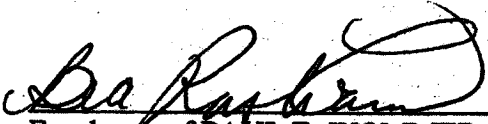
4 The foregoing NOTICE OF APPEAL, was served on the following by mailing a
5 copy thereof, in the United States mail, postage fully prepaid on this 21st day of May,
6 2003.

7 CLERK OF NEVADA SUPREME COURT
8 Capitol Complex
9 Carson City, Nevada 89710

10 ATTORNEY GENERAL OF NEVADA
11 Capitol Complex
12 Carson City, Nevada 89710

13 CLARK COUNTY DISTRICT ATTORNEY'S OFFICE
14 200 South Third Street
15 7th Floor
16 Las Vegas, Nevada 89155

17 ROBERT JAMES DAY
18 Inmate No. 69140
19 High Desert State Prison
20 P.O. Box 650
21 Indian Springs, Nevada 89018

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Employee of PAUL E. WOMMER, ESQ.

DATE: 05/22/03
CASE NO. 00-C-167783-C

I N D E X

TIME 5:57 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	001	VC		02/27/02	
		CLARIFICATN SENTENCE/SUPREME CT VR 2/7	001				
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 CLARIFY APPOINTMENT OF COUNSEL/31	001	MH	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			
0104	05/08/03	NOAS/NOTICE OF APPEAL	001	AP	05/08/03	
0105	05/08/03	NOAS/DESIGNATION OF RECORD ON APPEAL	001			
0106	05/08/03	STAT/CASE APPEAL STATEMENT	001			
0107	05/16/03	JMNT/AMENDED JUDGMENT	0001		05/19/03	
0108	05/16/03	JUDG/AMENDED JUDGMENT OF CONVICTION	001		05/16/03	
0109	05/20/03	NOAS/NOTICE OF APPEAL	001	AP	05/20/03	
0110	05/20/03	NOAS/DESIGNATION OF RECORD ON APPEAL	001			
0111	05/20/03	STAT/CASE APPEAL STATEMENT	001			

ORIGINAL

1

1 JOCP
2 DAVID ROGER
3 Clark County District Attorney
4 Nevada Bar #002781
5 200 South Third Street
6 Las Vegas, Nevada 89155-2211
7 (702) 455-4711
8 Attorney for Plaintiff

FILED

MAY 16 11 34 AM '03

Shirley D. Pangburn
CLERK

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

ROBERT JAMES DAY, aka,
Gregory Scott Hermanski, #1679345

Defendant.

Case No: C167783

Dept No: IV

AMENDED
JUDGMENT OF CONVICTION

The Defendant previously appeared before the Court with counsel and having previously been found guilty by a jury to the crime(s) of **COUNT I - ROBBERY WITH USE OF A DEADLY WEAPON (Felony)** and **COUNT II - BURGLARY (Felony)**, in violation of NRS 200.380, 193.165 and 205.060; thereafter, on the 11th day of May, 2001, the Defendant was present in Court for sentencing with counsel wherein the Jury found the Defendant guilty thereof by reason of the Juries Verdict.

THEREAFTER, on the 30th day of April, 2003, the Defendant appeared in court with his counsel, PAUL WOMMER, ESQUIRE, and pursuant to a hearing/proceeding, and good cause appearing to amend Judgment of Conviction; now therefor,

IT IS ORDERED THAT: Defendant ROBERT JAMES DAY, aka, Gregory Scott Hermanski, is sentenced as Habitual Violent Felon under NRS 207.012 on COUNT I and as Habitual Criminal under NRS 207.010(b) on COUNT II, and is sentenced in COUNT I to

RECEIVED

MAY 16 2003

COUNTY CLERK

RECEIVED

MAY 13 2003

COUNTY CLERK

PAWPDOCSJUDG00600697801.DOC

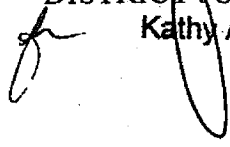
CK

1 LIFE in the Nevada Department of Corrections WITHOUT the Possibility of Parole and in
2 COUNT II to LIFE in the Nevada Department of Corrections WITHOUT the Possibility of
3 Parole; Count II to run CONCURRENTLY with Count I with NO Credit for Time Served;
4 Deft. to submit to a test to determine genetic markers. Court advised counsel he can file the
5 appropriate motion as to credit for time served while Deft. serving Federal time.

6 The Court FURTHER ORDERED, that Defendant pay the \$25.00 Administration Fee
7 and \$150.00 DNA Analysis Fee.

8 DATED this 15th day of May, 2003.

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10 
DISTRICT JUDGE

11 
Kathy A. Hardcastle
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lks

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

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

Y
Y
Y
Y
Y

L.C.

PARTIES: STATE OF NEVADA
006246 Campbell, Cara L.

001 D1 Hermanski, Gregory S
PUBDEF Public Defender
005686 Khamsi, Bitu

Y
Y
N
Y
Y

L.C.

CONTINUED ON PAGE: 002
MINUTES DATE: 10/04/00

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	Y
002804	Villegas, Victoria A.	Y
001 D1	Hermanski, Gregory S	N
PUBDEF	Public Defender	Y
004735	Roundtree, Stacey	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	Y
006246	Campbell, Cara L.	Y
001 D1	Hermanski, Gregory S	N
PUBDEF	Public Defender	Y
001231	Dejulio, Douglas P.	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

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	Y
006246	Campbell, Cara L.	Y
001 D1	Hermanski, Gregory S	Y
PUBDEF	Public Defender	Y
001231	Dejulio, Douglas P.	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	Y
002415	Moreo, Thomas J.	Y
001 D1	Hermanski, Gregory S	Y
PUBDEF	Public Defender	Y
005620	Dickson, Dianne	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

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	Y
006246	Campbell, Cara L.	Y
001 D1	Hermanski, Gregory S	Y
PUBDEF	Public Defender	Y
005686	Khamsi, Bitu	Y

AMENDED INFORMATION, MOTION TO AMEND INFORMATION FILED IN OPEN COURT. ORDER TO AMEND INFORMATION SIGNED AND FILED IN OPEN COURT. Ms. Khamsi 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	Y
001538	Hehn, William A.	Y
001 D1	Hermanski, Gregory S	Y
PUBDEF	Public Defender	Y
001231	Dejulio, Douglas P.	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/Recorder

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

PARTIES:	STATE OF NEVADA	Y
001538	Hehn, William A.	Y
006639	Fattig, John T	Y
001 D1	Hermanski, Gregory S	Y
PUBDEF	Public Defender	Y
005620	Dickson, Dianne	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
006639 Fattig, John T
001 D1 Hermanski, Gregory S
PUBDEF Public Defender
005620 Dickson, Dianne

Y
Y
Y
Y
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

CONTINUED ON PAGE: 007

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
006639 Fattig, John T
001 D1 Hermanski, Gregory S
PUBDEF Public Defender
005620 Dickson, Dianne

Y
Y
Y
Y
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,

CONTINUED ON PAGE: 010

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
000981 Noxon, Arthur G.
001 D1 Hermanski, Gregory S
PUBDEF Public Defender
005620 Dickson, Dianne

Y
Y
N
Y
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
007900 Schubert, David
001 D1 Hermanski, Gregory S
PUBDEF Public Defender
005620 Dickson, Dianne

Y
Y
Y
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

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

CONTINUED ON PAGE: 012

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
007900 Schubert, David
001 D1 Hermanski, Gregory S
PUBDEF Public Defender
001135 Lieberman, Gary H.
005620 Dickson, Dianne

Y
Y
Y
Y
Y
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
006056 Bauer, Elizabeth B.
001 D1 Hermanski, Gregory S
PUBDEF Public Defender
005620 Dickson, Dianne

Y
Y
N
Y
Y

COURT ORDERED, motion CONTINUED.

NDC

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

CONTINUED ON PAGE: 014

PRINT DATE: 05/22/03

PAGE: 013

MINUTES DATE: 09/09/02

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	Y
000346	Mitchell, Scott S.	Y
001 D1	Hermanski, Gregory S	N
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

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

CONTINUED ON PAGE: 015

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/RecorderPARTIES: STATE OF NEVADA
001538 Hehn, William A.
001 D1 Hermanski, Gregory S
000015 Wommer, Paul E.Y
Y
Y
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
005984 Hart, Marty
001 D1 Hermanski, Gregory S
000015 Wommer, Paul E.Y
Y
N
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

CONTINUED ON PAGE: 019
MINUTES DATE: 03/26/03

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

Y
Y
Y
Y
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.

CONTINUED ON PAGE: 020

CRIMINAL COURT MINUTES

00-C-167783-C STATE OF NEVADA

vs Hermanski, Gregory S

CONTINUED FROM PAGE: 019

05/12/03 09:00 AM 00 DEFT'S REQUEST TO CLARIFY APPOINTMENT OF
COUNSEL/31

HEARD BY: Kathy Hardcastle, Judge; Dept. 4

OFFICERS: Billie Jo Craig, Relief Clerk
Carrie Hansen, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
002781	Roger, David J.	Y
006056	Bauer, Elizabeth B.	Y
001 D1	Hermanski, Gregory S	N
000015	Wommer, Paul E.	Y
PUBDEF	Public Defender	Y
005620	Dickson, Dianne	Y

COURT ORDERED, defendant's PRESENCE WAIVED today. Ms. Dickson requested clarification of who represents defendant. Mr. Wommer advised he was appointed to represent defendant only for the ineffectiveness of counsel problem. Court noted it had appointed Mr. Wommer to represent defendant.

NDC

05/22/03

E X H I B I T S

5:57 PM

CASE NO. 00-C-167783-C

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**

**PAUL E. WOMMER, ESQ.
625 S. SIXTH STREET
LAS VEGAS, NV 89101**

DATE: May 22, 2003

CASE: C167783

**RE CASE: STATE OF NEVADA VS ROBERT JAMES DAY aka GREGORY
SCOTT HERMANSKI**

NOTICE OF APPEAL FILED: 05/22/03

RULE 3(e) DOCUMENTS TRANSMITTED: 05/22/03

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

**FURTHER EXPLANATION OF
DOCUMENTS/FEE:**

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

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

THE STATE OF NEVADA,

Plaintiff,

VS.

**ROBERT JAMES DAY aka 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 22 day of May, 2003

SHIRLEY B. PARRAGUIRRE,
CLARK COUNTY CLERK

Johnna Walker, Deputy Clerk