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Case No. 66697

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JUSTICE COURT, LAS VEGAS TOWNSHIP
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

STEVE DELL MCNEILL #0648344,

Defendant.

JUSTICE COURT
LAS VEGAS NEVADA

SG

DEPUTY

CASE NO: 14F02393X

DEPT NO: 1

CRIMINAL COMPLAINT

The Defendant above named having committed the crimes of VIOLATION OF LIFETIME SUPERVISION BY CONVICTED SEX OFFENDER (Category B Felony - NRS 213.1243, - 53481) and PROHIBITED ACTS BY A SEX OFFENDER (Category D Felony - NRS 179D.441, 179D.447, 179D.550 - 52950), in the manner following, to-wit: That the said Defendant, on or about the 13th day of December, 2013, at and within the County of Clark, State of Nevada,

COUNT 1 - VIOLATION OF LIFETIME SUPERVISION BY CONVICTED SEX OFFENDER

did then and there wilfully, unlawfully, knowingly and feloniously violate the conditions of a Lifetime Supervision Agreement signed by the Defendant on 2007, pursuant to having in 2004 been convicted of Attempt Lewdness With a Child Under the Age of 14, in Case No. C204263 in Eighth Judicial District Court, Clark County, Nevada, to-wit: by refusing to submit to a urinalysis, failing to report, failing to have his residence approved, failing to cooperate with his supervising officer, failing to maintain fulltime employment, failing to abide by a curfew, and/or was terminated from his sex offender counseling.

COUNT 2 - PROHIBITED ACTS BY A SEX OFFENDER

did wilfully, unlawfully, and feloniously, pursuant to his conviction in 2004 for Attempt Lewdness With a Child Under the Age of 14, in Case No. C204263, in the Eighth Judicial District Court, Clark County, Nevada, did fail to appear in person at the appropriate law enforcement agency before three (3) business days passed since he changed his address

14F02393X
CRM
Criminal Complaint
3673423



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1 from his last registered address at Main and Wyoming, Las Vegas, Clark County, Nevada to
2 his current unknown address.

3 All of which is contrary to the form, force and effect of Statutes in such cases made and
4 provided and against the peace and dignity of the State of Nevada. Said Complainant makes
5 this declaration subject to the penalty of perjury.

6 
7 _____
8 04/08/14

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27 14F02393X/jjd
28 NVPP EV# 13P017192
(TK1)

1 CASE NO. C297725

2 DEPARTMENT NO. 1

3
4 IN THE JUSTICE COURT OF LAS VEGAS TOWNSHIP
5 COUNTY OF CLARK, STATE OF NEVADA

6 * * * * *

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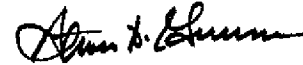
7 THE STATE OF NEVADA,)

8 Plaintiff,)

9 vs.)

10 STEVE DELL MCNEILL,)

11 Defendant.)



CLERK OF THE COURT

CASE NO. 14F02393X

12
13 REPORTER'S TRANSCRIPT

14 OF

15 PRELIMINARY HEARING

16 BEFORE THE HONORABLE DEBORAH LIPPIS
17 JUSTICE OF THE PEACE

18 TUESDAY, APRIL 29, 2014
19 9:00 A.M.

20 APPEARANCES:

21 For the State: BERNIE ZADROWSKI, ESQ.
Chief Deputy District Attorney

22 For the Defendant: XIOMARA FERRERA, ESQ.
23 Deputy Public Defender

24
25 Reported by: Shawna J. McIntosh, RPR, CCR No. 770

SHAWNA J. MCINTOSH, RPR, CCR NO. 770
(702) 671-3464

I N D E X

STATE OF NEVADA v. STEVE DELL MCNEILL

Case No. 14F02393X

	<u>Direct</u>	<u>Cross</u>	<u>Voir Dire</u>	<u>Recross</u>
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STATE'S WITNESSES:

Ashley Mangan	6	28, 40	38	--
Marcia Lee	54	60	--	--

DEFENSE WITNESSES:

	--	--	--	--
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SHAWNA J. MCINTOSH, RPR, CCR NO. 770
(702) 671-3464

1 LAS VEGAS, NEVADA, APRIL 29, 2014

2 * * * * *

3
4
5 (State's Proposed Exhibit 1
6 was marked for identification)
7

8 THE COURT: Steve Dell McNeill.

9 Good morning again, sir.

10 MR. ZADROWSKI: Your Honor, we're ready to
11 go. We have two very short witnesses and a piece of
12 evidence.

13 THE COURT: All right. Sir, you're welcome
14 to come down and have a seat next to your attorney.

15 Ready?

16 (Break in proceedings)

17 THE COURT: Mr. McNeill is present, in
18 custody, with his attorney. And everybody is ready to
19 proceed; is that correct?

20 MS. FERRERA: That's correct.

21 MR. ZADROWSKI: We are, Your Honor.

22 THE COURT: You may call your first witness.

23 MR. ZADROWSKI: The State calls Ashley Mangan.

24 THE COURT: Good morning.

25 THE WITNESS: Good morning, Your Honor.

SHAWNA J. MCINTOSH, RPR, CCR NO. 770
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1 THE COURT: If there are any other witnesses
2 in the courtroom, you must wait in the hallway.
3 Please do not discuss your testimony with anyone until
4 called by the Court.

5 Ma'am, if you'd remain standing for
6 just a moment.

7 Mr. Zadrowski, are all your witnesses
8 out?

9 MR. ZADROWSKI: I'm not calling you.

10 Yes, they are.

11 THE COURT: All right.

12 MS. FERRERA: Your Honor, I apologize, I did
13 want to make one record before we started with the
14 witness. In negotiating this case with Ms. Albritton,
15 there was an early offer that apparently -- that was
16 in the file when I received it and apparently was not
17 conveyed to the defendant at the early -- at his
18 arraignment, which was for a misdemeanor ex-felon
19 failure to register. To do six months regular time.

20 He relayed to me that this offer was
21 never relayed to him.

22 In an effort to negotiate this case, I
23 did contact Ms. Albritton and let her know that this
24 was the early offer when she had offered a wobbler to
25 negotiate the case. She did respond -- and I did tell

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1 her that he'd never received that offer at
2 preliminary -- or at his arraignment, I'm sorry. And
3 she responded that, unfortunately, that offer is not
4 available anymore and after reviewing the file, she
5 believes the wobbler is appropriate.

6 And that's all well and fine. I just
7 want to make a record that he was never relayed that
8 offer for -- for potentially appeal purposes.

9 THE COURT: All right.

10 MS. FERRERA: Thank you.

11 THE COURT: Raise your right hand, please.

12

13 Whereupon,

14 ASHLEY MANGAN,

15 having been first duly sworn to testify to the truth,
16 the whole truth and nothing but the truth, was
17 examined and testified as follows:

18

19 THE CLERK: You may be seated.

20 State your name for the record, first
21 and last, and spell it, please.

22 THE WITNESS: It's Ashley Mangan, A-s-h-l-e-y,
23 M-a-n-g-a-n.

24 MR. ZADROWSKI: May I proceed, Your Honor?

25 THE COURT: You may.

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1 MR. ZADROWSKI: Thank you.

2

3 DIRECT EXAMINATION

4 BY MR. ZADROWSKI:

5 Q. Ms. Mangan, how are you employed?

6 A. I'm employed with Parole and Probation,
7 Department of Public Safety.

8 Q. All right. And how long have you been so
9 employed?

10 A. Approximately, two years.

11 Q. And please tell the Court what your current
12 duties are.

13 A. I am Parole and Probation for the sex
14 offender unit, and I also supervise lifetime
15 supervision cases.

16 Q. Okay. And please tell us what is meant by
17 supervising lifetime supervision cases. Typically,
18 what do you do?

19 A. Typically, I have them come in and report,
20 and I supervise them at their house or their
21 employment. Just make sure that they're -- that
22 they're not committing any new charges.

23 Q. All right. So part of your supervision
24 duties, does it entail or require that you give them
25 things to do like counseling, reporting, et cetera,

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1 those kind of things?

2 A. That is correct.

3 Q. And do you supervise those activities?

4 A. I do.

5 Q. And what are these -- these people that you
6 supervise, when are they brought to you? How do they
7 become your supervisees?

8 A. Usually by my supervisor, they'll hand me a
9 case, and I'll take it over from there, or if it's
10 transferred from another officer into my hands.

11 Q. All right. And these are cases where a
12 person's been convicted in court, and then they are
13 referred to your office for supervision; is that
14 correct?

15 A. That is correct.

16 Q. Listen, I want to ask you, are you familiar
17 with a person by the name of Steve Dell McNeill?

18 A. I am.

19 Q. And how are you familiar with that particular
20 case?

21 A. I'm currently his supervising officer.

22 Q. And how long have you been his supervising
23 officer?

24 A. March 2012.

25 Q. You've been supervising him for a period of

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1 approximately two years?

2 A. Yes.

3 Q. Okay. Steve Dell McNeill, do you see him in
4 the courtroom today?

5 A. I do.

6 Q. Would you please point to him and describe an
7 article of clothing that he's wearing today?

8 A. Mr. McNeill is sitting next to his lawyer
9 (indicating) and he's wearing a blue, looks like CCDC
10 outfit.

11 Q. That's the person to my right?

12 A. Yes.

13 MR. ZADROWSKI: Your Honor, may the record
14 reflect identification of the defendant?

15 THE COURT: Yes.

16 BY MR. ZADROWSKI:

17 Q. All right. And so when he was first referred
18 to you, in March of 2012, do you remember that occasion?

19 A. I do remember, yes.

20 Q. All right. And what is it that he was
21 referred to you for?

22 A. The officer transferred the case to me. I
23 took it over, and I just tried to call him to set up
24 an appointment, and I wasn't able to reach him.

25 Q. All right. Just so we're clear --

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1 A. Okay.

2 Q. -- an officer transferred him to you?

3 A. Right.

4 Q. Why is that?

5 A. It could be location, it could have been my
6 location to have him in that area, which he -- I mean
7 some officers work in Henderson, some officers work in
8 Las Vegas, so it could have been where he was residing.

9 Q. Okay.

10 A. I'm not for sure of the exact reason why he
11 was transferred to me.

12 Q. Let me ask it this way. Was he on -- was he
13 on a period of probation or parole at the time that
14 you received his case file to supervise him?

15 A. No. He was on lifetime supervision.

16 Q. All right. What does that mean?

17 A. It means that after he's completed full
18 probation or a time in prison, that he would be
19 supervised for approximately ten years or longer to
20 make sure he doesn't commit any new crimes because he
21 is a sex offender.

22 Q. Was that the case for Mr. McNeill at the time?

23 A. It was.

24 Q. All right. And so you received his -- he had
25 been previously supervised by a different Parole and

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1 Probation officer; is that correct?

2 A. That is correct.

3 Q. Okay. And you received it in March of 2012?

4 A. Yes.

5 Q. All right. What kinds of things, please
6 detail for the Court what he was required to do as a
7 lifetime supervisee.

8 A. Mr. McNeill signed his lifetime supervision
9 agreement in November 2012, and he's required to
10 report to the office to see me --

11 MS. FERRERA: I'm sorry, Your Honor, what
12 exactly is she referring to?

13 THE COURT: I have no idea.

14 THE WITNESS: This is his lifetime
15 supervision agreement.

16 MR. ZADROWSKI: Okay. Hold on just a second.

17 THE WITNESS: Okay.

18 MR. ZADROWSKI: We'll get there.

19 THE WITNESS: All right.

20 BY MR. ZADROWSKI:

21 Q. Tell us -- tell the Court what a lifetime
22 supervision agreement is.

23 A. It's the document that he signs stating that
24 he understands the rules and regulations of being
25 placed on lifetime supervision and any special

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1 conditions that are ordered.

2 Q. Okay.

3 MR. ZADROWSKI: Your Honor, may I approach
4 the witness?

5 THE COURT: You may.

6 MR. ZADROWSKI: Thank you.

7 BY MR. ZADROWSKI:

8 Q. Showing you what's been previously marked for
9 identification as State's Proposed Exhibit Number 1,
10 would you please take a look at this document that
11 I've had marked as State's Proposed Exhibit Number 1
12 for identification and tell me if you recognize it?

13 A. Yes. It's Mr. McNeill's lifetime supervision
14 agreement.

15 Q. And how do you recognize it?

16 A. By the title and by his signature.

17 Q. Okay. That signature that exists on the
18 second page; is that correct?

19 A. Yes.

20 Q. Is that you who he signed that in front of?

21 A. No.

22 Q. Who did he sign it in front of?

23 A. I am unable to recognize the signature.

24 Q. Now, you just mentioned a moment ago that, in
25 November of 2012, that he signed this document?

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1 A. Yes.

2 Q. Is that correct?

3 A. That is correct.

4 Q. Is that the date that the signature exists
5 on, on page 3 of that document?

6 THE COURT: Did you say 2012 or 2013 it was
7 signed?

8 MR. ZADROWSKI: 2012.

9 BY MR. ZADROWSKI:

10 Q. Referring to this page here.

11 A. Yes. November 7, 2012.

12 Q. Okay. And that was the date you mentioned a
13 few moments ago, correct?

14 A. Yes.

15 Q. All right. And this is the lifetime
16 supervision document that you were referring to earlier?

17 A. Yes.

18 Q. Okay. Now, with regard to that lifetime
19 supervision, and if I -- if I've forgotten, what --
20 what exactly is it?

21 A. It's the conditions that were placed upon him
22 when he was given his judgment of conviction, that he
23 was placed on lifetime supervision. It's a document
24 outlining the rules and any special conditions that
25 were ordered that he has to abide by.

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1 Q. Okay. Now, you indicated that you personally
2 supervised him starting in March of 2012?

3 A. I did.

4 Q. And this document is signed in November of
5 2012; is that correct?

6 A. I'm sorry, you're right, I apologize for
7 that. I started -- it was March of 2013.

8 Q. March of 2013?

9 A. Yes, I apologize.

10 Q. Okay. Just so we're clear on that.

11 A. Yes.

12 Q. All right. So in March of 2013, this
13 document that we're referring to, do you maintain
14 these documents in your ordinary course of business?

15 A. Yes.

16 Q. Do you rely on these documents, these sex
17 offender documents that we were just talking about now
18 in order to do your job on a daily basis?

19 A. I do.

20 Q. And these are documents that are frequently
21 either signed you by or somebody else, but
22 nevertheless you have supervision over the
23 supervisees, and you rely on these documents in order
24 to do your job on a daily basis, correct?

25 A. Correct.

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1 Q. Okay. So you found out about this document
2 that was signed in November of 2012, and you became the
3 supervisor in March of 2013. Do I have this correct?

4 A. That is correct.

5 Q. Okay. So in March of 2013, there were certain
6 things that he was required to do. What were they?

7 A. Report to the Parole and Probation office
8 monthly. Provide a written report.

9 Q. All right. I'm going to stop you there.

10 A. Okay.

11 Q. That's a condition that he was required to do
12 according to this document that you have?

13 A. Yes.

14 Q. And did he comply with that requirement?

15 MS. FERRERA: I'm sorry, what are you -- what
16 is she referring to now, Your Honor?

17 THE COURT: I don't know.

18 THE WITNESS: The lifetime supervision
19 agreement.

20 THE COURT: Ma'am, what I'd like you to do is
21 turn all your documents over.

22 THE WITNESS: Okay.

23 THE COURT: Don't refer to them unless you
24 have the permission of the Court.

25 THE WITNESS: Okay.

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1 THE COURT: Or Mr. Zadrowski or counsel for
2 the defense shows you something.

3 And if you need to refer to your
4 document to answer a question, then let Mr. Zadrowski
5 know.

6 THE WITNESS: Okay.

7 THE COURT: Okay.

8 MR. ZADROWSKI: All right.

9 BY MR. ZADROWSKI:

10 Q. And you can do that by saying I don't know,
11 I'd need to refer to my documents. Okay?

12 A. Okay.

13 Q. All right. So back to my question. March of
14 2013, you became his supervising officer, correct?

15 A. Correct.

16 Q. All right. And you indicated he was required
17 to report?

18 A. Correct.

19 Q. Did he report?

20 A. He did report.

21 Q. Okay. And you indicated he was required to
22 report how many times?

23 A. Once a month in the office.

24 Q. And did he do that?

25 A. Yes.

SHAWNA J. MCINTOSH, RPR, CCR NO. 770
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1 Q. All right. So he was in -- he was compliant
2 with regards to reporting?

3 A. Yes.

4 Q. Okay. Were there other requirements, in
5 addition to the reporting requirement, that he was
6 required to do?

7 A. He was required to submit a written report.

8 Q. All right. And this was one of the
9 requirements according to that document we referred to
10 earlier?

11 A. I believe so.

12 Q. And did he, in fact, do that?

13 A. He did submit a report, but it was inaccurate.

14 Q. Okay. So he was required to do a written
15 report, and you're saying that report was inaccurate.

16 How was it inaccurate?

17 A. He was -- he was reporting that he was living
18 on -- at the cross streets of Main and Wyoming.

19 Q. And what was inaccurate about that?

20 A. That he also -- would also say that he sleeps
21 at different spots at night depending on what he was
22 doing that day.

23 Q. Okay. Let's take this piece by piece.

24 A. Okay.

25 Q. You said he was required -- one of the

SHAWNA J. MCINTOSH, RPR, CCR NO. 770
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1 requirements, he said he was living at the cross
2 streets of Main and Wyoming?

3 A. Correct.

4 Q. Did you visit Main and Wyoming to see if he
5 maintained a residence there?

6 A. I attempted several times to visit the cross
7 streets of Main and Wyoming, and I was unable to find
8 him.

9 Q. All right. So that's the inaccuracy you're
10 talking about?

11 A. Yes.

12 Q. He was not living at the place he said he was
13 living at?

14 A. Correct.

15 Q. Okay. Now, were there other requirements
16 pursuant to this agreement that he was required to do?

17 A. Yes. He was required to attend sex offender
18 counseling.

19 Q. All right. And you referred him to sexual
20 offender counseling?

21 A. I didn't do the first referral to sex
22 offender counseling. He was previously referred.

23 He was terminated, I believe, in
24 December of 2012 from sex offender counseling. I
25 addressed with him why he had not re-enrolled, and he

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1 basically said he was not going to re-enroll in sex
2 offender counseling.

3 Q. Even though you had told him he had to
4 re-enroll?

5 A. Yes.

6 Q. Did he say why he was not going to do it?

7 A. No, no -- no general reason why, just said he
8 was not going to do it.

9 Q. Okay. So were there --

10 THE COURT: May I interrupt one second?

11 MR. ZADROWSKI: Yes.

12 THE COURT: These dates that she's given
13 me -- us, just said he was terminated December of 2012
14 and wasn't going to re-enroll, but the Complaint says
15 December 2013. You'll --

16 THE WITNESS: Yeah.

17 MR. ZADROWSKI: Yeah, I'm going to fix that
18 at the end.

19 THE WITNESS: Okay.

20 THE COURT: All right. Go ahead.

21 BY MR. ZADROWSKI:

22 Q. So he was terminated in December of 2012?

23 A. I'd have to look at the termination letter
24 from the --

25 Q. Would that refresh your recollection --

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1 A. It would.

2 Q. -- by looking at it?

3 A. Yes.

4 Q. Okay. So go ahead and turn that document
5 over, take a look at it, and before you make any
6 answers to me, look up and let me know if that
7 refreshes your recollection.

8 A. (Witness complies) It does.

9 Q. Okay. And that refreshes your recollection?

10 A. (No verbal response)

11 Q. Can you tell the Court when he was terminated
12 from sex offender counseling?

13 A. Marcia Lee reported that he was terminated in
14 December -- December 22, 2012.

15 Q. And hearing or knowing this, did you attempt
16 to get him back into this same counseling or same type
17 of counseling when you became his supervising officer?

18 A. Yes, I did.

19 Q. And what was his response?

20 A. That he was not going to re-enroll in sex
21 offender counseling.

22 Q. And when you heard this, what, if anything,
23 did you do about it?

24 A. Nothing. I could -- I would be addressing
25 further on with him.

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1 Q. Okay. All right. Now, were there other
2 violations of his lifetime supervision that came to your
3 knowledge, to your personal knowledge, at the time.

4 A. Later -- on a later date when I was
5 supervising him, he did refuse to submit to a
6 urinalysis testing and a curfew.

7 Q. Okay. Let's talk about the urinalysis testing.
8 When was he referred to do a urinalysis testing?

9 A. I believe it was August of 2013, I requested
10 for him to submit to urinalysis testing.

11 Q. And did he do that?

12 A. He did not.

13 Q. And did you talk to him about that?

14 A. Yes.

15 Q. And did he tell you why he did not do it?

16 A. No.

17 Q. He just said -- he said nothing?

18 A. He said, I'm not going to submit urinalysis
19 testing.

20 Q. So he refused to do it?

21 A. Yes.

22 Q. Now, you also indicate -- and by the way,
23 that urinalysis testing is something that was required
24 under this document we've just been talking about?

25 A. Yes.

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1 Q. Okay. Now, you also said something about
2 curfew, correct?

3 A. Correct.

4 Q. Did you require that he abide by a curfew
5 pursuant to your supervision of him?

6 A. I attempted to put him on a curfew, and he
7 said that he would not be placed on a curfew.

8 Q. When did you attempt to put him on a curfew?

9 A. In August of 2013.

10 Q. And how did it come to your attention that he
11 was not complying with that?

12 A. Just by him flat out telling me he was not
13 going to. Because I -- I had said, Hey, you know, I
14 really would like to see you at Main and Wyoming, I'd
15 like to see you there, you know, I'm going to put you
16 on a curfew so I can swing by and make sure you're
17 living there.

18 And he said that he was not going to
19 be placed on a curfew.

20 Q. All right. Did you, in fact, swing by Main
21 and Wyoming to see if he was there?

22 A. I have, yes.

23 Q. And was he there when you did that?

24 A. No. But it wasn't during the curfew period
25 that I looked.

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1 Q. All right. So he simply told you curfew-wise
2 he wasn't going to do it?

3 A. Correct.

4 Q. All right. Were there other requirements as
5 a sex offender registree pursuant to this agreement
6 that he was required to do?

7 A. For the sex offender registry, yes, he's
8 required to report accurately where he's living, where
9 he's staying.

10 Q. Well, we've already covered those.

11 A. Yes.

12 Q. Were there any other ones in addition to that?

13 A. Not that I can recall.

14 Q. All right. Now, is cooperating with the
15 supervising officer one of those requirements?

16 A. Yes.

17 Q. All right. And did he cooperate with the
18 supervising officer, that being you?

19 A. No.

20 Q. And how -- how did he not cooperate?

21 A. He was uncooperative by not abiding by
22 supervision, which would be to submit to a U/A, to be
23 placed on a curfew.

24 Q. And living at the residence?

25 A. Correct.

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1 Q. Okay. Is one of those requirements
2 maintaining full-time employment?

3 A. He is required to seek and maintain full-time
4 employment, yes.

5 Q. Was this part of that agreement that he
6 signed on November of 2012?

7 A. Yes.

8 Q. All right. And was he compliant with that
9 activity for that requirement?

10 A. He had never reported employment while I was
11 supervising him.

12 Q. All right. So you became, in March of 2013,
13 did you ask him about that?

14 A. Yes. He said that he was homeless and that
15 he would stand outside and hold a sign and collect
16 money from people that passed by.

17 Q. So he refused to be employed, is that -- is
18 that accurate?

19 A. I don't know if he -- if he actually refused
20 me, just that he would not seek employment.

21 Q. As his supervising officer, was standing
22 outside and holding a sign considered employment in
23 your eyes?

24 A. No.

25 Q. Now, with regard to his address, you

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1 mentioned earlier that he stated that he stays at
2 other places. Do you remember stating that?

3 A. Yes.

4 Q. What exactly did he tell you about that?

5 A. Well, when he had refused to abide by a
6 curfew or conduct -- or submit to urinalysis testing,
7 I took him to my supervisor's office. And we
8 discussed where he lives and his location. And he
9 basically said that he is not going to be a dog on a
10 leash and not be -- he's going to stay wherever he
11 wants to stay. I can't --

12 Q. So he used those words, "dog on a leash"?

13 A. Yes, he did.

14 Q. All right. And so after he said this, what
15 did you do, if anything?

16 A. At that time I arrested him.

17 Q. Okay. Now, did he ever tell you of any other
18 addresses that he was staying at?

19 A. No, he did not.

20 Q. And so suffice it to say he didn't register
21 at any of those addresses that he didn't tell you
22 about?

23 A. Correct.

24 Q. Okay. Are there any other, requirements
25 according to that document, that he was not compliant

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1 with during the time that you supervised him?

2 A. I believe we've covered all the main -- the
3 main violations that he had.

4 Q. All right. Now, how many times did you talk
5 to him during your period of supervision?

6 A. I would -- I would -- I would not know. I
7 would not know that answer how many times specifically
8 I talked to him.

9 Q. Well, let me ask you this. Was it more than
10 once?

11 A. Yes.

12 Q. And is that standard that you, in the office,
13 speak to him?

14 A. At least once monthly, yes.

15 Q. Okay. And did he, in fact, come to your
16 office once a month to speak to you?

17 A. No, he hasn't. He stopped -- he stopped
18 reporting after August 19, 2013. That's the last time
19 I saw him inside my office.

20 Q. Okay. So let's get back to that one. So you
21 took over in March of 2013?

22 A. Yes.

23 Q. And he reported monthly to you from March
24 until August of 2013?

25 A. Yes.

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1 Q. And after August 2013, what happened?

2 A. The department -- or the Department of Public
3 Safety received a cease and desist notice. And I --
4 I've never heard from him again. I have no contact
5 number for him or valid address where I can see him at
6 his home.

7 Q. All right. Stop you just for a minute. You
8 said you received a cease and desist notice. Please
9 tell the Court what that is, what was it that you
10 received?

11 A. It was actually in a letter addressed to
12 (phonetic) Captain Connor, Department of Public Safety.
13 And it was given to my sergeant and then I reviewed it.
14 And it basically stated that I, as an officer -- or the
15 department, actually, was not to contact him in any way.

16 Q. And this was a letter from the defendant?

17 A. Yes.

18 Q. Okay. And so he's telling you in that letter
19 don't contact him?

20 A. Basically, the Department of Public Safety
21 not to contact him, yes.

22 Q. Okay. And did the letter indicate why?

23 A. I believe that it had -- in my opinion,
24 because he believes he's a sovereign citizen.

25 Q. Okay. All right. Your office is here in

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1 Clark County, Nevada?

2 A. Yes.

3 Q. Where did you arrest him?

4 A. DPS, Department of Public Safety, in
5 Clark County, Nevada.

6 Q. Can you recall when that was?

7 A. I believe it was on -- I do not recall the
8 exact date.

9 Q. Was it December of 2013?

10 A. I'd have to refer to my notes.

11 Q. All right. Do your notes indicate when you
12 arrested him?

13 A. (No verbal response)

14 Q. Without looking at them.

15 A. Oh, okay. I'm sorry. I'm not -- I -- I'm
16 not sure of the exact date that I arrested him.

17 Q. Let me ask you this. You said in August of
18 2013 was the last time that you saw him, correct?

19 A. Yes.

20 Q. All right. And was it shortly thereafter or
21 a long time after that you finally arrested him?

22 A. Actually, it was before when I arrested him.
23 It was on -- before I arrested him, after August is
24 when I submitted -- because he had not -- he has not
25 reported, I submitted for absconding.

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1 Q. Okay.

2 A. Okay.

3 Q. All right. And you arrested him in your
4 office?

5 A. Yes.

6 Q. When he came to see you?

7 A. Yes.

8 Q. Okay. All right.

9 MR. ZADROWSKI: I'll pass the witness,
10 Your Honor.

11 THE COURT: Cross.

12 MS. FERRERA: Thank you, Your Honor.

13

14 CROSS-EXAMINATION

15 BY MS. FERRERA:

16 Q. I'm just a little bit confused as to the time
17 line, and we've been going back and forth on dates, so
18 I just kind of want to substantiate what happened.

19 What -- when exactly was Mr. McNeill
20 placed on lifetime supervision?

21 A. I believe it was November of 2007. I'd have
22 to look at the document to verify.

23 Q. Okay. And so he was assigned a P&P officer
24 for lifetime supervision at that time?

25 A. Yes.

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1 Q. That was not you?

2 A. No.

3 Q. Okay. You were assigned as his probation
4 officer at what time?

5 A. I believe it was March 2013.

6 Q. Do you recall how many supervisors he had
7 previous to that?

8 A. I do not know.

9 Q. Okay. So you became his supervisor in March
10 of 2013. And you were saying that he stopped
11 reporting on August of 2013?

12 A. Yes.

13 Q. And when was it again that you arrested him?

14 A. I would have to look at my notes, please.

15 (Pause in proceedings)

16 THE WITNESS: It was -- looks like on
17 November 7th of 2013.

18 BY MS. FERRERA:

19 Q. So let's just start at the beginning. So he
20 was placed on lifetime supervision in November, 2007.
21 He signed an agreement, which we all saw, correct?

22 A. Correct.

23 Q. Okay. If he doesn't sign -- where is he when
24 he signs that? Where generally are people when they
25 sign that agreement?

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1 A. In the Parole and Probation office.

2 Q. In the probation -- Parole and Probation
3 office?

4 A. Correct.

5 Q. So they have already been released from prison?

6 A. Yes.

7 Q. Okay. And if they don't sign that lifetime
8 supervision agreement, what happens?

9 A. Most likely we'd file new charges for not
10 complying with the -- with the law, being placed on
11 lifetime supervision.

12 Q. Okay. So when he's released from prison,
13 he's technically on parole?

14 A. Yes.

15 Q. So he signs that agreement when he comes in
16 to visit?

17 A. Whenever he's expired from parole or
18 probation, he'll be placed on lifetime supervision at
19 that point. Whenever he expires from parole or was
20 released from prison, his lifetime supervision
21 agreement starts.

22 Q. Okay. And if he doesn't sign that lifetime
23 supervision agreement, he gets sent back to prison?

24 A. No. I mean we could request -- we could
25 request that, we'd file new charges saying that he's

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1 not complying with the law to be placed on lifetime
2 supervision.

3 Q. So if he doesn't sign it he's committing a
4 crime?

5 A. Well, he would not be abiding by the
6 conditions set forth most likely.

7 Q. The conditions set forth in what?

8 A. In the -- in the agreement, that he
9 acknowledges that, yes, these are the conditions that
10 I have. He would not be acknowledging that by -- by
11 refusing to sign.

12 Q. Okay. So what I'm getting from what you're
13 saying is that he's already subject to what's in that
14 agreement?

15 A. Correct.

16 Q. Okay. His signature is simply acknowledging
17 that he's read that and knows that these are the
18 conditions under which --

19 A. Yes.

20 Q. -- he is to abide?

21 A. Correct.

22 Q. Okay. And so you became his supervisor in
23 March of 2013?

24 A. Correct.

25 Q. Okay. Did -- are there any -- do you recall

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1 any instances in which he had previously had issues
2 with his lifetime supervision?

3 A. I do not.

4 Q. So safe to say that he really didn't have any
5 issues with lifetime supervision at that point?

6 MR. ZADROWSKI: Objection, Your Honor.
7 Mischaracterization of her testimony.

8 THE COURT: Sustained.

9 BY MS. FERRERA:

10 Q. So there are no violations that you can recall?

11 A. Just the ones I've experienced with him --

12 Q. Okay.

13 A. -- while I was his supervisor.

14 Q. Okay. And -- and would you look back to his
15 previous behavior on lifetime supervision when you are
16 assigned to be his --

17 A. Yes, I would.

18 Q. Okay. And there's nothing that you can --
19 that comes to mind that you can remember?

20 A. No.

21 Q. Okay. Now, you said you arrested him at the
22 Department of Parole --

23 A. Yes.

24 Q. -- and Probation, correct?

25 A. Correct.

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1 Q. So he had -- how did he come to the
2 Department of Parole and Probation? Was he reporting?

3 A. Yes --

4 Q. -- was he reporting?

5 A. -- he came in to report.

6 Q. Okay. So you said that he absconded in
7 August of 2013, correct?

8 A. Correct.

9 Q. So he didn't go for August 2013?

10 A. I believe the last time I saw him in August
11 was August 19th of 2013. That was the last time he
12 reported.

13 Q. Okay. So he had made that report date?

14 A. Yes.

15 Q. August 20, 2013?

16 A. Yes.

17 Q. So then his next report date would have been
18 the following month in September?

19 A. Correct.

20 Q. And he didn't show up then?

21 A. Correct.

22 Q. And so October, did he report in October?

23 A. No.

24 Q. No. Did you try to contact him?

25 A. Yes. I -- I was unable to get ahold of him

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1 with the numbers that he provided.

2 Q. Okay. And -- but he did come and report in
3 November 2013?

4 A. November? I don't believe he did.

5 Q. Well, that's when you arrested him in the
6 Department the Parole and Probation?

7 A. Well, that -- I would -- this -- the report
8 that I have for my -- the new charges that we're here
9 for today is because he failed to report after August.
10 The arrest prior to that was the insufficient
11 evidence, it was not picked up.

12 Q. I'm not asking why you --

13 A. Okay.

14 Q. -- why you arrested him, I'm asking -- he was
15 there present in the Department of Parole and
16 Probation's offices with you?

17 A. On what date are we speaking of?

18 Q. You -- okay. Let me back up a second.

19 A. Okay.

20 Q. You said that you arrested him, when you
21 looked at your report --

22 A. Okay.

23 Q. -- on November 7th of 2013.

24 A. Yes.

25 Q. Okay. And --

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1 A. Yes. Looks like -- well, I'm sorry. Looks
2 like -- looks like -- I'm sorry, it was in July.

3 THE COURT: I'm sorry, what did you say?

4 THE WITNESS: July.

5 THE COURT: What about July?

6 THE WITNESS: July 11, 2013, I believe that
7 was when I arrested him.

8 THE COURT: You've given us three dates now
9 that you arrested him. Which one is it?

10 I'm going to take a break.

11 MR. ZADROWSKI: Thank you, Your Honor.

12 THE WITNESS: Okay.

13 THE MARSHAL: Please remain seated. We'll be
14 in a short recess.

15 (Recess taken)

16 THE COURT: We are back on the record with
17 regard to Mr. Steve Dell McNeill, present, in custody,
18 with his attorney.

19 State is present. Our witness is
20 still on the stand.

21 Ma'am, you are still under oath.

22 Counsel, you may continue.

23 MS. FERRERA: Thank you, Your Honor.

24 BY MS. FERRERA:

25 Q. So I'll re-ask my question. When -- what

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1 date did you arrest Mr. McNeill?

2 A. Mr. McNeill was arrested in the office in
3 July of 2013.

4 Q. He was -- okay. So he's been in custody
5 since July of 2013?

6 A. No. He was released. No charges were taken,
7 no charges filed.

8 Q. Okay.

9 A. Yeah.

10 Q. Okay. And so then -- so then after he was
11 released, he did report to --

12 A. Yes.

13 Q. -- to you on August 2013?

14 A. Yes.

15 Q. Okay. And so your -- your prior
16 testimony was that he didn't report September or
17 October of 2013?

18 A. The last time I saw him in my office was
19 August of 2013, so I did not see him after that.

20 Q. So your testimony now is just that after
21 August 2013, you've just never seen him?

22 A. Correct.

23 Q. So you did earlier testify that you arrested
24 him on November 7, 2013?

25 A. I'm sorry, it was 2012.

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1 Q. November 2012?

2 A. Yeah. I'd have to refer to my notes. I
3 wasn't -- I wasn't prepared for the previous arrest.

4 Q. Okay.

5 A. This was --

6 Q. At one time you arrested him in November?

7 A. Right. And the charges went nowhere with
8 that. And then he came in and started reporting
9 again. The charges went nowhere, nothing happened
10 after that.

11 Q. Of 2012?

12 A. I believe so, yes.

13 Q. And then he started -- okay. Let's back up
14 all the way to November 2012. He was arrested on
15 November 2012?

16 A. I'd have to refer to my notes again just to
17 make sure.

18 Q. But you started supervising him March 2013,
19 so you arrested him before you were even his
20 supervisor?

21 A. Okay. Yeah, I'm confused on my dates. I'd
22 have to look at my notes.

23 Q. Okay. If you think looking at your notes
24 right now --

25 A. Yes.

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1 Q. -- will help you figure things out right now,
2 please do.

3 A. Okay.

4 Q. But if not --

5 THE COURT: I thought that's why I took a
6 break, so she could do that.

7 THE WITNESS: I'm sorry, I'm just getting
8 confused on the -- the arrest -- looks like July 11th
9 of 2013.

10 MR. ZADROWSKI: Your Honor, can I take the
11 witness on voir dire?

12 THE COURT: You may.

13

14 VOIR DIRE EXAMINATION

15 BY MR. ZADROWSKI:

16 Q. So let's go back to November of 2012. You
17 testified earlier he signed an agreement that is
18 required for sex offenders in November of 2012,
19 correct?

20 A. Correct.

21 Q. This was before you were his supervisor,
22 correct?

23 A. Correct.

24 Q. You took over in March of 2013 as his
25 supervisor?

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1 A. Correct.

2 Q. Okay. So this new agreement of the
3 supervisee was in place when you became his
4 supervisor?

5 A. That is correct.

6 Q. When -- when counsel was asking you about
7 when he was arrested, you're only assuming that, in
8 previous to your supervision, that he was arrested,
9 which caused him to sign the new agreement; is that
10 correct?

11 A. Yes.

12 Q. Okay.

13 A. Yes.

14 Q. So in March you take over?

15 A. Correct.

16 Q. In July of 2013, you arrest him, but those
17 charges are -- no -- no charges filed, NCF, correct?

18 A. Yes.

19 Q. So you continue with his supervision after
20 your arrest of July of 2013, correct?

21 A. Right.

22 Q. He then reports to you in August of 2013,
23 correct?

24 A. Correct.

25 Q. That's August 19, 2013?

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1 A. Yes.

2 Q. And August 29th you receive a letter from
3 him, a cease and desist; is that correct?

4 A. Correct.

5 Q. After August 29th of 2013, that being
6 September of 2013, when he's scheduled to come into
7 your office to report, he does not report, correct?

8 A. Correct.

9 Q. Did he ever report after September of 2013?

10 A. No.

11 Q. And, in fact, you signed an affidavit in
12 March of 2014 requesting charges, which is why we're
13 here today, correct?

14 A. Correct.

15 MR. ZADROWSKI: Thank you, Your Honor.

16

17 CROSS-EXAMINATION resumes

18 BY MS. FERRERA:

19 Q. So thank you. I have here in front of me the
20 filing -- or the lifetime supervision agreement. It
21 has what you've testified with your signature on the
22 witness line?

23 A. No, I -- I was not his officer. When I
24 signed --

25 MS. FERRERA: May I approach, Your Honor?

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1 THE COURT: You may.

2 BY MS. FERRERA:

3 Q. Is that your signature?

4 A. No.

5 Q. Okay. Whose signature is that?

6 A. I have no -- I don't know.

7 Q. Okay.

8 A. I don't know who --

9 Q. Who usually signs that --

10 A. His supervising officer.

11 Q. Whoever was his supervising officer at that
12 time?

13 A. Yes.

14 Q. Okay. So you just testified that you signed
15 this agreement after an arrest that was made where
16 charges were not pursued?

17 A. (No verbal response)

18 Q. That's not what you testified to?

19 THE COURT: That's a bit what I heard.

20 MS. FERRERA: That's what I heard also.

21 THE COURT: Why don't you just back up. See
22 if there is another lifetime supervision agreement
23 that's been signed, other than the one from November
24 of 2012.

25 MS. FERRERA: Okay.

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1 BY MS. FERRERA:

2 Q. You previously said that he started lifetime
3 supervision of November 2007.

4 A. His original -- the original -- it's for
5 evidence here in the exhibit has him sign it December
6 4, 2007, for lifetime supervision agreement. It is
7 resigned again in November of -- November 7th of 2012.
8 So there's actually --

9 Q. Okay. So there are two lifetime -- lifetime
10 supervision agreements?

11 A. Yes.

12 Q. One signed in 2007, one signed in 2012?

13 A. Correct.

14 Q. What was the reason for resigning that
15 agreement?

16 A. The -- these special conditions added by the
17 parole board had to be added to the new agreement, and
18 that's why he signed it.

19 Q. Okay.

20 A. Okay.

21 Q. And you were not the person who witnessed that?

22 A. No.

23 Q. Okay. So there was no arrest around the time
24 of November 2013 -- or '12 when he resigned that --

25 A. No.

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1 Q. -- agreement?

2 A. No, there was no arrest that I know -- that I
3 am aware of.

4 Q. Okay.

5 A. No.

6 Q. Okay. So then you became his supervisor in
7 March of 2013?

8 A. Right.

9 Q. Okay. You saw him up until -- well, you had
10 him arrested in July of 2013?

11 A. Yes.

12 Q. Okay. In your office?

13 A. Correct.

14 Q. During one of his monthly reports?

15 A. Yes.

16 Q. Okay. Then he was released and he did come
17 back to P&P for -- August of 2013?

18 A. Yes.

19 Q. You didn't see him after August of 2013?

20 A. Correct.

21 Q. And you testified that you haven't seen him
22 since?

23 A. Correct.

24 Q. Okay. And you filed your report in this case
25 for charges to be filed in March 10th of 2014, correct?

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1 A. I believe so, yes.

2 Q. Would it help you to look at your report?

3 A. I do have my report, I just don't -- this
4 report doesn't have my signature on it but, yeah, I do
5 have a report.

6 Q. Okay. So that is the correct date that you
7 filed this report?

8 A. Yes.

9 Q. March --

10 A. If I signed that then yes.

11 Q. Okay. Is there a particular reason you
12 waited until March 10, 2014, to file these?

13 A. Just attempts to call him by the phone -- call
14 him on the phone or to drive by Main and Wyoming, which
15 I wasn't successful in finding him or calling him.

16 Q. Okay. So you attempted for seven months to
17 get in touch with him; is that right?

18 A. Correct.

19 Q. Okay. By driving by Main and Wyoming?

20 A. Yes.

21 Q. And is -- that is just an intersection,
22 correct?

23 A. Correct.

24 Q. That's not a building?

25 A. Well, there's buildings on the corner but --

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1 Q. Okay. So that was his residence?

2 A. That's where he claimed to be.

3 Q. Why is that his residence, is he homeless?

4 A. He claims to be homeless.

5 Q. Okay. Did he ever draw you a map as to where
6 he actually slept?

7 A. No, he did not draw me a map.

8 Q. Okay. Did he ever tell you that -- and where
9 he sleeps particularly, I can't imagine that he sleeps
10 on a corner. I --

11 A. Right. He did say behind a church, I think,
12 at one time to me. So I drove -- I've drove -- I've
13 driven the alleys and the corner of Main and Wyoming
14 and have not been able to locate him there. Or any
15 furnishings that would be, you know, maybe a sleeping
16 bag or a blanket of some sort, there's nothing in the
17 alleys except fences.

18 Q. Okay. And around what time did you go
19 looking for him?

20 A. I'd have to refer to my notes, but I've --
21 I've attempted to look for him after August of 2013.

22 Q. Okay. I'm -- I'm less concerned with what
23 days you went, but what time of the day did you go
24 looking for him?

25 A. Oh, there was various days, afternoons,

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1 evening.

2 Q. Evenings around what time?

3 A. Probably around six p.m., I'd have to say.

4 Q. Six p.m.?

5 A. Six p.m.

6 Q. Did you ever go later than six p.m.?

7 A. I don't believe after August I didn't, but
8 prior yes.

9 Q. And prior to that you were able to find him?

10 A. I've never been able to locate him at Main
11 and Wyoming.

12 MS. FERRERA: Okay. Court's indulgence.

13 BY MS. FERRERA:

14 Q. So earlier you testified that he had given
15 you an inaccurate address?

16 A. He writes on -- he wrote on the monthly
17 report that he's staying at Main and Wyoming. And
18 then it was discovered in August that he's -- what he
19 basically told that he sleeps wherever he wants.

20 Q. Okay.

21 A. So --

22 Q. And then you said it changes depending?

23 A. Depending on wherever he wants to stay that
24 night. He -- he has -- no, he doesn't stay every
25 night at Main and Wyoming is what I got from him

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1 during the conversation.

2 Q. Is there any shelter around Main and
3 Washington?

4 A. Not that I'm aware of.

5 Q. Okay. If the weather was bad, would there
6 be -- to your recollection, would there be anywhere
7 for him to sit under or --

8 A. At that corner, no.

9 Q. Okay.

10 A. I --

11 Q. Go ahead.

12 A. Sorry. I'd referred him to a homeless shelter,
13 and he said that he was not interested in that. And I
14 said that was fine, he didn't have to stay there, but
15 there was a place for him if he wanted to go.

16 Q. Okay. So one of the violations you said --
17 that you listed in your report was not cooperating
18 with his officer?

19 A. Correct.

20 Q. Okay. And then you testified that not
21 cooperating means not abiding by the supervision?

22 A. Correct.

23 Q. Okay.

24 A. Like if I had told him, Hey, we need to
25 submit to a urinalysis, you need to -- I need a urine

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1 sample from you, and his response is no, that would
2 not be cooperating.

3 Q. Okay. So then he gets -- then that's two
4 violations at that point, it's not doing the
5 urinalysis and not cooperating?

6 A. Right.

7 Q. So an actual violation of lifetime supervision
8 equals two violations of lifetime supervision?

9 A. Well, I believe he -- he violated his
10 conditions by not abiding by the curfew and not
11 showing up. All those are separate violations in the
12 lifetime supervision agreement. Basically, he's not
13 abiding by the lifetime supervision agreement in whole
14 by not completing one of those things.

15 Q. Right. So -- or is it like that he has so
16 many violations that, in aggregate, it's not
17 cooperating, or is it that these violations is a
18 violation in itself by not cooperating?

19 A. Can you restate that, please?

20 Q. Okay. So you have a violation for, say, not
21 abiding by curfew?

22 A. Correct.

23 Q. A violation by not changing your address?

24 A. (No verbal response)

25 Q. By not reporting?

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1 A. Correct.

2 Q. Okay. So what I'm hearing is that if he
3 doesn't submit to a urinalysis test, not only is it a
4 violation of his agreement because of the not
5 submitting to the urinalysis test, but it's also a
6 second violation in that it's a violation because he's
7 not cooperating.

8 A. I would say so, yes.

9 Q. Okay. So it's kind of like he's violating
10 twice by one action?

11 A. Yes.

12 Q. You said he failed to maintain employment?

13 A. He never reported employment to me.

14 Q. Okay. Is there an alternative to somebody
15 who's not able to hold an employment, say, do
16 community service instead of holding down full-time
17 employment?

18 A. Well --

19 MR. ZADROWSKI: Objection, Your Honor. That
20 assumes facts not in evidence. Somebody who's not
21 able to maintain employment, there's been no
22 establishment of that fact.

23 THE COURT: Sustained.

24 BY MS. FERRERA:

25 Q. Well, in general, in the -- in your

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1 supervision, if somebody -- not my client specific, but
2 anybody -- if somebody does not have a full-time job, is
3 there an alternative to not having a full-time job?

4 A. The alternative that I would be satisfied
5 with is that they account for their time -- what are
6 they doing? How are they paying their bills? You
7 know, how are they showering? You know, how are they
8 providing for themselves? That's what I would like to
9 know.

10 Q. Okay. But there's not a mechanism such as,
11 if you are not full-time employed, you must at least
12 be doing this?

13 A. No, there is no --

14 Q. And the whole time that you were supervising
15 Mr. McNeill, was he homeless the entire time?

16 A. He reported to me, yes, the cross streets of
17 Main and Wyoming.

18 Q. Okay. So what time was this curfew set at?

19 A. His curfew was not able to be set because he
20 refused it, so I did not give him a time because he
21 flat out said he wasn't going to abide by it.

22 Q. Okay. So you never assigned him a curfew?

23 A. No.

24 Q. Okay. And he was terminated from sex
25 offender counseling, you said?

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1 A. He was.

2 Q. Okay. What -- what did -- what happened, did
3 he just not go?

4 A. Her -- I have the -- the paper from the
5 counselor, if I may refer to it? It's a -- it's her
6 actual termination letter.

7 MS. FERRERA: Okay. May I see that letter?

8 THE COURT: You may.

9 MR. ZADROWSKI: Your Honor, I'm not going to
10 object to that being hearsay. I would, however,
11 advise the Court that Ms. Lee is here from the
12 counseling office to indicate the fact that the
13 defendant was terminated and why.

14 THE COURT: Thank you.

15 MS. FERRERA: Are you going to call this
16 person? Okay, then I'll withdraw that question.

17 BY MS. FERRERA:

18 Q. Okay. So his last registered address was
19 always Main and Wyoming, that's where you said you had
20 always had him registered at?

21 A. That's where he registered himself at.

22 Q. And so you've never seen him at any other
23 location -- or he's never reported any other residence?

24 A. No.

25 Q. But you don't know based on your testimony, I

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1 guess one would have to assume that you did just -- you
2 didn't know where he was, if not at Main and Wyoming?

3 A. Correct.

4 Q. Okay. So you don't know if he did have
5 another residence?

6 A. He never reported that --

7 Q. Okay.

8 A. -- to me.

9 Q. Okay. So you just don't even know if he was
10 still homeless, you don't know any of that?

11 A. I don't know.

12 Q. Okay. All right.

13 MS. FERRERA: No more questions, Your Honor.

14 THE COURT: Any redirect?

15 MR. ZADROWSKI: No, Your Honor.

16 THE COURT: Thank you, ma'am. You can take
17 your documents, other than the exhibit.

18 THE WITNESS: Okay.

19 THE COURT: And you are excused.

20 THE WITNESS: Thank you.

21 THE COURT: Next witness.

22 MR. ZADROWSKI: Your Honor, I'm going to call
23 Marcia Lee.

24 (Pause in proceedings)

25 THE COURT: Good morning, ma'am.

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1 THE WITNESS: Is it still morning?

2 THE COURT: Still morning. Thank you for
3 waiting.

4 THE WITNESS: Uh-huh.

5 THE COURT: You can put your things anywhere
6 you like. If you'd remain standing for me.

7 THE WITNESS: Okay.

8 THE COURT: Raise your right hand, we'll get
9 you sworn in.

10 THE WITNESS: Okay.

11

12 Whereupon,

13 MARCIA LEE,

14 having been first duly sworn to testify to the truth,
15 the whole truth and nothing but the truth, was
16 examined and testified as follows:

17

18 THE CLERK: You may be seated.

19 State your name for the record, first
20 and last, and spell it, please.

21 THE WITNESS: Marcia Lee. It's spelled
22 M-a-r-c-i-a, L-e-e.

23 MR. ZADROWSKI: May I proceed, Your Honor?

24 THE COURT: Yes.

25 MR. ZADROWSKI: Thank you.

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DIRECT EXAMINATION

1
2 BY MR. ZADROWSKI:

3 Q. Ms. Lee, how are you employed?

4 A. I'm a licensed marriage and family therapist.

5 Q. And what are your duties as a licensed
6 marriage and family therapist?

7 A. I see people for various problems, and I'm a
8 referral source for the Department of Parole and
9 Probation for counseling sex offenders.

10 Q. All right. Are you familiar with a person by
11 the name of Steve McNeill?

12 A. I am.

13 Q. And do you see him in court today?

14 A. I do.

15 Q. Would you point to him and describe something
16 he's wearing today?

17 A. Steven is sitting next to the attorney with
18 navy scrubs of inmates.

19 Q. That's the person to my right?

20 A. It is.

21 MR. ZADROWSKI: May the record reflect
22 identification, Your Honor?

23 THE COURT: Yes.

24 BY MR. ZADROWSKI:

25 Q. Now, so did you, in fact -- the person you

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1 just identified, did you have him in a -- in a class
2 that was referred to you by the Department of Parole
3 and Probation?

4 A. I did.

5 Q. And was that a period sometime before
6 December of 2012?

7 A. Yes.

8 Q. Do you remember when he came into the class?

9 A. I believe it was 2008, December of 2008.

10 Q. And so he was in that class from December of
11 2008, starting in 2008?

12 A. I believe that was the date, yes.

13 Q. And do you recall if he completed this class?

14 A. He completed some of the requirements of it.
15 He passed a sexual history polygraph, he did homework.
16 He was actually --

17 MR. ZADROWSKI: Your Honor, could I ask the
18 Court to tell the defendant, if he's gonna whisper, to
19 please whisper because I can't even hear her talking
20 while he's over here talking so loudly.

21 THE DEFENDANT: My apologies.

22 THE COURT: I'm sure it's accepted. Thank you.

23 THE WITNESS: He did come to the weekly --

24 BY MR. ZADROWSKI:

25 Q. I missed all that, so if you could repeat that?

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1 A. Okay. So he was required to come to weekly
2 sessions, which he did, group sessions. He did a
3 sexual history, he also took a sexual history
4 polygraph. And he was then transferred into a
5 homework group where he completed the homework for
6 the requirements of the counseling.

7 Q. All right. I want to refer you back to
8 December 22nd of 2012 -- well, let's back up a little
9 bit, December 14th of 2012, did there -- on that
10 particular day, did something happen that caused him
11 to be terminated?

12 A. Well, he'd gotten to be very argumentative in
13 group and very disruptive to group.

14 Q. How so?

15 A. Well, he'd argue with everybody. And
16 whenever anybody would give him any kind of feedback
17 or anything like that, he wasn't willing to accept it.

18 It became really apparent that his
19 thinking process had not changed at all during the
20 period of time that he had been in treatment.

21 Q. Now, thinking process with regard to what?

22 A. Well, some cognitive distortion, such as
23 blaming others and not taking full responsibility for
24 things, and making excuses. Things like that.

25 Q. Excuses for what, for his behavior?

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1 A. For his behaviors.

2 Q. Which was what as far as you knew?

3 A. Well, with us it was argumentative and
4 aggressive in group. And whenever he was given
5 feedback, he would argue with the other members of the
6 group. It was just really disruptive, I mean, I guess
7 is maybe the best way to say it.

8 Q. Do you recall what any of the reasons for the
9 argument were?

10 A. No, I really can't pinpoint. That's two
11 years ago.

12 Q. Okay. All right. So you said submitted a
13 termination summary; do you recall that?

14 A. I did, uh-huh.

15 Q. And that was because he was terminated on
16 December 14th of 2012, from the class?

17 A. That's true.

18 Q. And this is dated -- or you terminated him
19 officially December 22, 2012, correct?

20 A. Yes.

21 Q. When you terminate them what do you do?

22 A. I send a report to Parole and Probation, and
23 I tell them that they are no longer in the treatment
24 program and not to come back.

25 Q. Do you convey that to the -- to the -- to the

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1 defendant?

2 A. Yes.

3 Q. And do you recall conveying to him that he
4 was going to be terminated?

5 A. I don't recall the actual statements at that
6 time. I -- I do believe I told him that I was going
7 to terminate him from treatment.

8 Q. You don't remember what his reaction was?

9 A. He wasn't happy.

10 Q. Okay.

11 A. No.

12 Q. All right. And you, in fact, terminated him --

13 A. I did.

14 Q. -- in December 22, 2012, correct?

15 A. I did, yes.

16 Q. And that was here in Clark County that you
17 did that?

18 A. I did.

19 Q. All right. Just curious, is the reasons that
20 you've just given the Court for termination, is that
21 typical that a person would be terminated for that --
22 for those reasons?

23 A. Well, I can't say it's necessarily typical.
24 Typically -- usually, we see some change in their
25 thinking process during the course of treatment, that

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1 they begin to change how they're looking at things and
2 how they're handling situations and that sort of
3 thing. And that would indicate that they're leaving
4 behind old thoughts and old behaviors so that they can
5 then move forward and stay offense free. And when
6 they don't change that thinking pattern, then it
7 leaves at risk to re-offend.

8 Q. And in this particular case, it was the -- if
9 I'm gathering this correctly, that it was the opposite
10 that was going on with the defendant?

11 A. Well, he was -- he hadn't changed his thinking
12 pattern, but he had completed the hard topics of the
13 course, I mean the things that we can measure, like the
14 homework and things like that. He did complete that,
15 but his thinking pattern had not changed.

16 Q. And this was manifested in the way -- in his
17 argumentative behavior, et cetera?

18 A. Yes.

19 Q. Okay. And that caused the termination?

20 A. Yes.

21 Q. All right. And that's just a program that's
22 done here in Clark County, Nevada?

23 A. It is.

24 Q. Okay.

25 MR. ZADROWSKI: I'll pass the witness,

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1 Your Honor.

2 THE COURT: Counsel.

3 MS. FERRERA: Thank you.

4 Just a moment.

5

6 CROSS-EXAMINATION

7 BY MS. FERRERA:

8 Q. So do you remember when Mr. -- Mr. McNeill
9 began counseling with your group?

10 A. I think I stated I believe it was in 2008. I
11 don't have the exact date.

12 Q. Okay. And his termination report was dated
13 December 22, 2012. So he was with your counseling
14 group for four years almost?

15 A. Yes.

16 Q. Okay. Okay. You said he was terminated for
17 being disruptive.

18 A. Disruptive, argumentative and obviously had
19 not made any changes in the way he was thinking.

20 Q. Okay. And this was over a four-year span?

21 A. It was.

22 Q. Okay. Did you give him any warnings that he
23 was being disruptive?

24 A. Yeah, I think we all had. The group members
25 had and certainly I had.

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1 Q. Okay. So in -- in -- in your general
2 practice, you issue warnings?

3 A. Yes.

4 Q. To ask them to comply with how you expect
5 them to behave?

6 A. Well, we try to -- we try to help them change
7 how they're thinking so that they're not thinking the
8 same old way.

9 Q. Okay. So you did terminate him, and earlier
10 we heard testimony from another witness saying that
11 she referred Mr. McNeill back to counseling. Is that
12 something you generally do, accept someone back to
13 counseling once they've been terminated?

14 A. I might. It's on an individual basis.

15 Q. Okay. So it's something you would consider?

16 A. Possibly.

17 Q. Okay. On -- on any given month or any given
18 situation, how many times would you accept them back
19 rather than not?

20 A. Gosh, I -- I wouldn't know how to gauge that,
21 just on an individual basis. Depends on the reasons
22 they were dropped out of counseling to begin with.

23 Q. And in Mr. McNeill's case specifically?

24 A. I would not take Mr. McNeill back.

25 Q. Okay. Were you ever contacted to take

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1 Mr. McNeill back?

2 A. I don't believe so.

3 Q. Okay. Nobody from the Department of Parole
4 and Probation ever called you inquiring as to whether
5 or not you would take Mr. McNeill back into your
6 counseling group?

7 A. I really don't remember.

8 Q. Okay. Okay. In your termination report, I
9 do see that reasons for termination, right here, you
10 have checked off, Client couldn't make payments?

11 A. That's correct.

12 Q. Okay. And that little or no progress in
13 treatment?

14 A. That's correct.

15 Q. Okay. Okay. So it says, Source of
16 termination decision, therapist initiated. Were you
17 his therapist?

18 A. I was.

19 Q. Okay. So you, of your own volition, decided
20 to terminate him?

21 A. I did.

22 Q. Okay. There is a section here that says
23 client refused -- or for reasons for termination, it
24 says, Client refused or didn't participate in
25 services. You didn't check that?

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1 A. No, I didn't check that.

2 Q. Okay. So presumably he took part in and
3 participated in the services?

4 A. He did.

5 Q. And it says here there is a box that says,
6 Termination for client moving. That wasn't checked
7 because that's not why he was terminated, correct?

8 A. That's correct.

9 Q. Okay.

10 MS. FERRERA: No more questions, Your Honor.

11 MR. ZADROWSKI: Nothing further, Your Honor.

12 THE COURT: Thank you very much, ma'am.

13 THE WITNESS: All right. Thank you.

14 THE COURT: You are free to go.

15 THE WITNESS: All right. Thank you.

16 THE COURT: State.

17 MR. ZADROWSKI: Your Honor, at this point,
18 before I rest, I'd like to move into evidence State's
19 Exhibit -- Proposed Exhibit Number 1. This is a
20 judgment of conviction and sex offender registry
21 contractual agreement. I'd move to admit that into
22 evidence.

23 THE COURT: Any objection?

24 MS. FERRERA: No, Your Honor.

25 THE COURT: It will be admitted.

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1 (State's Exhibit 1
2 was admitted into evidence)

3
4 MR. ZADROWSKI: Your Honor, before I rest
5 again, I would also like to, at this point, amend the
6 Criminal Complaint to conform to the evidence that was
7 presented in court today.

8 Specifically, I'd like to change
9 line 13 of page 1 of the Criminal Complaint to read:
10 Defendant on or between December 14, 2012, and
11 March 10, 2014, at and within the County of Clark.

12 Secondly, I would also like to amend
13 Count I where it indicates line -- between lines 17
14 and 18, lifetime supervision agreement signed by the
15 defendant on 2007, I'd like to put: And/or November
16 2012. To conform with the evidence.

17 THE COURT: Shouldn't the word "on" be
18 changed to "in"?

19 MR. ZADROWSKI: I'm sorry, Your Honor, which
20 one?

21 THE COURT: Signed by the defendant in 2007
22 and/or --

23 MR. ZADROWSKI: And/or --

24 THE COURT: -- November 2012?

25 MR. ZADROWSKI: -- November 2012, yes.

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1 THE COURT: Okay. And I want to go back to
2 line 13. The evidence indicates that the defendant
3 failed to appear for his monthly reporting September
4 and October and December. I'm -- the last time she
5 saw him.

6 MR. ZADROWSKI: Yes.

7 THE COURT: So should it be?

8 MR. ZADROWSKI: Well, here's my thinking,
9 Your Honor, December 14, 2012, is when he's terminated
10 from his counseling sessions. That is a violation
11 under Count I. Let's see where it was -- terminating
12 from his sex offender counseling on line 22. So that
13 necessarily has to be in there, December 14, 2012.

14 And between that time, he also
15 committed these other infractions, which are indicated
16 in Count I and Count II, all the way up to March 10th
17 of 2014, when the officer signed the affidavit that
18 she indicated on March 10th of 2014.

19 So the dates should be between
20 December 14, 2012, and March 10th of 2014.

21 THE COURT: Okay.

22 MR. ZADROWSKI: And with that I'll submit it.

23 THE COURT: Any objection to the amendments?

24 MS. FERRERA: I'll submit, Your Honor.

25 THE COURT: Amendments will be allowed as

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1 indicated by Mr. Zadrowski.

2 Defense has rested, Counsel.

3 MR. ZADROWSKI: State will reserve argument
4 for rebuttal, Your Honor.

5 THE COURT: And --

6 MS. FERRERA: And, Your Honor, I have advised
7 my client that he has the right to testify today.
8 Pursuant to my advice, he will not be testifying this
9 morning. And we will rest.

10 THE COURT: Any argument?

11 MS. FERRERA: Yes, Your Honor.

12

13 CLOSING ARGUMENT

14 MS. FERRERA: I'd just like to address each
15 count in turn. In Count I, I'll submit on the actual
16 charge itself; however, I do have issue with the --
17 the theories of prosecution.

18 Failing to have his residence
19 approved, Your Honor, we never heard any evidence that
20 his -- his address was not approved. We did hear that
21 she went looking for him at his residence that was
22 at -- or reported, and there didn't seem to be any
23 problem with that reported address.

24 THE COURT: Except she could never find him.
25 So she can't prove something she can't check.

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1 MS. FERRERA: Your Honor, I would also --
2 failing to abide by curfew, the testimony today said
3 that -- or showed that no curfew was ever actually
4 assigned.

5 And I will submit based on those
6 arguments on Count I, Your Honor.

7 And as far as Count II, it goes -- I
8 will adopt my argument from Count I just that -- just
9 that was his address from the beginning. That was her
10 address -- or that's the address that he was
11 registered to from the beginning of her supervision of
12 him. She testified that she couldn't find him before
13 and she couldn't find him after.

14 If that was, in fact, his address, and
15 she couldn't find him before, there's no reason to
16 believe that that wasn't his address anymore just
17 because she couldn't find him. Nothing had changed.
18 There's no evidence to believe he had even changed his
19 address, so having to show up to P&P to change an
20 address that hadn't changed wouldn't necessarily be --
21 wouldn't be necessary.

22 So I will ask for that count to be
23 dismissed, Your Honor. And submit on Count I.

24 THE COURT: With regard to Count I on the
25 curfew argument that you made, I disagree with that.

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1 She told him she was going to place him on a curfew,
2 and he just said he wasn't going to abide by it. So
3 for her to come back and say, Well, curfew starts at
4 six, seven, eight, nine, ten, makes no sense.

5 But I would like to hear the argument
6 in rebuttal from the State with regard to Count II.

7

8 REBUTTAL ARGUMENT

9 MR. ZADROWSKI: Your Honor, I'm sorry, the
10 argument, the public defender's position was?

11 THE COURT: Her position essentially was his
12 address hadn't changed. He had reported Main and
13 Wyoming since the inception. He's homeless. He
14 wanders.

15 MR. ZADROWSKI: Well, that -- Your Honor,
16 that is the argument. As she testified, she asked him
17 and he stated that he stays where he wants, he doesn't
18 necessarily stay at that location. So if he's staying
19 where he wants and it's not that location, he has a
20 duty to report that three business days prior to
21 changing his address.

22 Clearly, he did not do that. And his
23 defiant attitude of I'll stay where I want when I want
24 clearly is in violation of this requirement. So if
25 he's not staying there, he's not reporting that he's

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1 staying somewhere else, which, ipso facto, that is a
2 violation of -- of his supervision agreement.

3 THE COURT: Mr. McNeill, I am sure your
4 attorney, who practices in front of me regularly, and
5 I know she does this all the time, but I just mention
6 it in passing, has advised you that the burden of
7 proof at a preliminary hearing is really quite small.
8 The supreme court calls it -- what's the supreme court
9 call it?

10 MR. ZADROWSKI: Slight or marginal.

11 THE COURT: Slight or marginal. It's
12 probably up to a jury to decide on Count II, based
13 upon comments that are alleged to have been made by
14 you, that you'll stay where you want when you want,
15 you're not going to be a dog on a leash.

16 Count I, I think they've met the
17 burden with certainly even more than slight or
18 marginal evidence.

19 So I'm going to hold you to answer to
20 these charges. I'll send you to district court where
21 you may get a trial date and go forward that way.

22 Sir, here's your date in district
23 court.

24 THE CLERK: May 7th, 9:30 a.m. Lower level
25 arraignment, Courtroom A.

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DISCUSSION REGARDING CUSTODY STATUS

MS. FERRERA: Your Honor, actually my client would like me to address his custody status.

THE COURT: Sure.

MS. FERRERA: Your Honor, he's been a resident of Nevada for a very long time. As you can see, even on -- while he's in a lifetime supervision, he's been out of custody since 2007, and he's been, even though homeless, he remains in the State of Nevada, in the City of Las Vegas.

Based on that, Your Honor, I would ask for his release on intensive supervision.

THE COURT: Can you tell me what the offense is out of Justice Court 12, it appears to be a misdemeanor, but what that charge is, does anybody know?

THE DEFENDANT: I can tell you.

MS. FERRERA: Tell me.

THE COURT: I can look it up. That's okay.

THE DEFENDANT: It's right here.

THE COURT: I'll give the case number to my clerk.

MS. FERRERA: Okay. Unlawful storing of materials on a public sidewalk, Your Honor, which is very --

THE DEFENDANT: Selling water.

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1 THE COURT: Selling water?

2 THE DEFENDANT: Selling water.

3 THE COURT: All right. You know, sir, when I
4 get these cases, it's the conviction prior that's
5 always of a concern to the Court. And the legislature
6 has seen fit to put into place some type of assistance
7 for sex offenders to protect the community as well as
8 to give you the opportunity not to re-offend --
9 building your skills, getting a job, getting a place
10 to live, whatever they can do to help. I know that
11 they have tons in their caseload.

12 As it affects my ability to release
13 you, here are the parts that concern me. At least as
14 of August of 2013, that was your last contact with
15 P&P. They allege that you sent a cease and desist
16 letter saying, Do not contact me again. And then they
17 could not find you, nor did you check in September,
18 October, November, December.

19 I don't know when you were actually
20 arrested, but the officer said she sent charges
21 through in March. So she has just not sent you --
22 seen you in all that time, so --

23 THE DEFENDANT: I haven't left anywhere.

24 THE COURT: I know you haven't left anywhere,
25 but that's not the concern. The concern is the safety

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1 of the community, the safety of children because those
2 appear to be your targets based upon your prior. And
3 if we can't keep track of you under these set of
4 circumstances, for me to release you at this juncture
5 makes no sense to me.

6 THE DEFENDANT: If -- if I may?

7 THE COURT: You may.

8 THE DEFENDANT: She said intensive supervision.
9 I'm not exactly sure what that entails, but --

10 THE COURT: I don't think you're -- if you
11 didn't comply with what P&P wanted, you're not going
12 to comply with intense supervision either.

13 THE DEFENDANT: But I -- it's not that I
14 didn't want to comply with P&P, I did comply with P&P.

15 THE COURT: You did for a while.

16 MS. FERRERA: Don't say anything about the
17 case.

18 THE DEFENDANT: I just didn't want to comply
19 with her. She was unreasonable.

20 MS. FERRERA: Don't talk.

21 THE COURT: Okay.

22 MR. ZADROWSKI: That's a fact, we submit it.

23 Your Honor, I think what you're
24 hearing here is this general level of -- of defiance
25 that makes him unsupervisable, that's the reason why

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1 he's here. And for Your Honor to consider his request
2 of being supervised when he, in essence, thumbs his
3 nose at supervision and authority, which is basically
4 his problem here, we have a problem with supervising.
5 He doesn't even show up when he's supposed to.

6 I -- I urge this Court to keep him in
7 custody. I doubt we'd see him again if -- if he isn't
8 in custody.

9 THE DEFENDANT: One last --

10 THE COURT: You can have the last word.

11 THE DEFENDANT: Until --

12 THE COURT: But with one bit of advice --

13 THE DEFENDANT: Until Officer Mangan --

14 THE COURT: Listen to your lawyer when she
15 tells you --

16 MS. FERRERA: Don't talk.

17 THE COURT: -- that you're going to hurt
18 yourself by speaking about specifics of the case.

19 You have already, and Mr. Zadrowski
20 picked up on it just like that.

21 THE DEFENDANT: I'm sure he did.

22 THE COURT: All right.

23 THE DEFENDANT: But -- but I was compliant
24 until Mangan. That's all I can say.

25 MS. FERRERA: Stop. No more.

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1 THE COURT: You know what, the history shows
2 that. And that may help in your attorney's
3 discussions with the State on what to do with you.

4 But the history now is you are totally
5 noncompliant, unsupervisable, and you have a
6 conviction based on your prior that put you in
7 lifetime supervision, I can't release you.

8 So that request is denied.

9 And here's your date in district court.

10 THE CLERK: May 7th, 9:30 a.m. Lower level
11 arraignment, Courtroom A.

12 THE COURT: Thank you.

13
14 (Proceedings concluded)

15 --o0o--

16
17 Attest: Full, true, and accurate transcript of
18 proceedings.

19
20 /s/ Shawna J. McIntosh

21 Shawna J. McIntosh, RPR, CCR No. 770

22

23

24

25

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DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

STEVE DELL MCNEILL,
#0648344

Defendant.

Case No: C204263

Dept No: XVI

JUDGMENT OF CONVICTION
(PLEA OF GUILTY)

The Defendant previously appeared before the Court with counsel and entered a plea of guilty to the crime(s) of ATTEMPT LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (Felony - Category B), in violation of NRS 193.330, 201.230; thereafter, on the 23rd day of November, 2004, the Defendant was present in court for sentencing with his counsel, DANNY A. SILVERSTEIN, Deputy Public Defender, and good cause appearing,

THE DEFENDANT IS HEREBY ADJUDGED guilty of said offense(s) and, in addition to the \$25.00 Administrative Assessment Fee, \$700.00 Psycho-Sexual Evaluation fee, submit to testing to determine genetic markers and pay the \$150.00 DNA Analysis fee, the Defendant is sentenced as follows: to a MAXIMUM of SIXTY (60) MONTHS and a MINIMUM of TWENTY-FOUR (24) MONTHS in the Nevada Department of Corrections (NDC). FURTHER ORDERED, a SPECIAL SENTENCE of LIFETIME SUPERVISION is imposed to commence upon release from any term of probation, parole or imprisonment.

//

STATE'S
EXHIBIT
1

PAWPD0CSUUDG412W1222101.doc

852

DEC 19 2004
COUNTY CLERK
DEC 17 2004
COUNTY CLERK

DATED this 9th day of December, 2004.

John Sme Grimes
DISTRICT JUDGE

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

CLERK OF THE COURT

05-24-13

State of Nevada
DEPARTMENT OF PUBLIC SAFETY
Board of Parole Commissioners

Date Activated: NOVEMBER 16, 2007

LIFETIME SUPERVISION AGREEMENT

NDOC No: N/A
File No.: LS08-0537
CC No.: C204263

On the 10TH day of NOVEMBER, 2004, MCNEILL, STEVE was sentenced by JOHN S MCGROARTY, District Judge of the 8TH Judicial District Court in and for the County of CLARK, State of Nevada, to imprisonment in the Nevada State Prison System, for the crime of ATTEMPT LEWDNESS WITH A MINOR. The sentencing court, in addition to your sentence, ordered that you be placed on Lifetime Supervision under the Chief of the Division of Parole and Probation. The Board of Parole Commissioners, by virtue of the authority vested in it by the laws of the State of Nevada, hereby assigns the conditions of Lifetime Supervision.

1. **Reporting/Release:** You are required to submit a written report as directed by your supervising officer. The report will be true and correct in all respects. In addition, you shall report in person as directed by your supervising officer and submit a DNA sample as required.
2. **Residence:** You shall reside at a location only if it has been approved by your supervising officer. You shall not change your place of residence without first obtaining permission from your supervising officer.
3. **Intoxicants:** You shall not drink or partake of any alcoholic beverages whatsoever. Upon request by the any Parole or Peace Officer, you shall submit to a medically recognized test for blood alcohol content. Failure to submit shall constitute a violation of your lifetime supervision. Test results of .08 blood alcohol or higher shall be sufficient proof of excess.
4. **Controlled Substances:** You shall not use, purchase or process any narcotic drugs, nor any dangerous drugs, unless first prescribed by a licensed physician; you shall submit to periodic tests to determine whether you are using a controlled substance, as required by your supervising officer.
5. **Weapons:** You shall not possess, own, carry, or have under your control, any type of firearm or illegal weapon.
6. **Associates:** You shall not associate with ex-felons or any person who is required to register as a sex offender under Nevada law without permission from your supervising officer.
7. **Cooperation:** You shall, at all times, cooperate with your supervising officer and your behavior shall justify the opportunity granted to you by this Lifetime Supervision.
8. **Laws and Conduct:** You shall comply with all municipal, county, state and federal laws, and ordinances; and conduct yourself as a good citizen. You shall comply with all offender registration requirements.
9. **Out-of-State Travel:** You shall not leave the State without first obtaining written permission from your supervising officer.
10. **Employment/Program:** You shall seek and maintain employment, or maintain a program approved by the Division of Parole and Probation and not change such employment or program without first obtaining permission. You shall accept a position of employment only if it has been approved by your supervising officer.
11. **Supervision Fees:** Pay all applicable fees, fines and restitution on a schedule as determined by the Division of Parole and Probation.
12. **Curfew:** You shall abide by any curfew imposed by your supervising officer.
13. **Counseling:** Participate in professional counseling if deemed necessary by the Division of Parole and Probation.
14. **Polygraph Examination:** You shall submit to periodic polygraph examination, as required by your supervising officer.
15. **No Contact:** You shall not have contact or communicate with a victim of the offense who testified against you, or solicit another person to engage in such contact or communication on your behalf without permission from your supervising officer.
16. **Alias Names:** You shall not use aliases or fictitious names without permission from your supervising officer.
17. **Post Office Box:** You shall not obtain a post office box unless you have obtained permission from your supervising officer.
18. **No Contact With Persons Under 18 Years of Age:** You shall not have contact with a person less than 18 years of age in a secluded environment unless another adult who has never been convicted of an offense listed in NRS 179D.410 is present.
19. **Presence:** You shall not be in or near:
 - a) A playground, school or school grounds;
 - b) A motion picture theater;
 - c) A business that primarily has children as customers or conducts events that primarily children attend.
20. **Search:** You shall submit to a search of your person, property under your control, or place of residence, by a Parole Officer, at any time of the day or night without a warrant.

852

6) Do not enter any bar/lounge for any purpose except for employment.

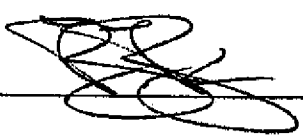
This Lifetime Supervision is granted to and accepted by you, subject to the conditions stated herein, and with the knowledge that the Board of Parole Commissioners has the power, at any time, to modify the conditions of supervision. Pursuant to NRS 213.1243(3), failure to comply with the conditions as set forth may result in felony charges being filed.

Chief Parole Officer: _____

Dated: _____

AGREEMENT BY OFFENDER

I do hereby waive extradition to the State of Nevada from any state in the United States, and from any territory or country outside the continental United States, and also agree that I will not contest any effort to return me to the United States or the State of Nevada. I have read or had read to me, the conditions of my Lifetime Supervision, and I fully understand them and I agree to abide by and strictly follow them. I fully understand the penalties involved should I, in any manner, violate the foregoing conditions.

Witness:  _____

Offender:  _____

Dated: 11/7/12 _____

85d

State of Nevada
DEPARTMENT OF PUBLIC SAFETY
Board of Parole Commissioners

Date Activated: NOVEMBER 16, 2007

LIFETIME SUPERVISION AGREEMENT

NDOC No: N/A
File No.: LS08-0537
CC No.: C204263

On the 10TH day of NOVEMBER, 2004, MCNEILL, STEVE was sentenced by JOHN S MCGROARTY, District Judge of the 8TH Judicial District Court in and for the County of CLARK, State of Nevada, to imprisonment in the Nevada State Prison System, for the crime of ATTEMPT LEWDNESS WITH A MINOR. The sentencing court, in addition to your sentence, ordered that you be placed on Lifetime Supervision under the Chief of the Division of Parole and Probation. The Board of Parole Commissioners, by virtue of the authority vested in it by the laws of the State of Nevada, hereby assigns the conditions of Lifetime Supervision.

1. **Reporting/Release:** You are required to submit a written report as directed by your supervising officer. The report will be true and correct in all respects. In addition, you shall report in person as directed by your supervising officer and submit a DNA sample as required.
2. **Residence:** You shall reside at a location only if it has been approved by your supervising officer. You shall not change your place of residence without first obtaining permission from your supervising officer.
3. **Intoxicants:** You shall not drink or partake of any alcoholic beverages whatsoever. Upon request by the any Parole or Peace Officer, you shall submit to a medically recognized test for blood alcohol content. Failure to submit shall constitute a violation of your lifetime supervision. Test results of .08 blood alcohol or higher shall be sufficient proof of excess.
4. **Controlled Substances:** You shall not use, purchase or process any narcotic drugs, nor any dangerous drugs, unless first prescribed by a licensed physician; you shall submit to periodic tests to determine whether you are using a controlled substance, as required by your supervising officer.
5. **Weapons:** You shall not possess, own, carry, or have under your control, any type of firearm or illegal weapon.
6. **Associates:** You shall not associate with ex-felons or any person who is required to register as a sex offender under Nevada law without permission from your supervising officer.
7. **Cooperation:** You shall, at all times, cooperate with your supervising officer and your behavior shall justify the opportunity granted to you by this Lifetime Supervision.
8. **Laws and Conduct:** You shall comply with all municipal, county, state and federal laws, and ordinances; and conduct yourself as a good citizen. You shall comply with all offender registration requirements.
9. **Out-of-State Travel:** You shall not leave the State without first obtaining written permission from your supervising officer.
10. **Employment/Program:** You shall seek and maintain employment, or maintain a program approved by the Division of Parole and Probation and not change such employment or program without first obtaining permission. You shall accept a position of employment only if it has been approved by your supervising officer.
11. **Supervision Fees:** Pay all applicable fees, fines and restitution on a schedule as determined by the Division of Parole and Probation.
12. **Curfew:** You shall abide by any curfew imposed by your supervising officer.
13. **Counseling:** Participate in professional counseling if deemed necessary by the Division of Parole and Probation.
14. **Polygraph Examination:** You shall submit to periodic polygraph examination, as required by your supervising officer.
15. **No Contact:** You shall not have contact or communicate with a victim of the offense who testified against you, or solicit another person to engage in such contact or communication on your behalf without permission from your supervising officer.
16. **Alias Names:** You shall not use aliases or fictitious names without permission from your supervising officer.
17. **Post Office Box:** You shall not obtain a post office box unless you have obtained permission from your supervising officer.
18. **No Contact With Persons Under 18 Years of Age:** You shall not have contact with a person less than 18 years of age in a secluded environment unless another adult who has never been convicted of an offense listed in NRS 179D.410 is present.
19. **Presence:** You shall not be in or near:
 - a) A playground, school or school grounds;
 - b) A motion picture theater;
 - c) A business that primarily has children as customers or conducts events that primarily children attend.
20. **Search:** You shall submit to a search of your person, property under your control, or place of residence, by a Parole Officer, at any time of the day or night without a warrant, upon reasonable cause as ascertained by the Parole Officer.
21. **Special Conditions of Your Lifetime Supervision:** PENDING PAROLE BOARD ORDER

This Lifetime Supervision is granted to and accepted by you, subject to the conditions stated herein, and with the knowledge that the Board of Parole Commissioners has the power, at any time, to modify the conditions of supervision. Pursuant to NRS 213.1243(3), failure to comply with the conditions as set forth may result in felony charges being filed.

Chief Parole Officer: W. S. [Signature]

Date: 12-14-2007

85e

White - Board Copy
Yellow - LS Offender
Pink - DPS Officer
Gold DPS P&P HQ

STATE OF NEVADA
CERTIFICATION OF
BOARD OF PAROLE COMMISSIONERS ACTION

CONDITIONS OF LIFETIME SUPERVISION - NRS 213.1243

MCNEILL, STEVE

Name

LS08-0637

NDOC#Criminal Case #

Northern Parole Board


Location

05/24/2011

Date of Action

The board has excluded, amended or added the following information to the standard conditions of lifetime supervision:

- 1 Not to patronize a business which offers a sexually related form of entertainment and which is deemed inappropriate by the supervising officer.
- 2 Not possess any electronic device capable of accessing the Internet and not access the Internet through any such device or any other means, unless possession of such a device or such access is approved by the supervising officer. An Internet monitoring service provider approved by the supervising officer will be the only means allowed for any and all Internet access device or service.
- 3 Abstain from consuming, possessing or having under your control any alcohol.
- 4 Not possess any sexually explicit material that is deemed inappropriate by the supervising officer.
- 5 Comply with any protocol concerning the use of prescription medication prescribed by a treating physician, including, without limitation, any protocol concerning the use of psychotropic medication.
- 6 Do not enter a bar or lounge for any purpose except for employment.


FOR THE NEVADA BOARD OF PAROLE COMMISSIONERS

Recommendation of the panel:

Commissioner S. Jackson GRANT

Commissioner T. Corda GRANT
Commissioner A. Endel GRANT

The final action was ratified by the following parole commissioners:

Commissioner S. Jackson GRANT
Commissioner T. Corda GRANT

Commissioner A. Endel GRANT
Chairman C. Bisbee GRANT

859

**Justice Court, Las Vegas Township
Clark County, Nevada**

Court Minutes



14F02393X State of Nevada vs. MCNEILL, STEVE DELL

4/14/2014 7:25:00 AM Arrest Warrant Request

Result: Arrest Warrant Issued

**PARTIES
PRESENT:**

Judge: Lippis, Deborah J.

PROCEEDINGS

Events: **Arrest Warrant Ordered to be Issued**
\$25,000.00/\$25,000.00 Cash/Surety
Total Bail

Justice Court, Las Vegas Township
Clark County, Nevada

Court Minutes



14F02393X State of Nevada vs. McNeill, Steve Dell

Lead Atty: Public Defender

4/16/2014 7:30:00 AM Arraignment

Result: Matter Heard

PARTIES
PRESENT: Attorney Meyers, Misti K.
Defendant McNeill, Steve Dell

Judge: Lippis, Deborah J.
Prosecutor: Joseph, Lindsey
Court Reporter: McIntosh, Shawna
Court Clerk: Fisher, Shauna

PROCEEDINGS

Attorneys: Meyers, Misti K. McNeill, Steve Dell Added
Public Defender McNeill, Steve Dell Added

Hearings: 4/29/2014 9:00:00 AM: Preliminary Hearing Added

Events: **Comment**
Defendant stated that he does not understand why his name is in capital letters. After court read complaint the defendant still does not understand

Arrestment Completed
Advised of Charges on Criminal Complaint, Waives Reading of Criminal Complaint

Public Defender Appointed

**Justice Court, Las Vegas Township
Clark County, Nevada**

Court Minutes



14F02393X State of Nevada vs. McNeill, Steve Dell

Lead Atty: Public Defender

4/29/2014 9:00:00 AM Preliminary Hearing

Result: Matter Heard

PARTIES Attorney Ferrera, Xiomara
PRESENT: Defendant McNeill, Steve Dell

Judge: Lippis, Deborah J.
Prosecutor: Zadrowski, Bernie
Court Reporter: McIntosh, Shawna
Court Clerk: Peterson, Brandin

PROCEEDINGS

Attorneys: **Ferrera, Xiomara** McNeill, Steve Dell **Added**

Exhibits: **Document, Photograph, Etc. (ID: 1)** judgment of conviction **Admitted**

Events: Preliminary Hearing

Motion to Exclude Witnesses by State - Motion Granted

States Witnesses:

1. Ashley Mangan - witness identifies defendant

2. Marcia Lee - witness identifies defendant

Motion by state to amend complaint through interlineation on count 1 line 17 and 18 add "and/or" and line 13 of page 1 to read "on/or between" December 14th 2012 through March 10th 2014 - granted

State Rests.

Defendant Advised of His Statutory Right to Make a Statement Defendant Waives the Right to a Sworn or

Unsworn Statement Defense Rests

Motion to Dismiss and Argument In Favor of Said Motion by Defense Argument Against Said Motion by State Motion to Dismiss Denied

Bound Over to District Court as Charged

Review Date: 4/30/2014

District Court Appearance Date Set

05/07/14 9:30am - In custody

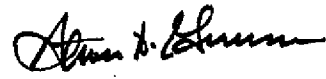
Certificate, Bindover and Order to Appear

Plea/Disp: 001: Viol maj cond of sex offender lifetime supervision [53481]

Disposition: Bound Over to District Court as Charged (PC Found)

002: FTO sex offender reg laws/regs. (1st) [52950]

Disposition: Bound Over to District Court as Charged (PC Found)


CLERK OF THE COURT

1 **INFM**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 BERNIE ZADROWSKI
6 Chief Deputy District Attorney
7 Nevada Bar #006545
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

7 I.A. 05/07/2014
8 9:30 AM
9 PD

9 THE STATE OF NEVADA,

10 Plaintiff,

CASE NO: C-14-297725-1

11 -VS-

DEPT NO: XXV

12 STEVE DELL MCNEILL,
13 #0648344

14 Defendant.

INFORMATION

15 STATE OF NEVADA }

16 COUNTY OF CLARK }

ss.

17 STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State
18 of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

19 That STEVE DELL MCNEILL, the Defendant(s) above named, having committed the
20 crimes of **VIOLATION OF LIFETIME SUPERVISION BY CONVICTED SEX**
21 **OFFENDER (Category B Felony - NRS 213.1243 - 53481) and PROHIBITED ACTS BY**
22 **A SEX OFFENDER (Category D Felony - NRS 179D.441, 179D.447, 179D.550 - 52950),**
23 on or between December 14, 2012 and March 10, 2014, within the County of Clark, State of
24 Nevada, contrary to the form, force and effect of statutes in such cases made and provided,
25 and against the peace and dignity of the State of Nevada,

26 ///

27 ///

28 ///

1 COUNT 1 - VIOLATION OF LIFETIME SUPERVISION BY CONVICTED SEX
2 OFFENDER


3 did then and there wilfully, unlawfully, knowingly and feloniously violate the
4 conditions of a Lifetime Supervision Agreement signed by the Defendant on 2007, pursuant
5 to having in 2004 been convicted of Attempt Lewdness With a Child Under the Age of 14, in
6 Case No. C204263 in Eighth Judicial District Court, Clark County, Nevada, to-wit: by
7 refusing to submit to a urinalysis, failing to report, failing to have his residence approved,
8 failing to cooperate with his supervising officer, failing to maintain fulltime employment,
9 failing to abide by a curfew, and/or was terminated from his sex offender counseling.

10 COUNT 2 - PROHIBITED ACTS BY A SEX OFFENDER

11 did wilfully, unlawfully, and feloniously, pursuant to his conviction in 2004 for
12 Attempt Lewdness With a Child Under the Age of 14, in Case No. C204263, in the Eighth
13 Judicial District Court, Clark County, Nevada, did fail to appear in person at the appropriate
14 law enforcement agency before three (3) business days passed since he changed his address
15 from his last registered address at Main and Wyoming, Las Vegas, Clark County, Nevada to
16 his current unknown address.

17 STEVEN B. WOLFSON
18 Clark County District Attorney
19 Nevada Bar #001565

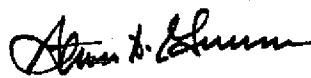
20 BY


21 BERNIE ZADROWSKI
22 Chief Deputy District Attorney
23 Nevada Bar #006545

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

26 <u>NAME</u>	<u>ADDRESS</u>
27 CUSTODIAN OF RECORDS, or Designee	CCDC
28 ///	330 S. Casino Center Blvd., Las Vegas, NV

1	CUSTODIAN OF RECORDS, or Designee	CCDC Communications
2		330 S. Casino Center Blvd., Las Vegas, NV
3	CUSTODIAN OF RECORDS, or Designee	LVMPD Communications
4		400 E. Stewart Ave, Las Vegas, NV
5	CUSTODIAN OF RECORDS, or Designee	LVMPD Records
6		400 E. Stewart Ave, Las Vegas, NV
7	LEE, MARCIA	5852 S. Pecos Rd, Apt 2, Las Vegas, NV
8	MANGAN, A.	NVPP P# 4487
9	TRAMMELL, MATT, or Designee	INVESTIGATOR
10		C.C. DISTRICT ATTORNEY
11	ZANA, B.	NVPP P# 039
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27	DA#14F02393X/mc/L4	
28	NVPP EV#13P017192	
	(TKI)	



CLERK OF THE COURT

1 NNEW
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 JONATHAN COOPER
6 Deputy District Attorney
7 Nevada Bar #012195
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,

10 Plaintiff,

11 -vs-

CASE NO: C-14-297725-1

12 STEVE DELL MCNEILL,
13 #0648344

DEPT NO: XXV

14 Defendant.

15 NOTICE OF WITNESSES AND/OR EXPERT WITNESSES
16 [NRS 174.234]

17 TO: STEVE DELL MCNEILL, Defendant; and

18 TO: XIOMARA FERRERA, Deputy Public Defender, Counsel of Record:

19 YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF
20 NEVADA intends to call the following witnesses and/or expert witnesses in its case in chief:

21 CUSTODIAN OF RECORDS and/or Designee NVPP Records

22 LEE, MARCIA - She is expected to testify regarding the psychological treatment and therapy
23 of sex offenders and Defendant's progress and compliance with therapy.

24 PAGE, R. NVPP

25 VANDYKE, M. NVPP

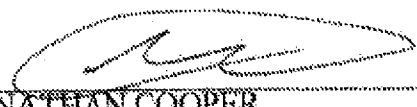
26 These witnesses are in addition to those witnesses endorsed on the Information or
27 Indictment and any other witness for which a separate Notice of Witnesses and/or Expert
28 Witnesses has been filed.

1 The substance of each expert witness' testimony and copy of all reports made by or at
2 the direction of the expert witness has been provided in discovery.

3 A copy of each expert witness' curriculum vitae, if available, is attached hereto.

4 STEVEN B. WOLFSON
5 Clark County District Attorney
6 Nevada Bar #001565

7 BY



8 JONATHAN COOPER
9 Deputy District Attorney
10 Nevada Bar #012195

11 CERTIFICATE OF FACSIMILE TRANSMISSION

12 I hereby certify that service of the above and foregoing was made this 27th day of May,
13 2014 by facsimile transmission to:

14 XIOMARA FERRERA, Deputy Public Defender
15 (702) 366-1177

16 BY


17 M. CRAWFORD
18 Secretary for the District Attorney's Office
19
20
21
22
23
24
25
26
27

28 14F02393X/mc/L4


CLERK OF THE COURT

1 NWEW
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 JONATHAN COOPER
6 Deputy District Attorney
7 Nevada Bar #012195
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,

10 Plaintiff,

11 -VS-

CASE NO: C-14-297725-1

12 STEVE DELL MCNEILL,
13 #0648344

DEPT NO: XXV

14 Defendant.

15 SUPPLEMENTAL NOTICE OF WITNESSES AND/OR EXPERT WITNESSES
16 [NRS 174.234]

17 TO: STEVE DELL MCNEILL, Defendant; and

18 TO: XIOMARA FERRERA, Deputy Public Defender, Counsel of Record:

19 YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF
20 NEVADA intends to call the following witnesses and/or expert witnesses in its case in chief:

21 CUSTODIAN OF RECORDS, or Designee

NVPP Records

22 *CUSTODIAN OR RECORDS, or Designee

NV Sex Offender Registry
333 W. Nye Ln., Carson City, NV

23
24 LEE, MARCIA - She is expected to testify regarding the psychological treatment and therapy
25 of sex offenders and Defendant's progress and compliance with therapy.

26 PAGE, R.

NVPP

27 VANDYKE, M.

NVPP

28 ///

1 These witnesses are in addition to those witnesses endorsed on the Information or
2 Indictment and any other witness for which a separate Notice of Witnesses and/or Expert
3 Witnesses has been filed.

4 The substance of each expert witness' testimony and copy of all reports made by or at
5 the direction of the expert witness has been provided in discovery.

6 A copy of each expert witness' curriculum vitae, if available, is attached hereto.

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

10 BY 

11 JONATHAN COOPER
12 Deputy District Attorney
13 Nevada Bar #012195

14 CERTIFICATE OF FACSIMILE TRANSMISSION

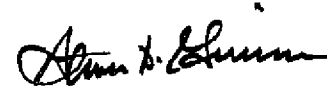
15 I hereby certify that service of the above and foregoing was made this 2nd day of June,
16 2014 by facsimile transmission to:

17 XIOMARA FERRERA, Deputy Public Defender
18 (702) 366-1177

19 BY 

20 M. CRAWFORD
21 Secretary for the District Attorney's Office
22
23
24
25
26
27

28 14F02393X/mc/L4


CLERK OF THE COURT

1 PHILIP J. KOHN, PUBLIC DEFENDER
2 NEVADA BAR NO. 0556
3 309 South Third Street, Suite 226
4 Las Vegas, Nevada 89155
(702) 455-4685
Attorney for Defendant

5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

7 THE STATE OF NEVADA,)

8 Plaintiff,)

9 v.)

10 STEVE DELL MCNEILL,)

11 Defendant.)

CASE NO. C297725

DEPT. NO. 25

DATE: June 30, 2014

TIME: 9:00 a.m.

12
13 DEFENDANT'S MOTION FOR DISCOVERY

14 COMES NOW, the Defendant, STEVE DELL MCNEILL, by and through
15 XIOMARA A. BONAVENTURE, Deputy Public Defender and hereby asks this honorable Court
16 to grant this motion.

17 This Motion is made and based upon all the papers and pleadings on file herein, the
18 attached Declaration of Counsel, and oral argument at the time set for hearing this Motion.

19 DATED this 23 day of June, 2014.

20 PHILIP J. KOHN
21 CLARK COUNTY PUBLIC DEFENDER

22 By: 
23 XIOMARA A. BONAVENTURE, #12368
24 Deputy Public Defender
25
26
27
28

POINTS AND AUTHORITIES

FAILURE BY THE STATE TO PROVIDE DISCOVERY IS A VIOLATION OF THE DUE PROCESS UNDER THE U.S. CONSTITUTION AND THE NEVADA CONSTITUTION

The State must provide to the defense all exculpatory evidence in its actual or constructive possession prior to trial. Failure to do so results in a violation of the Due Process Clauses of the Fifth and Fourteenth Amendments of the United States Constitution. The rule applies regardless of how the State has chosen to structure its overall discovery process. Brady v. Maryland, 373 U.S. 83 (1963); Kyles v. Whitley, 514 U.S. 419 (1995); Strickler v. Greene, 527 U.S. 263 (1999).

Article 1, Section 8 of the Nevada Constitution guarantees every defendant a right to due process. Therefore, a failure by the State to provide discovery is also a violation of the Nevada Constitution. "It is a violation of due process for the prosecutor to withhold exculpatory evidence, and his motive for doing so is immaterial...The prosecutor represents the state and has a duty to see that justice is done in a criminal prosecution." Jimenez v. State, 112 Nev. 610, 618 (1996).

THE STATE MUST TURN OVER ALL EVIDENCE THAT IS MATERIAL, RELEVANT TO GUILT OR PUNISHMENT, FAVORABLE TO THE ACCUSED AND WITHIN THE ACTUAL OR CONSTRUCTIVE POSSESSION OF THE STATE

Material that must be turned over by the State is evidence which is 1) material, 2) relevant to guilt or punishment, 3) favorable to the accused, 4) and within the actual or constructive possession of anyone acting on behalf of the State. *Brady, supra*.

Material

Evidence is material if there is a reasonable probability that the result would have been different if the evidence had been disclosed. After a specific request for evidence, omitted evidence is material if there is a reasonable possibility it would have affected the outcome. Lay v. State, 116 Nev. 1185, 1194 (2000).

The defense does not have to show that disclosure would have resulted in an acquittal. Kyles, supra at 434. A reasonable probability is when nondisclosure undermines the confidence in the outcome of the trial. *Id.*

1 Relevant to Guilt or Punishment

2 Brady material applies not only to evidence which might affect the defendant's guilt, but
3 also includes evidence which could serve to mitigate a defendant's sentence if convicted. In
4 Brady, the petitioner argued he was denied due process when a statement by his accomplice, in
5 which the accomplice admitted to being the one who did the actual killing, was withheld by the
6 State. Brady was given the death penalty. The court found that this was a violation of due process
7 and that a lower court was correct to give Brady a new hearing on penalty.

8 Other examples of this kind of evidence could be evidence of a diminished mental state,
9 even if not rising to a legal defense, evidence that the defendant was using drugs or alcohol at the
10 time of the offense, evidence that the defendant was under some kind of duress or mistaken belief,
11 evidence that the defendant tried to turn himself in, evidence that the defendant tried to seek help,
12 cooperation with law enforcement, and any similar type of evidence.

13 Favorable to the Accused

14 The Nevada Supreme Court has spoken directly to what is considered "favorable to the
15 accused" and therefore proper Brady material. In Mazzan v. Warden, 116 Nev. 48, 67 (2000) the
16 court stated:

17 Due process does not require simply the disclosure of "exculpatory" evidence.
18 Evidence also must be disclosed if it provides grounds for the defense to attack the
19 reliability, thoroughness, and good faith of the police investigation, to impeach the
20 credibility of the state's witnesses, or to bolster the defense case against
21 prosecutorial attacks.... Furthermore, "discovery in a criminal case is not limited
22 to investigative leads or reports that are admissible in evidence."... Evidence "need
23 not have been independently admissible to have been material." *Id.*

24 Material favorable to the accused is defined broadly and would include any
25 inconsistent statements by victims or witnesses, any pending charges or benefits or promises made
26 to anyone material to the case, any leads or information not followed up, any criminal history of
27 any witness or victim, any forensic testing done on any evidence, any medical or psychological
28 treatment of any victim or witness. Further, this would include any information relating to the
credibility of any witness to include law enforcement officers or other agents of the state.

1 Possession or constructive possession

2 A prosecutor is not only responsible for turning over Brady material in his possession, he is
3 equally responsible for Brady material in the possession of any other State agents. Jimenez supra
4 at 620.

5 In Kyles, supra, the United States Supreme Court held:

6 [T]he individual prosecutor has a duty to learn of any favorable evidence known to the
7 others acting on the government's behalf in the case, including the police. But whether the
8 prosecutor succeeds or fails in meeting this obligation (whether, that is, a failure to disclose
9 is in good faith or bad faith, see Brady, 373 U.S. at 87), the prosecution's responsibility for
10 failing to disclose known, favorable evidence rising to a material level of importance is
11 inescapable. *Id.* at 437-438.

12 Defendant would submit that other state agents such as probation and parole
13 officers, Child Protective Service workers and their agents, jail personnel, law enforcement
14 personnel, and similar agents of the State are also included in those from whom the prosecution
15 must seek out Brady material. This is clearly an affirmative responsibility, the prosecutor cannot
16 rely on law enforcement or other government agents to come forward with the information, it must
17 be sought out.

18 **THE STATE CANNOT RELY ON AN "OPEN FILE" POLICY TO SATISFY
19 THEIR CONSTITUTIONAL DUTIES TO OBTAIN AND TURN OVER**

20 Based on prior experience, it is anticipated that the prosecution may assert that it
21 has an "open file" policy and that the requested material is not available in its file. This argument
22 is unavailing. In Strickler, supra, at 283, the United States Supreme Court explicitly held that a
23 prosecutor's open file policy does not in any way substitute for or diminish the State's obligation
24 to turn over Brady material.

25 There can be little question, therefore, that despite its "open file policy," the
26 prosecution has an affirmative duty to seek out the previously discussed Brady material, regardless
27 of whether such material is in the hands of the prosecutor or in the hands of some other entity
28 acting on behalf of the State.

DEFENDANT'S SPECIFIC REQUESTS FOR BRADY MATERIAL

The following specific requests are meant to help assist the State in their duty to find and turn over the required Material. This request is not in any way intended to be a substitute for the generalized duties described above.

1. Any and all written or sworn statements made by agents of the Las Vegas Metropolitan Police Department and/or the Department of Parole and Probation in relation to this case, including, but not limited to the file maintained regarding Mr. McNeill by the Department of Parole and Probation.

2. Any and all Lifetime Supervision Agreements signed by Mr. McNeill, specifically, agreements from 2007 and 2012.

3. Copy of cease and desist letter mentioned at preliminary hearing by Probation Officer Ashley Mangan sent by Mr. McNeill to the Department of Parole and Probation.

4. Copy of termination letter from sex offender counseling referred to by both Probation Officer Ashley Mangan and Marcia Lee at the preliminary hearing.

5. Any inconsistent statements made by any material witness in the case. This includes any inconsistent statements made to any employee or representative of the District Attorney's office.

6. Any information on any criminal history of any material witness in the case, to include any juvenile record, misdemeanors, or any other information that would go to the issue of credibility and bias, whether or not the information is admissible by the rules of evidence.

7. Any and all information which shows that the defendant did not commit the crimes alleged.

DATED this 23 day of June, 2014.

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

By: X Bonaventure
Xiomara A. BONAVENTURE, #12368
Deputy Public Defender

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NOTICE OF MOTION

TO: CLARK COUNTY DISTRICT ATTORNEY, Attorney for Plaintiff:

YOU WILL PLEASE TAKE NOTICE that the foregoing Motion for Discovery will be heard on 30th day of June, 2014, at 9:00 p.m. in Department No. 25 of the Las Vegas District Court.

DATED this 23 day of June, 2014.

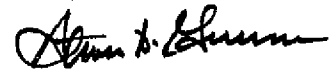
PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

By: Xiomara A. Bonaventure
XIOMARA A. BONAVENTURE, #12368
Deputy Public Defender

CERTIFICATE OF SERVICE

I hereby certify that service of Defendant's MOTION FOR DISCOVERY was made via e-filing to PDMotions@ccdanv.com and via facsimile to the Clark County District Attorney's Office (455-6980) on this 24 of June, 2014.

By [Signature]
Employee of the Clark County Public Defender's Office



CLERK OF THE COURT

1 RSPN
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 JONATHAN COOPER
6 Deputy District Attorney
7 Nevada Bar #012195
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

12
13 DISTRICT COURT
14 CLARK COUNTY, NEVADA

15 THE STATE OF NEVADA,
16
17 Plaintiff,

18 -vs-

19 STEVE DELL MCNEILL,
20 #0648344

21 Defendant.

CASE NO: C-14-297725-1

DEPT NO: XXV

22 STATE'S RESPONSE TO DEFENDANT'S MOTION FOR DISCOVERY

23 DATE OF HEARING: June 30, 2014

24 TIME OF HEARING: 9:00 A.M.

25 COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County
26 District Attorney, through JONATHAN COOPER, Deputy District Attorney, and hereby
27 submits the attached Points and Authorities in Response to Defendant's Motion for Discovery.

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

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All statements and reports submitted by the Las Vegas Metropolitan Police Department, which includes witness statements and transcripts of interviews, as well as scientific reports and analysis have been or will be provided to the defense in this case. Everything in the State's file, with the exception of any deputy's personal work product or that of an investigator in preparation for the trial of this matter, will be and have been made available to defense counsel. Indeed, it is the undersigned's belief that everything in the prosecutor's file has already been provided and continues to be provided to defense counsel. Nevertheless, the State objects to an Order for Discovery beyond that contemplated by Nevada law.

... does not have a constitutional duty to disclose every bit of information that might affect the jury's decision; it need only disclose information favorable to the defense that meets the appropriate standard of materiality.

See also, United States v. Sukumolachan, 610 F.2d 685, 687 (9th Cir. 1980) (prosecution not required to create exculpatory material).

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1 Under federal law, Brady does not create any pretrial discovery privileges not contained
2 in the Federal Rules of Criminal Procedure (which served as the model for Nevada law).
3 United States v. Flores, 540 F.2d 432, 438 (9th Cir. 1980).

4 In short, citation to Brady does not relieve a defendant of the obligation of doing his
5 own investigation. The Defendant is free to seek the material he claims to want; he is not,
6 however free to seek it from the prosecution.

7 The prosecution holds an indispensable legal duty to not only disclose to the defendant
8 all inculpatory evidence in its possession pursuant to statute, *see e.g.* NRS 174.233 et seq., but
9 also to disclose to the defendant all material evidence in its possession that is favorable to an
10 accused because it is either exculpatory or has impeachment value (hereinafter, such favorable
11 evidence shall be referred to as "*Brady* material"). *Brady v. Maryland*, 373 U.S. 83 (1963);
12 *U.S. v. Bagley*, 473 U.S. 667, 676 (1985). While the former requirement derives explicitly
13 from statute, the latter requirement is of constitutional dimension. *Brady*, 373 U.S. at 87. This
14 duty to disclose applies to the prosecution without regard to whether a defendant makes a
15 request for discovery. *U.S. v. Agurs*, 427 U.S. 97, 107 (1976). A prosecutor's obligation to
16 provide discovery to a defendant, however, is limited to only that information required by
17 statute or *Brady*. *See Weatherford v. Busey*, 429 U.S. 545, 559 (1977) ("There is no general
18 constitutional right to discovery in a criminal case, and *Brady* did not create one... 'the Due
19 Process Clause has little to say regarding the amount of discovery which the parties must be
20 afforded...' [citation omitted]); *Kyles v. Whitley*, 514 U.S. 419, 436-37 (1995) ("We have
21 never held that the Constitution demands an open file policy..."). In Nevada, NRS 174.235
22 outlines specifically the affirmative pretrial discovery obligations of the State:

23 1. Except as otherwise provided in NRS 174.233 to 174.295, inclusive, at the
24 request of a defendant, the prosecuting attorney shall permit the defendant to
25 inspect and to copy or photograph any: (a) Written or recorded statements or
26 confessions made by the defendant, or any written or recorded statements made
27 by a witness the prosecuting attorney intends to call during the case in chief of
28 the State, or copies thereof, within the possession, custody or control of the State,
the existence of which is known, or by the exercise of due diligence may become
known, to the prosecuting attorney; (b) Results or reports of physical or mental

1 examinations, scientific tests or scientific experiments made in connection with
2 the particular case, or copies thereof, within the possession, custody or control
3 of the State, the existence of which is known, or by the exercise of due diligence
4 may become known, to the prosecuting attorney; and (c) Books, papers,
5 documents, tangible objects, or copies thereof, which the prosecuting attorney
6 intends to introduce during the case in chief of the State and which are within
the possession, custody or control of the State, the existence of which is known,
or by the exercise of due diligence may become known, to the prosecuting
attorney.

7 2. The defendant is not entitled, pursuant to the provisions of this section, to the
8 discovery or inspection of: (a) An internal report, document or memorandum
9 that is prepared by or on behalf of the prosecuting attorney in connection with
10 the investigation or prosecution of the case. (b) A statement, report, book, paper,
11 document, tangible object or any other type of item or information that is
privileged or protected from disclosure or inspection pursuant to the
Constitution or laws of this state or the Constitution of the United States.

12 3. The provisions of this section are not intended to affect any obligation placed
13 upon the prosecuting attorney by the Constitution of this state or the Constitution
14 of the United States to disclose exculpatory evidence to the defendant.

15 Beyond state statute, *Brady v. Maryland* also requires disclosure by the prosecution of
16 only that "evidence favorable to an accused... where the evidence is material either to guilt or
17 to punishment..." 373 U.S. at 87.

18 In interpreting the prosecution's discovery obligations under *Brady* and discovery
19 statutes, this Court has recognized the limited nature of the prosecution's duty to disclose.

20 First, this Court has held in no uncertain terms that the prosecution need not disclose
21 information immaterial to the defense, writing that "*the State is under no obligation to*
22 *accommodate a defendant's desire to flail about in a fishing expedition...*" *Sonner v. State*,
23 112 Nev. 1328, 1340-41 (1996) (emphasis added). In other words, the prosecution need not
24 "compile information or pursue an investigative lead simply because it could conceivably
25 develop evidence helpful to the defense." *Evans v. State*, 117 Nev. 609, 627 (2001). In *Sonner*,
26 citing Nevada's criminal discovery statute and *Brady*, the defendant sought disclosure of
27 personnel records of the victim, a Nevada Highway Patrolman, "to rebut State evidence of [the
28 victim's] value as a law enforcement officer and an individual." *Id* at 1340. In affirming the

1 district court's denial of the defendant's discovery request, this Court held that
2 [a] defendant must advance some factual predicate which makes it reasonably
3 likely the requested file will bear information material to his or her defense. A
bare assertion that a document "might" bear such fruit is insufficient.

4 *Id.* at 1340-41 (quotations and citations omitted). Because Sonner's discovery request "was
5 based on nothing more than the assertion of a general right to search for whatever mitigating
6 evidence might be found in [the victim's] records," it was in excess of the prosecution's
7 discovery obligations. *Id.*; see also *Evans*, 117 Nev. 609 at 627.

8 Second, this Court has held that the prosecution does not violate its discovery
9 obligations when it does not disclose information that is not "favorable" to the defense or
10 "material either to guilt or to punishment." *Lay v. State*, 116 Nev. 1185, 14 P.3d 1256 (2000).
11 Under *Brady*, evidence is "favorable" to an accused when it is information that is exculpatory
12 or has impeachment value, *Brady*, 373 U.S. at 87; *Bagley*, 473 U.S. at 676, and is "material"
13 if its nondisclosure would undermine confidence in the outcome of the trial. *Lay*, 116 Nev. at
14 1194. The determination of the "character of a piece of evidence" as material and favorable to
15 the defendant "will often turn on the context of the existing or potential evidentiary record,"
16 and it initially falls to the prosecutor to determine whether evidence should be disclosed. *Lay*
17 *v. State*, 116 Nev. 1185, 1194 (2000).

18 Third, although a prosecutor must "learn of any favorable evidence known to the others
19 acting on the government's behalf in [the] case, including the police," a prosecutor is under no
20 duty to investigate potential *Brady* material not known to the prosecution and which exists
21 outside the possession of investigative agents acting on the government's behalf in the case.
22 *Kyles v. Whitley*, 514 U.S. 419, 437 (1995). In interpreting *Kyles*' mandate to learn of favorable
23 evidence, the Supreme Court of California has noted that "[c]ourts have... consistently
24 declined to draw a distinction between different agencies under the same government, focusing
25 instead upon the 'prosecution team' which includes both investigative and prosecutorial
26 personnel." *In re Brown*, 17 Cal.4th 873, 879 (1998) quoting *United States v. Auten*, 632 F.2d
27 478, 481 (5th Cir.1980); see e.g. *Smith v. Secretary Dept. of Corrections*, 50 F.3d 801, 824
28 (10th Cir.1995) ("the prosecution" extends to law enforcement personnel and other arms of

1 the state involved in investigative aspects); *Moon v. Head*, 285 F.3d 1301, 1309 (11th Cir.
2 2002) (*Brady* applies only to favorable evidence possessed by the "prosecution team",
3 meaning "the prosecutor or anyone over whom he has authority" (citations omitted)). In other
4 words, only if a prosecutor is in the "*unique position* to obtain information known to other
5 agents of the government" should a district court order the State to obtain and disclose such
6 information. See *Carriger v. Stewart*, 132 F.3d 463 (9th Cir. 1997) (emphasis added). As this
7 Court has held, the State bears no burden "to disclose evidence which is available to the
8 defendant from other sources, including diligent investigation by the defense." *Steese v. State*,
9 114 Nev. 479, 495 (1998); *U.S. v. Davis*, F.2d 1501, 1505 (11th Cir. 1986).

10 **The State will address each of Defendant's requests specifically below:**

- 11 1. Any and all written or sworn statements made by agents of the Las Vegas
12 Metropolitan Police Department and/or the Department of Parole and Probation in
13 relation to this case. Including, but not limited to the file maintained regarding Mr.
14 McNeill by the Department of Parole and Probation/

15 State's Response: A copy of all relevant information that is legally required to be disclosed,
16 to the extent any exists, contained within the Probation and Parole file for Mr. McNeill has
17 been requested and will be provided once received, if not already provided.

- 18 2. Any and all Lifetime Supervision Agreements signed by Mr. McNeill specifically,
19 agreements from 2007 and 2012.

20 State's Response: This information has previously been provided.

- 21 3. Copy of cease and desist letter mentioned at preliminary hearing by Probation Officer
22 Ashley Mangan sent by Mr. McNeill to the Department of Parole and Probation.

23 State's Response: This information has previously been provided.

- 24 4. Copy of termination letter from sex offender counseling referred to by both Probation
25 Officer Ashley Mangan and Marcia Lee at the preliminary hearing

26 State's Response: This information has previously been provided.

27 ///

28 ///

1 5. Any inconsistent statements made by any material witness in the case. This includes
2 any inconsistent statements made to any employee or representative of the District
3 Attorney's office.

4 State's Response: Statements made to the State during pretrial conferences, which are not
5 recorded or written by the witness are not subject to disclosure. Such interviews memorialized
6 by the State in the form of notes constitute work product and are specifically not discoverable
7 pursuant to NRS 174.235(2). See NRS 174.235 ("The Defendant is not entitled to an internal
8 report, document or memorandum that is prepared by or on behalf of the prosecuting attorney
9 in connection with the investigation or prosecution of the case."). In addition, defense counsel
10 can interview the State's witnesses and thus is capable of ascertaining the likely testimony of
11 the State's witnesses. See *Steese v. State*, supra, 114 Nev. at 495, 960 P.2d at 331 ("Brady
12 does not impose upon the State an obligation "to disclose evidence which is available to the
13 defendant from other sources, including diligent investigation by the defense."). The State has
14 provided, and will continue to provide, relevant information that it is legally required to
15 disclose to the extent any exists, however, the State objects to the request for information
16 which extends beyond the ambit of the State's burden as outlined by case law and statute. With
17 that said, the State is not aware of any such statements.

18 6. Any information on any criminal history of any material witness in this case, to
19 include any juvenile record, misdemeanors, or any other information that would go
20 to the issue of credibility and bias, whether or not the information is admissible by
21 the rules of evidence.

22 State's Response: This request is overbroad as the State is not required under *Brady* or its
23 progeny and/or NRS 174.235 to investigate its witnesses to the extent Defendant is requesting.
24 It is the Defendant's obligation to seek such information, should he find it necessary and
25 worthwhile. Furthermore, Defendant has not set forth a good faith basis to inquire of the
26
27
28

1 victim or a factual predicate to show that such information is relevant¹ and/or proper
2 impeachment material under NRS 50.085² and 50.095³ and Defendant's request certainly goes
3 beyond that allowed under NRS 50.085 and 50.095. Thus, the State will disclose, as required,
4 all felony convictions admissible under NRS 50.095 and misdemeanor convictions and
5

6 ¹ NRS 48.015 "Relevant evidence" defined. As used in this chapter, "relevant evidence" means evidence having any
7 tendency to make the existence of any fact that is of consequence to the determination of the action more or less probable
8 than it would be without the evidence.

(Added to NRS by 1971, 780)

9 **NRS 48.035 Exclusion of relevant evidence on grounds of prejudice, confusion or waste of time.**

1. Although relevant, evidence is not admissible if its probative value is substantially outweighed by the danger of
unfair prejudice, of confusion of the issues or of misleading the jury.

2. Although relevant, evidence may be excluded if its probative value is substantially outweighed by considerations of
undue delay, waste of time or needless presentation of cumulative evidence.

3. Evidence of another act or crime which is so closely related to an act in controversy or a crime charged that an
ordinary witness cannot describe the act in controversy or the crime charged without referring to the other act or crime
shall not be excluded, but at the request of an interested party, a cautionary instruction shall be given explaining the reason
for its admission.

(Added to NRS by 1971, 780; A 1979, 37)

14 ² **NRS 50.085 Evidence of character and conduct of witness.**

1. Opinion evidence as to the character of a witness is admissible to attack or support the witness's credibility but
subject to these limitations:

(a) Opinions are limited to truthfulness or untruthfulness; and

(b) Opinions of truthful character are admissible only after the introduction of opinion evidence of untruthfulness or
other evidence impugning the witness's character for truthfulness.

2. Evidence of the reputation of a witness for truthfulness or untruthfulness is inadmissible.

3. Specific instances of the conduct of a witness, for the purpose of attacking or supporting the witness's credibility,
other than conviction of crime, may not be proved by extrinsic evidence. They may, however, if relevant to truthfulness,
be inquired into on cross-examination of the witness or on cross-examination of a witness who testifies to an opinion of
his or her character for truthfulness or untruthfulness, subject to the general limitations upon relevant evidence and
the limitations upon interrogation and subject to the provisions of NRS 50.090.

(Added to NRS by 1971, 780; A 1975, 1132)

21 In this case, the State contends that being an undocumented immigrant in the United States is not relevant to truthfulness
and thus, inadmissible under NRS 50.085.

22 ³ **NRS 50.095 Impeachment by evidence of conviction of crime.**

1. For the purpose of attacking the credibility of a witness, evidence that the witness has been convicted of a crime is
admissible but only if the crime was punishable by death or imprisonment for more than 1 year under the law under
which the witness was convicted.

2. Evidence of a conviction is inadmissible under this section if a period of more than 10 years has elapsed since:

(a) The date of the release of the witness from confinement; or

(b) The expiration of the period of the witness's parole, probation or sentence, whichever is the later date.

3. Evidence of a conviction is inadmissible under this section if the conviction has been the subject of a pardon.

4. Evidence of juvenile adjudications is inadmissible under this section.

5. The pendency of an appeal therefrom does not render evidence of a conviction inadmissible. Evidence of the
pendency of an appeal is admissible.

6. A certified copy of a conviction is prima facie evidence of the conviction.

(Added to NRS by 1971, 789; A 1981, 1646)

1 specific instances of conduct known to the State from commonly used methods such as pretrial
2 interviews, running scope and/or NCIC that bear on witnesses' truthfulness.

3 7. Any and all information which shows that the defendant did not commit the crimes
4 alleged.

5 State's Response: This request is vague and overbroad. The State has provided, and will
6 continue to provide, relevant information that it is legally required to disclose to the extent any
7 exists, however, the State objects to the request for information which extends beyond the
8 ambit of the State's burden as outlined by case law and statute. Again, the State is not required
9 under *Brady* or its progeny and/or NRS 174.235 to conduct a separate investigation to help the
10 Defendant mount a defense. It is the Defendant's obligation to seek such information, should
11 he find it necessary and worthwhile. With that said, the State is not aware of any such
12 information.

13 DATED this 26th day of June, 2014.

14 Respectfully submitted,

15 STEVEN B. WOLFSON
16 Clark County District Attorney
Nevada Bar #001565

17 BY

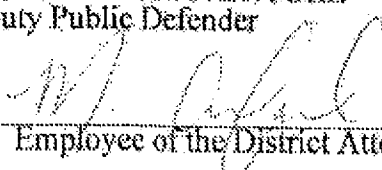
18 JONATHAN COOPER
19 Deputy District Attorney
Nevada Bar #012195

20 CERTIFICATE OF ELECTRONIC TRANSMISSION

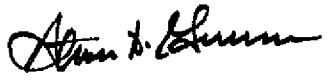
21 I hereby certify that service of Response to Defendant's Motion for Discovery was made
22 this 27th day of June 2014, by E-mail transmission to:

23 XIOMARA BONAVENTURE
24 Deputy Public Defender

25 BY:

26 
Employee of the District Attorney's Office

27
28 I4F02393X/JC/mc/L4


CLERK OF THE COURT

0014
PHILIP J. KOHN, PUBLIC DEFENDER
NEVADA BAR NO. 0556
309 South Third Street, Suite 226
Las Vegas, Nevada 89155
(702) 455-4685
Attorney for Defendant

DISTRICT COURT
CLARK COUNTY, NEVADA


In the Matter of the Application of,

CASE NO. C297725

DEPT. NO. XXV

STEVE MCNEILL,
for a Writ of Habeas Corpus.

DEPARTMENT XXV
DATE: July 7, 2014
TIME: 9:00 AM

APPROVED BY 

PETITION FOR WRIT OF HABEAS CORPUS

TO: The Honorable Judge of the Eighth Judicial District Court of
The State of Nevada, in and for the County of Clark

The Petition of Steve McNeill submitted by XIOMARA A. BONAVENTURE,
Deputy Public Defender, as attorney for the above-captioned individual, respectfully affirms:

1. That he/she is a duly qualified, practicing and licensed attorney in the City of
Las Vegas, County of Clark, State of Nevada.

2. That Petitioner makes application for a Writ of Habeas Corpus; that the place
where the Petitioner is imprisoned actually or constructively imprisoned and restrained of his liberty
is the Clark County Detention Center; that the officer by whom he is imprisoned and restrained is
Doug Gillespie, Sheriff.

3. That the imprisonment and restraint of said Petitioner is unlawful in that: the
State has not shown probable cause that a Mr. McNeill committed Count 2, Prohibited Acts by a Sex
Offender.

//

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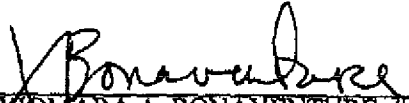
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1 WHEREFORE, Petitioner prays that this Honorable Court make an order directing
2 the County of Clark to issue a Writ of Habeas Corpus directed to the said Doug Gillespie, Sheriff,
3 commanding him to bring the Petitioner before your Honor, and return the cause of his
4 imprisonment.

5 DATED this 24 of June, 2014.

6 PHILIP J. KOHN
7 CLARK COUNTY PUBLIC DEFENDER

8 By

9 
10 XIOMARA A. BONAVENTURE, #12368
11 Deputy Public Defender
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DECLARATION

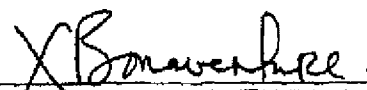
XIOMARA A. BONAVENTURE makes the following declaration:

1. I am an attorney duly licensed to practice law in the State of Nevada; I am the Deputy Public Defender assigned to represent the Defendant in the instant matter, and I am familiar with the facts and circumstances of this case.

2. That I am the attorney of record for Petitioner in the above matter; that I have read the foregoing Petition, know the contents thereof, and that the same is true of my own knowledge, except for those matters therein stated on information and belief, and as to those matters, I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct. (NRS 53.045).

EXECUTED this 24 day of June, 2014.


XIOMARA A. BONAVENTURE

MEMORANDUM OF POINTS AND AUTHORITIES
IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS

COMES NOW the Petitioner, STEVE MCNEILL, by and through his counsel, XIOMARA A. BONAVENTURE, the Clark County Public Defender's Office, and submits the following Points and Authorities in Support of Defendant's Petition for a pre-trial Writ of Habeas Corpus.

STATEMENT OF FACTS

On April 16, 2014, Mr. McNeill was charged with count one, Violation of Lifetime Supervision by a Convicted Sex Offender, and count two, Prohibited Acts by a Sex Offender. Preliminary hearing was set for April 29, 2014. On that date, the preliminary hearing went forward after failed negotiations. The State presented two witnesses, one being Department of Parole and Probation Officer Ashley Mangan. After the preliminary hearing was held, the Justice Court Judge bound Mr. McNeill's case up to District Court to answer to the charges at trial over the objections of defense counsel.

At preliminary hearing, Officer Mangan testified that she was assigned to supervise Mr. McNeill in March 2013, that he reported being homeless and registered with her as residing at the intersection of Main Street and Wyoming Avenue here in Las Vegas, Nevada (PHT p. 29, Ins. 3-5, p. 50, Ins. 14-17). She testified that Mr. McNeill always registered himself as living at that intersection during the time she supervised him and that he never reported any other address (PHT p. 51, Ins. 18-24). On direct examination, Officer Mangan testified that Mr. McNeill was compliant in reporting monthly to P&P, however because she was never able to locate Mr. McNeill at Main and Wyoming, she concluded that he did not live there anymore (PHT p. 16, ln. 1 – p. 17, ln. 15). She testified that Mr. McNeill admitted to sleeping in different spots (Id.), and that Mr. McNeill “basically said that he is not going to be a dog on a leash ... he's going to stay wherever he wants” (PHT p. 24, ln. 7-11). Additionally, Officer Mangan testified that she attempted to locate Mr. McNeill after he missed his check in after August of 2013, without any success (PHT p. 45, ln. 20 – p. 46, ln. 11). She was never able to locate Mr. McNeill at the intersection of Main and Wyoming (Id.). Based on these facts, Mr. McNeill is charged with count two under the theory of prosecution

1 that he failed to change his address with the Department of Parole and Probation.

3 ARGUMENT

4 THE STATE DID NOT PROVE CORPUS DELICTI ON COUNT TWO AS IT
5 WAS NEVER PROVEN BY EVEN SLIGHT OR MARGINAL EVIDENCE THAT
6 MR. MCNEILL EVER CHANGED HIS RESIDENCE APART FROM HIS
7 ADMISSION TO P&P THAT HE SLEPT IN DIFFERENT SPOTS.

8 The *Corpus Delicti* of a crime must be proven independently of the defendant's extrajudicial
9 admissions. Hooker v. Sheriff, 89 Nev. 89, 506 P.2d 1262 (1973). The *Corpus Delicti* rule is a
10 "doctrine that prohibits a prosecutor from proving the *Corpus Delicti* based solely on a defendant's
11 extrajudicial statements" and forces the prosecution to "establish the *Corpus Delicti* with
12 corroborating evidence." The Nevada Supreme Court has held that "it has long been established that
13 the *Corpus Delicti* must be demonstrated by evidence independent of the confession or admissions
14 of the defendant." Sheriff v. Dhadha, 115 Nev. 175, 180-81, 980 P.2d 1062, 1065 (1999).

15
16 In order to prove that Mr. McNeill failed to change his address, the State has to show either
17 that he lived someplace else other than Main and Wyoming, or that he did not in fact live at Main
18 and Wyoming.

19
20 The State relied completely on Mr. McNeill's statements to Officer Mangan as evidence that
21 he changed his address. Mr. McNeill's statements/admissions, that he will not be a "dog on a leash"
22 and that he'll sleep where he likes, can be construed as statements made in anger and in desperation,
23 and the State needs proof independent of his statements to establish the *Corpus Delicti* of the crime.

24
25 Without relying on Mr. McNeill's admissions, the State cannot and did not prove that he
26 lived anywhere other than Main and Wyoming. The State also did not prove that Mr. McNeill did
27 not live at the intersection of Main and Wyoming. The testimony revealed that Officer Mangan was
28 never able to locate Mr. McNeill at the intersection of Main and Wyoming, not before he absconded

1 and not after. Therefore no conclusion can be drawn from this fact, especially not the conclusion
2 that because Officer Mangan could not find him, he must have changed his address and did not
3 inform P&P.

4 The State relied completely on Mr. McNeill's admissions to Officer Mangan to establish
5 probable cause of count two. Absent Mr. McNeill's admissions the State provided no further
6 evidence that Mr. McNeill changed his residence without informing P&P. Thus, the State failed to
7 establish the Corpus Delicti of Prohibited Acts by a Sex Offender under the theory of prosecution
8 that Mr. McNeill changed his address without notifying P&P. Therefore, Count 2 should have never
9 been bound over by the Justice Court and should now be dismissed.
10

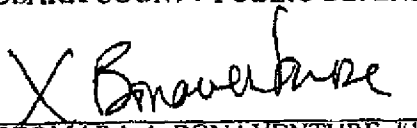
11
12 **CONCLUSION**

13
14 This Court should dismiss count two, Prohibited Acts by a Sex Offender, against Mr.
15 McNeill and allow the State to go forward only count 1 as listed in the Information.

16
17 DATED this 24 of June, 2014.

18 PHILIP J. KOHN
19 CLARK COUNTY PUBLIC DEFENDER

20
21 By


22 XIOMARA A. BONAVENTURE, #12368
23 Deputy Public Defender
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NOTICE

TO: CLARK COUNTY DISTRICT ATTORNEY, Attorney for Plaintiff:

YOU WILL PLEASE TAKE NOTICE that the foregoing PETITION FOR WRIT OF HABEAS CORPUS will be heard on 7th day of July, 2014, at 9:00 a.m. in Department No. XXV of the Eighth Judicial District Court.

DATED this 24th day of June, 2014.

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

By 
Xiomara A. BONAVENTURE, #12368
Deputy Public Defender

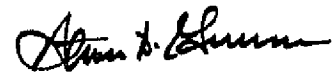
CERTIFICATE OF SERVICE

I hereby certify that service of the above and foregoing PETITION FOR WRIT OF HABEAS CORPUS was made via e-filing to Motions@clarkcountydade.com on this 24th day of June, 2014.

CLARK COUNTY PUBLIC DEFENDER

By /s/ Carolyn Gray
Legal Assistant, Clark County Public Defender

1 ORDR
2 PHILIP J. KOHN, PUBLIC DEFENDER
3 NEVADA BAR NO. 0556
309 South Third Street, Suite #226
4 Las Vegas, Nevada 89155
(702) 455-4685
Attorney for Defendant


CLERK OF THE COURT

5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

7 THE STATE OF NEVADA,
8 Plaintiff,

CASE NO. C-14-297725-1

9
10 STEVE DELL MCNEILL,
11 Defendant.

DEPT. NO. XXV

12
13 ORDER

14 THIS MATTER having come before the Court on June 30, 2014, and good cause
15 appearing therefor,


16 IT IS HEREBY ORDERED that the Justice Court Clerk's Office produce the left side
17 of the Justice Court's file in the following two matters; 13F11219X, 13F17150X.

18 DATED 30th day of June, 2014.

19
20 
21 DISTRICT COURT JUDGE

22 Submitted by:

23 PHILIP J. KOHN
24 CLARK COUNTY PUBLIC DEFENDER

25
26 By 
27 XIOMARA A. BONAVENTURE, #12368
28 Deputy Public Defender

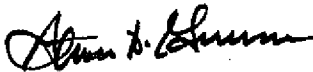
JUN 30 2014

CERTIFICATE OF SERVICE

I hereby certify that service of the above and foregoing ORDER was made via e-filing to
PDMotions@ccdancv.com on this 2nd day July, 2014.

By: /s/ Carolyn Gray
Legal Assistant, Clark County Public Defender

Case Name: Steve Dell McNeill
Case No.: C-14-297725-1
Dept. No.: XXV


CLERK OF THE COURT

1 **RET**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 JONATHAN COOPER
6 Deputy District Attorney
7 Nevada Bar #012195
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 State of Nevada

8 DISTRICT COURT
9 CLARK COUNTY, NEVADA

12 In the Matter of Application of,

14 STEVE DELL MCNEILL
15 #0648344

16 for a Writ of Habeas Corpus.

Case No: C-14-297725-1

Dept No: XXV

17 RETURN TO WRIT OF HABEAS CORPUS

18 DATE OF HEARING: July 7, 2014

19 TIME OF HEARING: 9:00 A.M.

20 COMES NOW, DOUGLAS C. GILLESPIE, Sheriff of Clark County, Nevada,
21 Respondent, through his counsel, STEVEN B. WOLFSON, District Attorney, through
22 JONATHAN COOPER, Deputy District Attorney, in obedience to a Writ of Habeas Corpus
23 issued out of and under the seal of the above-entitled Court on the 30th day of June 2014, and
24 made returnable on the 7th day of July, 2014, at the hour of 9:00 o'clock A.M., before the
25 above-entitled Court, and states as follows:

26 1. Respondent admits the allegation of Paragraph two of the Petitioner's Petition for
27 Writ of Habeas Corpus.
28

1 2. Respondent denies the allegations of Paragraph three of the Petitioner's Petition for
2 Writ of Habeas Corpus.

3 3. Paragraph one does not require admission or denial.

4 4. The Petitioner is in the actual or constructive custody of DOUGLAS C. GILLESPIE,
5 Clark County Sheriff, Respondent herein, pursuant to a Criminal Information, a copy of which
6 is attached hereto as Exhibit 1 and incorporated by reference herein.

7 Wherefore, Respondent prays that the Writ of Habeas Corpus be discharged and the
8 Petition be dismissed.

9 DATED this 2nd day of July, 2014.

10 Respectfully submitted,

11 STEVEN B. WOLFSON
12 Clark County District Attorney
13 Nevada Bar # 001565

14 BY

15 
16 JONATHAN COOPER
17 Deputy District Attorney
18 Nevada Bar #012195

19 **POINTS AND AUTHORITIES**

20 **STATEMENT OF CASE**

21 On August 8, 2014, Steve McNeill (hereinafter defendant) was charged via criminal complaint
22 with one count of Violation of Lifetime Supervision by Convicted Sex Offender and one count
23 of Prohibited Acts by a Sex Offender. Following a Preliminary hearing held on April 29,
24 2014, the defendant was bound over on both charges. The Preliminary hearing transcript was
25 filed on June 6, 2014. On June 30, 2014, at Calendar Call, both the State and the Defense
26 announced ready for trial. Shortly after announcing ready the Defendant filed this instant
27 Petition for Writ of Habeas Corpus. This case is currently set for Jury Trial on July 7, 2014.

28 ///

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ARGUMENT

It is well settled that the District Court's function in reviewing a pretrial writ of habeas corpus challenging the sufficiency of probable cause is to determine whether enough competent evidence was presented to establish a reasonable inference that the accused committed the offenses. State v. Fuchs, 78 Nev. 63 (1962). This probable cause standard may be met by the presentation of slight, even marginal, evidence. State v. Boueri, 99 Nev. 790 (1983).

The Nevada Supreme Court has set forth the standard of review for purposes of supporting a charging document:

In grand jury proceedings, the State need only show that a crime has been committed and that the accused probably committed it. The finding of probable cause to support a criminal charge may be based on "slight, even 'marginal' evidence . . . because it does not involve a determination of the guilt or innocence of the accused." Sheriff v. Hodges, 96 Nev. 184, 186, 606 P.2d 178, 180 (1980). "To commit an accused for trial, the State is not required to negate all inferences which might explain his conduct, but only to present enough evidence to support a reasonable inference that the accused committed the offense." Kinsey v. Sheriff, 87 Nev. 361, 363, 487 P.2d 340, 341 (1971).

Sheriff v. Miley, 99 Nev. 377 (1983). This same standard also applies to the burden the State must meet for a bindover from a preliminary hearing. Sheriff v. Potter, 99 Nev. 389 (1983). This Court need not consider whether the evidence presented at the preliminary hearing may, by itself, sustain a conviction, since at the preliminary hearing the State need not produce the quantum of proof required to establish the guilt of accused beyond a reasonable doubt. See Hodges, 96 Nev. at 186, 606 P.2d at 180; Miller v. Sheriff, 95 Nev. 255, 592 P.2d 952 (1979); McDonald v. Sheriff, 87 Nev. 361, 487 P.2d 340, (1971). In the case at bar, to hold Defendant to answer to the charges, the State is not required to negate all inferences which might be drawn from a certain set of facts, State v. VonBrincken, 86 Nev. 769, 476 P.2d 733, (1970); Johnson v. State, 82 Nev. 338, 418 P.2d 495 (1966), but only to present enough evidence to support a reasonable inference that Defendant committed the crimes charged. Furthermore, convictions based on circumstantial evidence have been upheld in Nevada. See Gibson v. State, 96 Nev. 48, 50 (1980); Merryman v. State, 95 Nev. 648, 649 (1979); Dutton v. State, 94 Nev. 567, 568 (1978); Edwards v. State, 90 Nev. 255, 258 (1974); Goldsmith v.

1 Sheriff, 85 Nev. 295, 304 (1969). Therefore, as initially asserted, circumstantial evidence is
2 sufficient to support a finding of probable cause. Howard v. Sheriff, 93 Nev. 30 (1977).

3 The United States Supreme Court has stated the following regarding circumstantial evidence:

4 Circumstantial evidence in this request is intrinsically no different
5 from testimonial evidence. Admittedly, circumstantial evidence
6 may in some cases point to a wholly incorrect result. Yet this is
7 equally true of testimonial evidence. In both instances, the jury is
8 asked to weigh the chances that the evidence correctly points to
 guilt against the possibility of inaccuracy or ambiguous inference.
 In both, the jury must use its experience with people and events in
 weighing the possibilities. If the jury is convinced beyond a
 reasonable doubt, we can require no more.

9 Holland v. United States, 348 U.S. 121, 75 S. Ct. 127, 137-38 (1954); also see United States
10 v. Hooks, 780 F.2d 1526, 1530 (10th Cir. 1986).

11 It is the role of the magistrate at the preliminary hearing merely to determine whether an
12 inference of criminal agency can be drawn from the evidence, and it is up to the jury to
13 determine the credibility of the witnesses. See, Wrenn v. Sheriff, 87 Nev. 85, 87, 482 P.2d
14 289, 290 (1971); see also, Sheriff v. Badillo, 95 Nev. 593, 594-595, 600 P.2d 221, 222 (1979).

15 Once the magistrate has determined that the witness is competent to testify (see, NRS 50.015),
16 then he need only further determine whether the State has presented slight or marginal
17 evidence that the Defendant was involved in the commission of the crimes. See, Hodes, 96
18 Nev. at 186, 606 P.2d at 180. The Nevada Supreme Court has explicitly held that a preliminary
19 examination is "not a substitute for trial," and that the "full and complete exploration of all
20 facets of the case" should be reserved for trial. Marcum v. Sheriff, 85 Nev. 175, 178, 451 P.2d
21 845, 847 (1969); see also, Robertson v. Sheriff, 85 Nev. 681, 683, 462 P.2d 528, 529 (1969).

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1 **I. DEFENDANT'S PETITION IS UNTIMELY AND BARRED BY STATUTE.**

2 NRS 34.700 states in pertinent part:

3 1. Except as provided in subsection 3, a pretrial petition for a writ
4 of habeas corpus based on alleged lack of probable cause or
otherwise challenging the court's right or jurisdiction to proceed
to the trial of a criminal charge may not be considered unless:

5 (a) The petition and all supporting documents are filed within 21
6 days after the first appearance of the accused in the district court;
and

7 (b) The petition contains a statement that the accused:

8 (1) Waives the 60-day limitation for bringing an accused
9 to trial; or

10 (2) If the petition is not decided within 15 days before the date
11 set for trial, consents that the court may, without notice or hearing,
12 continue the trial indefinitely or to a date designated by the court.

13 Nev. Rev. Stat. Ann. § 34.700 (West)

14 The Preliminary hearing transcript was filed on June 6, 2014. The Defendant's instant petition
15 was not filed until June 30, 2014. Thus, Defendant's petition was filed outside of the time-
16 limit allowed by statute and should be denied.

17 **II. THE STATE DID PROVE CORPUS DELICTI ON COUNT TWO.**

18 The same standard that applies to probable cause for guilt applies to proof of the corpus delicti.
19 Sheriff v. Middleton, 112 Nev. 956, 961-62, 921 P.2d 282, 285 (1996). Further, in assessing
20 whether there is sufficient independent evidence of the corpus delicti, a reviewing court should
21 assume the truth of the state's evidence and all reasonable inferences from it in a light most
22 favorable to the state. Sheriff, Washoe Cnty. v. Dhadha, 115 Nev. 175, 180, 980 P.2d 1062,
23 1065 (1999).

24 Here, there was sufficient independent evidence of the corpus delicti. First, during the
25 preliminary hearing Ashley Mangan, the Defendant's Parole office stated the following:

26 Q. You said he was required - one of the requirements, he said he was
27 living at the cross streets of Main and Wyoming?

28 A. Correct.

Q. Did you visit Main and Wyoming to see if he maintained a residence
there?

A. I attempted several times to visit the cross streets of Main and
Wyoming, and I was unable to find him.

///

1 Q. All right. So that's the inaccuracy you're talking about?

2 A. Yes.

3 Q. He was not living at the place he said he was living at?

4 A. Correct.

[PHT 17: 1-14]

5 It is clear by Officer Mangan's testimony that she was unable to locate the Defendant
6 at the area he said he was living. That alone is sufficient independent evidence to support count
7 two (2). Furthermore, a reasonable inference that can be drawn from those facts is that
8 Defendant did not reside at the location. Simply put, Officer Mangan's observations were
9 sufficient independent evidence of the corpus delicti. As such Defendant's petition should be
10 denied.

11 CONCLUSION

12 As the Petitioner's claims are without merit, the State requests Writ should be
13 discharged.

14 DATED this 2nd day of July, 2014.

15 Respectfully submitted,
16 STEVEN B. WOLFSON
17 Clark County District Attorney
18 Nevada Bar #001565

19 BY

20 
21 JONATHAN COOPER
22 Deputy District Attorney
23 Nevada Bar #012195

24 CERTIFICATE OF ELECTRONIC TRANSMISSION

25 I hereby certify that service of Return to Writ of Habeas Corpus, was made this
26 2nd day of July, 2014, by electronic transmission to:

27 XIOMARA BONAVENTURE, Deputy Public Defender
28 Xiomara.Ferrera@ClarkCountyNV.gov


M. CRAWFORD
Secretary of the District Attorney's Office

14F02393X/JC/mc/L4

ORIGINAL

FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

JUL 07 2014

BY, Kristen Brown
KRISTEN BROWN, DEPUTY

AINF
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
JONATHAN COOPER
Deputy District Attorney
Nevada Bar #012195
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

-vs-

STEVE DELL MCNEILL,
#0648344

Defendant.

CASE NO: C-14-297725-1

DEPT NO: XXV

AMENDED
INFORMATION

STATE OF NEVADA }
COUNTY OF CLARK } ss.

STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

That STEVE DELL MCNEILL, the Defendant(s) above named, having committed the crimes of **VIOLATION OF LIFETIME SUPERVISION BY CONVICTED SEX OFFENDER (Category B Felony - NRS 213.1243 - 53481) and PROHIBITED ACTS BY A SEX OFFENDER (Category D Felony - NRS 179D.441, 179D.447, 179D.550 - 52950)**, on or between December 14, 2012 and March 10, 2014, within the County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases made and provided, and against the peace and dignity of the State of Nevada,

///

///

1 COUNT 1 - VIOLATION OF LIFETIME SUPERVISION BY CONVICTED SEX
2 OFFENDER


3 did then and there wilfully, unlawfully, knowingly and feloniously violate the
4 conditions of a Lifetime Supervision Agreement signed by the Defendant in 2007 and/or
5 November 2012, pursuant to having in 2004 been convicted of Attempt Lewdness With a Child
6 Under the Age of 14, in Case No. C204263 in Eighth Judicial District Court, Clark County,
7 Nevada, to-wit: by refusing to submit to a urinalysis, failing to report, failing to have his
8 residence approved, failing to cooperate with his supervising officer, failing to maintain
9 fulltime employment, failing to abide by a curfew, and/or was terminated from his sex offender
10 counseling.

11 COUNT 2 - PROHIBITED ACTS BY A SEX OFFENDER

12 did wilfully, unlawfully, and feloniously, pursuant to his conviction in 2004 for
13 Attempt Lewdness With a Child Under the Age of 14, in Case No. C204263, in the Eighth
14 Judicial District Court, Clark County, Nevada, did fail to appear in person at the appropriate
15 law enforcement agency before three (3) business days passed since he changed his address
16 from his last registered address at Main and Wyoming, Las Vegas, Clark County, Nevada to
17 his current unknown address.

18 STEVEN B. WOLFSON
19 Clark County District Attorney
20 Nevada Bar #001565

21 BY

22 
23 JONATHAN COOPER
24 Deputy District Attorney
25 Nevada Bar #012195

26
27 DA#14F02393X/jjc /L4
28 NVPP EV#13P017192
(TK1)

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JURL

FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

JUL 07 2014

DISTRICT COURT
CLARK COUNTY, NEVADA

BY, Kristen Brown
KRISTEN BROWN, DEPUTY

State of Nevada
vs
Steve McNeill

CASE NO.: C-14-297725-1
DEPARTMENT 25

JURY LIST

- | | |
|----------------------|-----------------------|
| 1. Jason Alper | 8. Idalia Rice-Wilson |
| 2. Joe Rivera | 9. Justin Walker |
| 3. Brian Lagomarsino | 10. Gilbert Canales |
| 4. Jeffrey Swain | 11. Steven Manning |
| 5. Jacob Spooner | 12. James Bakkedahl |
| 6. Isaac Vilchez | 13. Bonnie Schultz |
| 7. Jason Moore | 14. Joey Hamilton |

ALTERNATES

SECRET FROM ABOVE

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JURL

FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

JUL 09 2014

DISTRICT COURT
CLARK COUNTY, NEVADA

BY, Kristen Brown
KRISTEN BROWN, DEPUTY

State of Nevada

CASE NO. : C-14-297725-1

vs

DEPT. NO.: Department 25

Steve McNeill

AMENDED JURY LIST

- | | |
|----------------------|-----------------------|
| 1. Jason Alper | 7. Jason Moore |
| 2. Joe Rivera | 8. Idalia Rice-Wilson |
| 3. Brian Lagomarsino | 9. Justin Walker |
| 4. Jeffrey Swain | 10. Gilber Canales |
| 5. Jacob Spooner | 11. Steven Manning |
| 6. Isaac Vilchez | 12. James Bakkedahl |

ALTERNATES

- | | |
|------------------|------------------|
| 1. Bonnie Schulz | 2. Joey Hamilton |
|------------------|------------------|

12716

JUL 09 2014

1 PHILIP J. KOHN, PUBLIC DEFENDER
2 NEVADA BAR NO. 0556
3 309 South Third Street, Suite 226
4 Las Vegas, Nevada 89155
(702) 455-4685
Attorney for Defendant

BY: Kristen Brown
KRISTEN BROWN, DEPUTY

5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

7 THE STATE OF NEVADA,)
8 Plaintiff,)
9 v.)
10 STEVE DELL MCNEILL,)
11 Defendant.)

CASE NO. C-14-297725-1
DEPT. NO. XXV
DATE: July 9, 2014
TIME: 2:00 p.m.

12
13 DEFENSE'S PROPOSED JURY INSTRUCTIONS

14 COMES NOW, the Defendant, STEVE DELL MCNEILL, by and through NADIA
15 HOJJAT, Deputy Public Defender and hereby submits the following denied jury instructions as a
16 Court's exhibit.

17
18 DATED this 9th day of July, 2014.

19 PHILIP J. KOHN
20 CLARK COUNTY PUBLIC DEFENDER

21
22 By: Nadia Hojjat
23 NADIA HOJJAT, #12368
24 Deputy Public Defender
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DECLARATION

NADIA HOJJAT makes the following declaration:

1. I am an attorney duly licensed to practice law in the State of Nevada; I am the Deputy Public Defender assigned to represent the Defendant in the instant matter, and the Defendant has represented the following facts and circumstances of this case.

I declare under penalty of perjury that the foregoing is true and correct. (NRS 53.045).

EXECUTED this 9th day of July, 2014.


NADIA HOJJAT

DEFENSE PROPOSED INSTRUCTION NO. 1

Mere presence at the scene of an incident is not sufficient to establish that a defendant is guilty of an offense.

Brooks v. State, 103 Nev. 611, 747 P.2d 893 (1987).

1
2 **DEFENSE PROPOSED INSTRUCTION NO. 5**

3 **Circumstantial Evidence**

4 Before you may rely on circumstantial evidence to conclude that a fact necessary to find
5 the Defendant guilty has been proved, you must be convinced that the State has proven each fact
6 essential to that conclusion beyond a reasonable doubt.
7

8 Also, before you may rely on circumstantial evidence to find the Defendant guilty, you
9 must be convinced that the only reasonable conclusion supported by the circumstantial evidence is
10 that the Defendant is guilty. If you can draw two or more reasonable conclusions from the
11 circumstantial evidence, and one of those reasonable conclusions points to the Defendant being not
12 guilty and another to the Defendant's guilt, you must accept the one that points to the Defendant
13 being not guilty. However, when considering circumstantial evidence, you must accept only
14 reasonable conclusions and reject any that are unreasonable.
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17 **CALCRIM 224**
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If the evidence is susceptible to two reasonable interpretations, one of which points to the Defendant's guilt and the other of which points to the Defendant's innocence, it is your duty to adopt the interpretation which points to the Defendant's innocence and reject the one which points to his guilt.

NRS 175.161, *Bails v. State*, 545 P.2d 1155, 92 Nev. 95 (1976); *Mason v. State*, 118 Nev. 554, 51 P.3d 521 (2002).

***Crawford v. State*, 121 P.3d 582, 121 Nev. Adv. Rep. 74 (2005)** (...the district court may not refuse a proposed instruction on the ground that the legal principle it provides may be inferred from other instructions. Jurors should neither be expected to be legal experts nor make legal inferences with respect to the meaning of the law; rather, they should be provided with applicable legal principles by accurate, clear, and complete instructions specifically tailored to the facts and circumstances of the case.)

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2
3 Lifetime supervision of sex offenders begins after any period of probation, or term of
4 imprisonment, or period of parole, has ended. The Defendant in this case was on Lifetime
5 Supervision beginning in in 2012 and 2013. Thus, he was not on probation or parole in 2012 or
6 2013.

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9 **NRS 213.1243**
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DEFENSE PROPOSED INSTRUCTION NO. 8

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3 There are specific rules of lifetime supervision. The Defendant is required to follow those
4 rules. Failure to follow those rules is a Violation of Lifetime Supervision. The rules are decided by
5 laws passed by the Nevada Legislature, not by the Department of Parole and Probation. A
6 "Lifetime Supervision Agreement" does not make an action criminal if it is not a crime. The
7 Department of Parole and Probation does not have the power to make an action a crime.
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DEFENSE PROPOSED INSTRUCTION NO. 9

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Jury Instruction #s (10) through (13) are the rules of lifetime supervision

NRS 213.1243

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An individual can reside at a location only if:

- (a) The residence has been approved by the parole and probation officer assigned to the person.
- (b) If the residence is a facility that houses more than three persons who have been released from prison, the facility is a facility for transitional living for released offenders that is licensed pursuant to chapter 449 of NRS.
- (c) The person keeps the parole and probation officer informed of his or her current address.

NRS 213.1243

A sex offender shall:

(a) Reside at a location only if the residence is not located within 1,000 feet of any place, or if the place is a structure, within 1,000 feet of the actual structure, that is designed primarily for use by or for children, including, without limitation, a public or private school, a school bus stop, a center or facility that provides day care services, a video arcade, an amusement park, a playground, a park, an athletic field or a facility for youth sports, or a motion picture theater.

(b) As deemed appropriate by the Chief, be placed under a system of active electronic monitoring that is capable of identifying his or her location and producing, upon request, reports or records of his or her presence near or within a crime scene or prohibited area or his or her departure from a specified geographic location.

(c) Pay any costs associated with his or her participation under the system of active electronic monitoring, to the extent of his or her ability to pay.

NRS 213.1243

A sex offender who is placed under the system of active electronic monitoring mentioned in Jury Instruction ____ (11) ____ shall:

- (a) Follow the instructions provided by the Division to maintain the electronic monitoring device in working order.
- (b) Report any incidental damage or defacement of the electronic monitoring device to the Division within 2 hours after the occurrence of the damage or defacement.
- (c) Abide by any other conditions set forth by the Division with regard to his or her participation under the system of active electronic monitoring.

NRS 213.1243

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2 As a condition of lifetime supervision, the sex offender shall not have contact or
3 communicate with a victim of the sexual offense or a witness who testified against the sex offender
4 or solicit another person to engage in such contact or communication on behalf of the sex offender.
5 unless approved by the Chief or his or her designee and a written agreement is entered into and
6 signed.
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9 **NRS 213.1243**
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2 If the State has failed to prove beyond a reasonable doubt that the Defendant violated one
3 of the rules listed in Jury Instruction #s 10-13, he is entitled to a verdict of not guilty on Count 1.
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6 Crawford v. State, 121 P.3d 582, 121 Nev. Adv. Rep. 74 (2005).
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1 **DEFENSE PROPOSED INSTRUCTION NO. 19**

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3 You are instructed that in this case I find as a matter of law that the State has failed to meet
4 its burden as to Count 1. You are thus instructed to find the Defendant Not Guilty of Count 1.
5

6 **NRS 175.381**
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10
11 DATED this 27th day of July, 2014.

12 PHILIP J. KOHN
13 CLARK COUNTY PUBLIC DEFENDER

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15 By: 
16 NADIA HOJJAT, #12401
17 Deputy Public Defender
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JUL 09 2014

1 PHILIP J. KOHN, PUBLIC DEFENDER
2 NEVADA BAR NO. 0556
3 309 South Third Street, Suite 226
4 Las Vegas, Nevada 89155
(702) 455-4685
Attorney for Defendant

BY: Kristen Brown
KRISTEN BROWN, DEPUTY

5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

7 THE STATE OF NEVADA,)

8 Plaintiff,)

9 v.)

10 STEVE DELL MCNEILL,)

11 Defendant.)

CASE NO. C-14-297725-1

DEPT. NO. XXV

DATE: July 9, 2014
TIME: 11:00 a.m.

12
13 BENCH MEMORANDUM IN SUPPORT OF DEFENSE PROPOSED JURY

14 INSTRUCTIONS #7-14

15 COMES NOW, the Defendant, STEVE DELL MCNEILL, by and through NADIA
16 HOJJAT, Deputy Public Defender and hereby submits this bench memorandum in support of the
17 Defense's requested jury instructions.

18
19 DATED this 9th day of July, 2014.

20 PHILIP J. KOHN
21 CLARK COUNTY PUBLIC DEFENDER

22
23 By: Nadia Hojjat
24 NADIA HOJJAT, #12401
25 Deputy Public Defender
26
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28

DECLARATION

XIOMARA A. BONAVENTURE makes the following declaration:

1. I am an attorney duly licensed to practice law in the State of Nevada; I am the Deputy Public Defender assigned to represent the Defendant in the instant matter, and the Defendant has represented the following facts and circumstances of this case.

I declare under penalty of perjury that the foregoing is true and correct. (NRS 53.045).

EXECUTED this 9th day of July, 2014.



NADIA HOJJAT

I. ONLY THE LEGISLATURE CAN CREATE CRIMES FOR WHICH THERE ARE
NEW CRIMINAL PENALTIES.

Lifetime Supervision is not probation or parole. Whereas individuals on probation or parole are under a sentence of imprisonment that has been suspended, individuals on lifetime supervision have already expired their sentences or finished their probation or parole. When an individual is on probation or parole, the Department of Parole and Probation has great leeway in setting rules that must be followed because the individual is still under a term of imprisonment and, thus, has limited constitutional rights. Additionally, a violation of a condition does not result in new criminal charges, merely the removal of a privilege that has been granted by the department, ie the probation or parole. Thus, the Department has broad and unrestricted powers to impose conditions, because it is not creating new crimes, merely taking away privileges the Department itself granted.

In contrast, individuals on lifetime supervision are no longer under a sentence of imprisonment. Barring statutory intervention, all of their rights (except those denied to felons) are restored to them. In the state of Nevada, the legislature has seen fit to engage in statutory intervention in the form of the lifetime supervision statute: NRS 213.1243. However, this statute creates a new crime if its provisions are violated. Thus, because a new crime is being statutorily created, it must be the legislature which dictates the actions that constitute the criminal conduct.

The conditions of lifetime supervision are expressly enumerated in NRS 213.1243. The laws in the State of Nevada are passed by the Nevada Legislature, not by the Department of Parole and Probation. A "Lifetime Supervision Agreement" does not make an action criminal if it is not a crime. The Department of Parole and Probation does not have the power to make an otherwise legal action a crime. Only the legislature can create crimes.

1 If the legislature were to ascribe to another branch of the government the power to make an
2 otherwise legal action a crime, a question of separation of powers arises. In this case, the
3 Department of Parole and Probation is a part of the Executive branch, thus, a question of
4 separation of powers could arise. However, such ceding of power must be *expressly enumerated*
5 in the statute for that issue to even arise. In this case, there is *absolutely no* express enumeration in
6 NRS 213.1243 that the power to create a crime is being given to the Department of Parole and
7 Probation. Indeed, quite the opposite occurs. The legislature itself created a long and detailed list
8 of the supervisions that must occur on lifetime supervision. Those supervisions are all listed in
9 NRS 213.1243. Only violation of the detailed list given in NRS 213.1243 can be enforced as a
10 crime. Any other interpretation of the statute would render it vague, overbroad, and violate the
11 separation of powers provision of the Constitution. It would also deprive individuals of their
12 Constitutional rights without any of the due process that occurs when statutes are being debated
13 and passed as laws.
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17 **II. PAROLE AND PROBATION'S BROAD CONTROL OF THE RIGHTS OF**
18 **PROBATIONERS AND PAROLEES DOES NOT EXTEND TO THOSE ON LIFETIME**
19 **SUPERVISION.**
20

21
22 Lifetime supervision of sex offenders begins after any period of probation, or term of
23 imprisonment, or period of parole, has ended. The Defendant in this case was on Lifetime
24 Supervision beginning in in 2012 and 2013. Thus, he was not on probation or parole in 2012 or
25 2013.

26 NRS 213.1243(2)(a) does mention that:

27
28 "Lifetime supervision shall be deemed a form of parole for:

- 1 (a) The limited purposes of the applicability of the provisions of NRS 213.1076,
2 subsection 9 of NRS 213.1095, NRS 213.1096 and subsection 2 of NRS 213.110;
3 and
4 (b) The purposes of the Interstate Compact for Adult Offender Supervision ratified,
5 enacted and entered into by the State of Nevada pursuant to NRS 213.215.”

6 However, this section is deliberately detailed and very narrowly tailored. The legislature
7 even uses the words, “**limited purpose**.” Thus, this section is not meant to create a broad
8 applicability or interpretation of the section. The section then cites to other NRS, all of which have
9 to do with specific administrative duties. The purpose of this section is solely to give the
10 Department of Parole and Probation the power to act as the agency enacting the lifetime
11 supervision statute. It does not in any way grant broad powers not otherwise mentioned in the
12 statute.

13 The Department of Parole and Probation may force individuals on Lifetime Supervision to
14 sign agreements that they will comply with a host of conditions that are not enumerated in NRS
15 213.1243, but this contract is not legally binding. It is the equivalent of forcing an individual to
16 sign an agreement stating he will eat 10 hot dogs every night for dinner and agreeing that failure to
17 do so is considered a violation of NRS 213.1243. Failure to do so is **NOT** a violation of that
18 statute. However, if the plain language of the statute is not taken as the law, such a condition could
19 be imposed by a lifetime supervision officer.
20

21 In criminal law, the plain language of a statute is accepted as the law unless questions of
22 vagueness or over-breadth of the statute arise. In this case, the plain language of NRS 213.1243 is
23 not vague. The actions enumerated in the statute are the law, failure to comply is a crime. No
24 power to impose additional requirements is granted to the Department of Parole and Probation.
25 Contrarily, accepting anything other than the plain language of the law renders the law vague and
26 overbroad. What section of the law grants power to create new requirements? What new
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1 requirements can be granted? Is there any limit on the new requirements? Can an individual on
2 lifetime supervision really be forced to eat 10 hot dogs for dinner every night? This may seem a
3 silly and foolish question, but there would be absolutely NOTHING to prevent such an abuse of
4 power if this Honorable Court finds a "catch all" exception somewhere in NRS 213.1243 that
5 gives undisclosed, unenumerated, powers to P&P to impose whatever conditions they see fit.
6 Failure to comply with those conditions could result in a Category B felony for any action with
7 absolutely no legislative oversight.
8

9 The Defense urges the Court not to take this route and to, instead, find that the plain
10 language of NRS 213.1243 is the law and that only the violations enumerated in the statute are
11 violations of lifetime supervision. In keeping with such a finding, the Defense asks this Honorable
12 Court to give Defense Proposed Instructions 7-14 to the jury.
13

14 DATED this 9th day of July, 2014.

15 PHILIP J. KOHN
16 CLARK COUNTY PUBLIC DEFENDER
17

18 By: 
19 NADIA HOJJAT, #12401
20 Deputy Public Defender
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ORIGINAL

FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

JUL 09 2014

BY Kristen Brown
KRISTEN BROWN, DEPUTY

AINF
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
JONATHAN COOPER
Deputy District Attorney
Nevada Bar #012195
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

CASE NO: C-14-297725-1

DEPT NO: XXV

STEVE DELL MCNEILL,
#0648344

Defendant.

SECOND AMENDED
INFORMATION

STATE OF NEVADA }
COUNTY OF CLARK } ss.

STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

That STEVE DELL MCNEILL, the Defendant(s) above named, having committed the crimes of **VIOLATION OF LIFETIME SUPERVISION BY CONVICTED SEX OFFENDER (Category B Felony - NRS 213.1243 - 53481) and PROHIBITED ACTS BY A SEX OFFENDER (Category D Felony - NRS 179D.441, 179D.447, 179D.550 - 52950)**, on or between December 14, 2012 and March 10, 2014, within the County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases made and provided, and against the peace and dignity of the State of Nevada,

///

///

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1 COUNT 1 - VIOLATION OF LIFETIME SUPERVISION BY CONVICTED SEX
2 OFFENDER

3 did then and there wilfully, unlawfully, knowingly and feloniously violate the
4 conditions of Lifetime Supervision imposed on said STEVE DELL MCNEILL pursuant to
5 having in 2004 been convicted of a Sex Offense that requires Lifetime Supervision in the
6 Eighth Judicial District Court, Clark County, Nevada, to-wit: by refusing to submit to a
7 urinalysis, failing to report, failing to have his residence approved, failing to cooperate with
8 his supervising officer, failing to maintain fulltime employment, failing to abide by a curfew,
9 and/or was terminated from his sex offender counseling.

10 COUNT 2 - PROHIBITED ACTS BY A SEX OFFENDER

11 did wilfully, unlawfully, and feloniously, pursuant to his conviction in 2004 of a Sex
12 Offense, in the Eighth Judicial District Court, Clark County, Nevada, did fail to appear in
13 person at the appropriate law enforcement agency before three (3) business days passed since
14 he changed his address from his last registered address at Main and Wyoming, Las Vegas,
15 Clark County, Nevada to his current unknown address.

16 STEVEN B. WOLFSON
17 Clark County District Attorney
18 Nevada Bar #001565

19 BY

20 JONATHAN COOPER
21 Deputy District Attorney
22 Nevada Bar #012195

23
24
25
26
27 DA#14F02393X/jjc/L4
28 NVPP EV#13P017192
(TK1)

JUL 09 2014 @ 2:50pm

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

STEVE DELL MCNEILL,

Defendant.

BY Kristen Brown
KRISTEN BROWN, DEPUTY

CASE NO: C-14-297725-1

DEPT NO: XXV

JURY INSTRUCTIONS

LADIES AND GENTLEMENT OF THE JURY:

It is now my duty as judge to instruct you in the law that applies to this case. It is your duty as jurors to follow these instructions and to apply the rules of law to the facts as you find them from the evidence.

You must not be concerned with the wisdom of any rule of law stated in these instructions. Regardless of any opinion you may have as to what the law ought to be, it would be a violation of your oath to base a verdict upon any other view of the law than that given in the instructions of the Court.

1
2 If, in these instructions, any rule, direction or idea is repeated or stated in different
3 ways, no emphasis thereon is intended by me and none may be inferred by you. For that
4 reason, you are not to single out any certain sentence or any individual point or instruction
5 and ignore the others, but you are to consider all the instructions as a whole and regard each
6 in the light of all the others.

7 The order in which the instructions are given has no significance as to their relative
8 importance.
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2 An Information is but a formal method of accusing a person of a crime and is not of
3 itself any evidence of his guilt.

4 In this case, it is charged in a Second Amended Information that on or between the
5 14th day of December, 2012, and the 10th day of March, 2014, within the County of Clark,
6 State of Nevada, STEVEN DELL MCNEILL, the Defendant above named, committed the
7 crimes of VIOLATION OF LIFETIME SUPERVISION BY CONVICTED SEX
8 OFFENDER (Category B Felony - NRS 213.1243 - 53481) as follows:

9 COUNT 1 - VIOLATION OF LIFETIME SUPERVISION BY CONVICTED SEX
10 OFFENDER

11 did then and there wilfully, unlawfully, knowingly and feloniously violate the
12 conditions of a Lifetime Supervision Agreement signed by the Defendant in 2007 and/or
13 November 2012, pursuant to having in 2004 been convicted of a Sex Offense that requires
14 Lifetime Supervision in the Eighth Judicial District Court, Clark County, Nevada, to-wit: by
15 refusing to submit to a urinalysis, failing to report, failing to have his residence approved,
16 failing to cooperate with his supervising officer, failing to maintain fulltime employment,
17 failing to abide by a curfew, and/or was terminated from his sex offender counseling.

18 It is the duty of the jury to apply the rules of law contained in these instructions to the
19 facts of the case and determine whether or not the Defendant is guilty of the offense charged.
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1 "Sex Offender" is defined as a person who, after July 1, 1956, is or has been
2 convicted of a statutorily categorized sexual offense.
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A sex offender under a sentence of lifetime supervision who commits a violation of a condition imposed on him pursuant to the program of lifetime supervision is guilty of Violation of Lifetime Supervision by Convicted Sex Offender.

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2 A sex offender who has no fixed residence shall at least every 30 days notify the local
3 law enforcement agency in whose jurisdiction the Sex Offender resides if there are any
4 changes in the address of any dwelling that is providing the sex offender temporary shelter
5 or any changes in location where the sex offender habitually sleeps.
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To constitute the crimes charged, there must exist a union or joint operation of an act forbidden by law and an intent to do the act.

The intent with which an act is done is shown by the facts and circumstances surrounding the case.

Do not confuse intent with motive. Motive is what prompts a person to act. Intent refers only to the state of mind with which the act is done.

Motive is not an element of the crimes charged and the State is not required to prove a motive on the part of the Defendant in order to convict. However, you may consider evidence of motive or lack of motive as a circumstance in the case.

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2 The intent of a person or the knowledge that a person possesses at any given time
3 may not ordinarily be proved directly because there is no way of directly scrutinizing the
4 workings of the human mind. In determining the issue of what a person knew or what a
5 person intended at a particular time, you may consider any statements made or acts done
6 by that person and all other facts and circumstances received in evidence which may aid in
7 your determination of that person's knowledge or intent.

8 You may infer, but you are certainly not required to infer, that a person intends the
9 natural and probable consequences of acts knowingly done. It is entirely up to you,
10 however, to decide what facts to find from the evidence received during this trial.
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2 The Defendant is presumed innocent unless the contrary is proved. This presumption
3 places upon the State the burden of proving beyond a reasonable doubt every material
4 element of the crime charged and that the Defendant is the person who committed the
5 offense.

6 A reasonable doubt is one based on reason. It is not mere possible doubt but is such a
7 doubt as would govern or control a person in the more weighty affairs of life. If the minds of
8 the jurors, after the entire comparison and consideration of all the evidence, are in such a
9 condition that they can say they feel an abiding conviction of the truth of the charge, there is
10 not a reasonable doubt. Doubt to be reasonable must be actual, not mere possibility or
11 speculation.

12 If you have a reasonable doubt as to the guilt of the Defendant, he is entitled to a
13 verdict of not guilty.
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2 The evidence which you are to consider in this case consists of the testimony of the
3 witnesses, the exhibits, and any facts admitted or agreed to by counsel.

4 There are two types of evidence; direct and circumstantial. Direct evidence is the
5 testimony of a person who claims to have personal knowledge of the commission of the
6 crime which has been charged, such as an eyewitness. Circumstantial evidence is the proof
7 of a chain of facts and circumstances which tend to show whether the Defendant is guilty or
8 not guilty. The law makes no distinction between the weight to be given either direct or
9 circumstantial evidence. Therefore, all of the evidence in the case, including the
10 circumstantial evidence, should be considered by you in arriving at your verdict.

11 Statements, arguments and opinions of counsel are not evidence in the case.
12 However, if the attorneys stipulate to the existence of a fact, you must accept the stipulation
13 as evidence and regard that fact as proved.

14 You must not speculate to be true any insinuations suggested by a question asked a
15 witness. A question is not evidence and may be considered only as it supplies meaning to
16 the answer.

17 You must disregard any evidence to which an objection was sustained by the court
18 and any evidence ordered stricken by the court.

19 Anything you may have seen or heard outside the courtroom is not evidence and must
20 also be disregarded.

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2 The credibility or believability of a witness should be determined by his manner upon
3 the stand, his relationship to the parties, his fears, motives, interests or feelings, his
4 opportunity to have observed the matter to which he testified, the reasonableness of his
5 statements and the strength or weakness of his recollections.

6 If you believe that a witness has lied about any material fact in the case, you may
7 disregard the entire testimony of that witness or any portion of his testimony which is not
8 proved by other evidence.

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2 It is a constitutional right of a defendant in a criminal trial that he may not be
3 compelled to testify. Thus, the decision as to whether he should testify is left to the
4 defendant on the advice and counsel of his attorney. You must not draw any inference of
5 guilt from the fact that he does not testify, nor should this fact be discussed by you or enter
6 into your deliberations in any way.
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2 Although your verdict must be unanimous as to a charge, all twelve jurors do not have
3 to agree on the theory of criminal liability under which guilt is established. Therefore, even
4 if you cannot agree on the theory of criminal liability, as long as each of you believes beyond
5 a reasonable doubt that the defendant is guilty, you should return a verdict of guilty as to that
6 charge.
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2 Although you are to consider only the evidence in the case in reaching a verdict, you
3 must bring to the consideration of the evidence your everyday common sense and judgment
4 as reasonable men and women. Thus, you are not limited solely to what you see and hear as
5 the witnesses testify. You may draw reasonable inferences from the evidence which you feel
6 are justified in the light of common experience, keeping in mind that such inferences should
7 not be based on speculation or guess.

8 A verdict may never be influenced by sympathy, prejudice or public opinion. Your
9 decision should be the product of sincere judgment and sound discretion in accordance with
10 these rules of law.
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In your deliberation you may not discuss or consider the subject of punishment, as that is a matter which lies solely with the court. Your duty is confined to the determination of the guilt or innocence of the Defendant.

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When you retire to consider your verdict, you must select one of your member to act as foreperson who will preside over your deliberation and will be your spokesperson here in court.

During your deliberation, you will have all the exhibits which were admitted into evidence, these written instructions and forms of verdict which have been prepared for your convenience.

Your verdict must be unanimous. As soon as you have agreed upon a verdict, have it signed and dated by your foreperson and then return with it to this room.

1
2 If, during your deliberation, you should desire to be further informed on any point of
3 law or hear again portions of the testimony, you must reduce your request to writing signed
4 by the foreperson. The officer will then return you to court where the information sought
5 will be given you in the presence of, and after notice to, the district attorney and the
6 Defendant and his counsel.

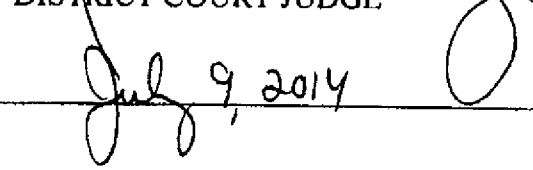
7 Readbacks of testimony are time-consuming and are not encouraged unless you deem
8 it a necessity. Should you require a readback, you must carefully describe the testimony to
9 be read back so that the court reporter can arrange her notes. Remember, the Court is not at
10 liberty to supplement the evidence.
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Now you will listen to the arguments of counsel who will endeavor to aid you to reach a proper verdict by refreshing in your minds the evidence and by showing the application thereof to the law; but, whatever counsel may say, you will bear in mind that it is your duty to be governed in your deliberation by the evidence as you understand it and remember it to be and by the law as given to you in these instructions, with the sole, fixed and steadfast purpose of doing equal and exact justice between the Defendant and the State of Nevada.

GIVEN:


DISTRICT COURT JUDGE

DATED:


July 9, 2014

DISTRICT COURT
CLARK COUNTY, NEVADA

JUL 09 2014 @ 2:50 pm

THE STATE OF NEVADA,
Plaintiff,

BY Kristen Brown
KRISTEN BROWN, DEPUTY

CASE NO: C-14-297725-1

DEPT NO: XXV

-VS-

STEVE DELL MCNEILL,
Defendant.

VERDICT

We, the jury in the above entitled case, find the Defendant STEVE DELL MCNEILL,
as follows:

COUNT 1 – VIOLATION OF LIFETIME SUPERVISION BY CONVICTED SEX OFFENDER.

(Please check the appropriate box, select only one)

☒ Guilty

☐ Not Guilty

DATED: 7-9-2014

Jason Alper
FOREPERSON

[Signature]

DA
PP

Alvin D. Blum

CLERK OF THE COURT

DISTRICT COURT

CLARK COUNTY, NEVADA

STATE OF NEVADA

Plaintiff

CASE NO: C-14-297725-1

DEPT. NO: XXV

-VS-

STEVE DELL MCNEILL

#648344

Defendant

AFFIDAVIT of TRUTH

Comes now, Sovereign, Steve D. McNeill, secured party, holder in due course, Beneficiary: An individual with the breath of the Living God in him, as described in The Holy Bible, book of Genesis: 1, 26.

Not a Corporation, a straw man, legal fiction or, an artificial being of any kind.

This is the result of an accusation from officer Mangum of the NEVADA DEPT. PUBLIC SAFETY, Parole & Probation, division

I have been falsely accused and wrongfully imprisoned. A direct effect of lies & falsehoods put forth in writing, and in court by officer Mangum. Officer Mangum testified in court, on the stand, that I did not draw a map for her to find my camp.

RECEIVED

JUL 10 2014

CLERK OF THE COURT

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CLERK OF THE COURT

JUL 08 2014

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1 I not only draw Mangau's map, I drew her a sec-
2 ond map, & on that day, at that appointment
3 she used her work computer to look up the
4 name of the street - Utah - that I could not
5 remember. On "google earth," she found the street
6 - Utah - and the specific square block in qu-
7 estion. While that block was on her (Mangau's)
8 computer screen, I pointed at the exact place
9 and said "That's my spot." I wrote the
10 name "Utah" on the second map & gave it to her.

11 It is obvious to me, & it should be obvious to
12 anyone who can see that officer Mangau is
13 guilty of perjury, misteasance, malfeasance, and
14 nonfeasance.

15 After more than five (5) years of ex-
16 mplary behavior on my part.

17 Because lifetime supervision has so
18 many calling for its declaration of un-
19 constitutionalty, and its abolition.

20 Because officer Mangau has perjured hers-
21 elf on the stand - as proved by the two
22 maps having been found by my public defender -
23 she - my public defender - on July 2, 2014 informed
24 me of this by phone.

25
26 2.
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1 The court should - I say respectfully - drop all charges
2 against Steve D. McNeill and/or STEVE DELL MCNE-
3 ILL, and release Steve Dell McNeill and/or STEVE
4 DELL MCNEILL from lifetime supervision. Especially
5 if one considers that the charges are "fruit of
6 the poisonous tree", and if it hadnd been
7 for officer Mangano's spurious charges, I'd still
8 be in line with the agreement, and eligible
9 for release any way.

10 Any rebuttal to this affidavit, in kind, should
11 be in affidavit format, and signed, subscribed
12 on the author's unlimited commercial liability, any-
13 thing less is a nullity, and shall have no affect or
14 effect, on/in this affidavit, or this case. And
15 the author of any rebuttal shall also be criminally
16 liable for any fraud, libel, or slander.

17 Dated this the 3rd day of July, in the year of our
18 Lord 2014. I Steve D. McNeill, do solemnly swear under
19 penalty of perjury, that the above statement is true,
20 correct, and accurate to the best of my knowlege.
21 NRS 171.102 and NRS 208.165
22
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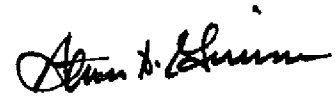
24 Respectfully submitted
25 S. McNeill
26 defendant
27

Steve D. McNeill # 648344
330 Casino Center Blvd.
Las Vegas, Nv. 89101

Steven D. Grieson clerk of the Court
200 Lewis Ave 3rd Floor
Las Vegas, Nv. 89155-1160



SENT FROM CCDC


CLERK OF THE COURT

MOT
PHILIP J. KOHN, PUBLIC DEFENDER
NEVADA BAR NO. 0556
309 South Third Street, Suite 226
Las Vegas, Nevada 89155
(702) 455-4685
Attorney for Defendant

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

v.

STEVE DELL MCNEILL,

Defendant.

CASE NO. C-14-297725-1

DEPT. NO. XXV

DATE: July 30, 2014
TIME: 9:00 a.m.

MOTION FOR ARREST OF JUDGMENT PURSUANT TO NRS 176.525 OR, IN THE
ALTERNATIVE, MOTION FOR JUDGMENT OF AQUITAL PURSUANT TO NRS
175.381

COMES NOW, the Defendant, STEVE DELL MCNEILL, by and through XIOMARA A.
BONAVENTURE, Deputy Public Defender and hereby asks this Honorable Court to arrest
judgment in this case due to failure of the information to charge an offense.

This Motion is made and based upon all the papers and pleadings on file herein, the
attached Declaration of Counsel, and oral argument at the time set for hearing this Motion.

DATED this 16th day of July, 2014.

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

By: /s/ Xiomara A. Bonaventure
XIOMARA A. BONAVENTURE, #12368
Deputy Public Defender

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DECLARATION

I, XIOMARA A. BONAVENTURE make the following declaration:

1. I am an attorney duly licensed to practice law in the State of Nevada; I am the Deputy Public Defender assigned to represent the Defendant in the instant matter, and the Defendant has represented the following facts and circumstances of this case.

FURTHERMORE, I declare under penalty of perjury that the foregoing is true and correct.
(NRS 53.045).

EXECUTED this 16th day of July, 2014.

/s/ Xiomara A. Bonaventure
XIOMARA A. BONAVENTURE

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FACTS

Steve McNeill was charged by Information with one count of Violation of Lifetime Supervision by Convicted Sex Offender and one count of Prohibited Acts by Sex Offender.

McNeill entered a plea of not guilty at arraignment on May 7, 2014 and trial in the case began on July 7, 2014. At trial, the District Attorney alleged that McNeill had violated lifetime supervision because he failed to follow the conditions set forth in a "Lifetime Supervision Agreement" that McNeil had signed.

During argument for Jury Instructions, the only substantive legal instruction relating to count 1 was the following: "A sex offender under a sentence of lifetime supervision who commits a violation of a condition imposed on him pursuant to the program of lifetime supervision is guilty of Violation of Lifetime Supervision by Convicted Sex Offender." The defense objected to this instruction being given.

On July 9, 2014 this Honorable Court granted a motion for a directed verdict as to count 2, the Prohibited Acts by a Sex Offender. McNeill was subsequently convicted of Count1 and acquitted of Count 2.

ARGUMENT

I. The Defense Moves for an Arrest of Judgment

The Defense moves for an Arrest of Judgment. Pursuant to NRS 176.525, the court shall arrest judgment if the information does not charge an offense or if the court was without jurisdiction of the offense charged. In this case, the court was without jurisdiction because none of the actions alleged constituted the elements of the crime charged. Pursuant to NRS 213.1243, the only actions which constitute a crime are those expressly laid out in the statute. Even the name of the statute is "Release of sex offender: Program of lifetime supervision; required conditions of lifetime supervision; penalties for violation of conditions; exception to conditions." The title of the statute itself announces that this statute will lay out the conditions and what the penalties are for violating the conditions.

1 In this case, the State failed to allege or prove a violation of conditions enumerated in the
2 statute. Because the actions alleged do not constitute a crime, the Court lacks the jurisdiction to
3 adjudge the Defendant guilty of the instant offense. Thus the Defense moves for an arrest of
4 judgment in this case.

5
6 II. In the Alternative, the Defense Moves for a Judgment of Acquittal

7
8 In the alternative, the Defense moves for a judgment of acquittal. Given the facts presented
9 and the jury instructions given to the jury, no reasonable jury could have returned a verdict of
10 guilty if they followed the law they were given. The only legal instruction given to the jury was a
11 generic statement that violating the conditions of lifetime supervision is a crime. No specific
12 instructions were given as to what conduct constitutes a violation of lifetime supervision. Because
13 they were never instructed on express conduct which constituted a violation of the conditions of
14 lifetime supervision, no jury could have found that the Defendant in this case committed that
15 conduct. Thus, even if the facts of the case are viewed in a light most favorable to the Defense, the
16 Defendant is entitled to a judgment of acquittal.

17 DATED this 16th day of July, 2014.

18 PHILIP J. KOHN
19 CLARK COUNTY PUBLIC DEFENDER

20 By: /s/ Xiomara A. Bonaventure
21 XIOMARA A. BONAVENTURE, #12368
22 Deputy Public Defender
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NOTICE OF MOTION

TO: CLARK COUNTY DISTRICT ATTORNEY, Attorney for Plaintiff:

YOU WILL PLEASE TAKE NOTICE that the Public Defender's Office will bring the
above and foregoing Motion on for hearing before the Court on the 30th day of July, 2014, at 9:00
a.m.

DATED this 16th day of July, 2014.

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

By: /s/ Xiomara A. Bonaventure
XIOMARA A. BONAVENTURE, #12368
Deputy Public Defender

CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that service of the foregoing, was made this 16th day of July, 2014 to:

Clark County District Attorney's Office
Motions@clarkcountyda.com

Department 25 Judge
DEPT25LC@clarkcountycourts.us;

By: /s/ Joel Rivas
Employee of the Public Defender's Office


CLERK OF THE COURT

OPPS

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
JONATHAN COOPER
Deputy District Attorney
Nevada Bar #012195
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

STEVE DELL MCNEILL,
#0648344

Defendant.

CASE NO: C-14-297725-1

DEPT NO: XXV

STATE'S OPPOSITION TO DEFENDANT'S MOTION FOR ARREST OF JUDGMENT
PURSUANT TO NRS 176.525 OR, IN THE ALTERNATIVE, MOTION FOR
JUDGMENT OF ACQUITTAL PURSUANT TO NRS 175.381

DATE OF HEARING: July 30, 2014
TIME OF HEARING: 9:00 A.M.

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County
District Attorney, through JONATHAN COOPER, Deputy District Attorney, and hereby
submits the attached Points and Authorities in opposition to Defendant's Motion for Arrest of
Judgment Pursuant to NRS 176.525 or, in the Alternative, Motion for Judgment of Acquittal
Pursuant to NRS 175.381.

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

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1 NRS 213.1243 (emphasize added).

2 It is clear that the legislature intended for the parole board to establish regulations to
3 organize and implement the program of lifetime supervision. Said regulations are contained
4 within the Nevada Administrative Code. NAC 213.290 states:

5 1. At least 120 days before the first day of the month in which a sex offender who has
6 been sentenced to a special sentence of lifetime supervision is scheduled to be released from
7 an institution or facility of the Department, the Department shall provide written notification
8 to the Division of the date that the sex offender is scheduled to be released. If more than one
9 such sex offender is scheduled to be released during the month, the Department shall provide
10 notice for such sex offenders pursuant to this subsection in the form of a list that includes the
11 name of each sex offender scheduled for release and the date on which each sex offender will
12 be released.

13 2. At least 90 days before the first day of the month in which a sex offender who has been
14 sentenced to a special sentence of lifetime supervision is scheduled to complete a term of parole
15 or probation or is scheduled to be released from an institution or facility of the Department, the
16 Division shall provide written notification to the Board of the date that the sex offender is
17 scheduled to complete a term of parole or probation or to be released from an institution or
18 facility of the Department. If more than one such sex offender is scheduled to complete a term
19 of parole or probation or to be released from an institution or facility of the Department during
20 the month, the Division shall provide notice for such sex offenders pursuant to this subsection
21 in the form of a list that includes the name of each sex offender and the date on which each sex
22 offender will complete his or her term or be released.

23 3. Upon receipt of written notification pursuant to subsection 2, the Board will schedule
24 a hearing to establish the conditions of lifetime supervision for the sex offender. The Board
25 will:

26 (a) Determine an appropriate location for the hearing that may include, without limitation,
27 the institution or facility at which the sex offender is housed or an office of the Board; and

28 (b) Appoint a panel pursuant to NRS 213.133 to conduct the hearing.

The Board may establish the conditions of lifetime supervision for more than one sex offender at a hearing.

4. At least 30 days before the date on which a hearing is scheduled pursuant to subsection
3, the Division shall provide to the Board a report on the status of the sex offender who is the
subject of the hearing. The report must include, without limitation:

(a) A summary of the progress of the sex offender while on parole or probation or in an
institution or facility of the Department, as applicable; and

(b) Recommendations for conditions of lifetime supervision for the sex offender.

5. The Division may request the Board to modify the conditions of lifetime supervision
of a sex offender. Upon receipt of such a request, the Board will schedule and hold a hearing
in the same manner as provided in subsection 3. The Board may require the presence of the sex
offender at the hearing.

6. as used in this section:

(a) "Board" means the State Board of Parole Commissioners.

(b) "Department" means the Department of Corrections.

(c) "Division" means the Division of Parole and Probation of the Department of Public
Safety.

(d) "Sex offender" has the meaning ascribed to it in NRS 213.107.

NAC 213.290 (emphasize added).

1 Again, it is clear that the Board of Parole Commissioners may establish the conditions
2 of lifetime supervision for each offender on a case by case basis. Further, this process has been
3 upheld by the Nevada Supreme Court.

4 Here, the Parole Board established conditions for Defendant's release on lifetime
5 supervision and enumerated them in Defendant's Lifetime Supervision Agreement. See
6 Exhibit 1. Defendant violated several of his Lifetime Supervision conditions. Pursuant to NRS
7 213.1243(3), failure to comply with the conditions of Lifetime Supervision is a felony offense.
8 It is clear that this Court has jurisdiction to adjudge Defendant guilty of Violation of Lifetime
9 Supervision by Convicted Sex Offender and Defendant's motion should be denied.

10 **II. DEFENDANT IS NOT ENTITLED TO A JUDGEMENT OF**
11 **ACQUITTAL.**

12 As stated in more detail above the conditions imposed on Defendant by the Board of
13 Parole Commissioners pursuant to NRS 213.1243 are valid. Further, there was overwhelming
14 evidence that the Defendant violated several of the conditions imposed on him pursuant to
15 lifetime supervision. The Defendant is not entitled to a judgment of acquittal.


16 **CONCLUSION**

17 As the Defendant's claims are without merit, his motion should be denied.

18 DATED this 29th day of July, 2014.

19 Respectfully submitted,

20 STEVEN B. WOLFSON
21 Clark County District Attorney
22 Nevada Bar # 001565

23 BY 
24 JONATHAN COOPER
25 Deputy District Attorney
26 Nevada Bar #012195


27 ///

28 ///

1 CERTIFICATE OF ELECTRONIC TRANSMISSION

2 I hereby certify that service of State's Opposition to Defendant's Motion for Arrest of
3 Judgment Pursuant to NRS 176.525 or, in the Alternative, Motion for Judgment of Acquittal
4 Pursuant to NRS 175.381., was made this 29th day of July, 2014, by electronic transmission
5 to:

6 XIOMARA BONAVENTURE, Deputy Public Defender
7 Xiomara. Bonaventure@ClarkCountyNV.gov

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9 _____
 Employee of the District Attorney's Office

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EXHIBIT “1”

State of Nevada
DEPARTMENT OF PUBLIC SAFETY
Board of Parole Commissioners

Date Activated: NOVEMBER 16, 2007

LIFETIME SUPERVISION AGREEMENT

NDOC No: N/A
File No.: LS08-0537
CC No.: C204263

On the 10TH day of NOVEMBER, 2004, MCNEILL, STEVE was sentenced by JOHN S MCGROARTY, District Judge of the 8TH Judicial District Court in and for the County of CLARK, State of Nevada, to imprisonment in the Nevada State Prison System, for the crime of

The sentencing court, in addition to your sentence, ordered that you be placed on Lifetime Supervision under the Chief of the Division of Parole and Probation. The Board of Parole Commissioners, by virtue of the authority vested in it by the laws of the State of Nevada, hereby assigns the conditions of Lifetime Supervision.

1. **Reporting/Release:** You are required to submit a written report as directed by your supervising officer. The report will be true and correct in all respects. In addition, you shall report in person as directed by your supervising officer and submit a DNA sample as required.
2. **Residence:** You shall reside at a location only if it has been approved by your supervising officer. You shall not change your place of residence without first obtaining permission from your supervising officer.
3. **Intoxicants:** You shall not drink or partake of any alcoholic beverages whatsoever. Upon request by the any Parole or Peace Officer, you shall submit to a medically recognized test for blood alcohol content. Failure to submit shall constitute a violation of your lifetime supervision. Test results of .08 blood alcohol or higher shall be sufficient proof of excess.
4. **Controlled Substances:** You shall not use, purchase or process any narcotic drugs, nor any dangerous drugs, unless first prescribed by a licensed physician; you shall submit to periodic tests to determine whether you are using a controlled substance, as required by your supervising officer.
5. **Weapons:** You shall not possess, own, carry, or have under your control, any type of firearm or illegal weapon.
6. **Associates:** You shall not associate with ex-felons or any person who is required to register as a sex offender under Nevada law without permission from your supervising officer.
7. **Cooperation:** You shall, at all times, cooperate with your supervising officer and your behavior shall justify the opportunity granted to you by this Lifetime Supervision.
8. **Laws and Conduct:** You shall comply with all municipal, county, state and federal laws, and ordinances; and conduct yourself as a good citizen. You shall comply with all offender registration requirements.
9. **Out-of-State Travel:** You shall not leave the State without first obtaining written permission from your supervising officer.
10. **Employment/Program:** You shall seek and maintain employment, or maintain a program approved by the Division of Parole and Probation and not change such employment or program without first obtaining permission. You shall accept a position of employment only if it has been approved by your supervising officer.
11. **Supervision Fees:** Pay all applicable fees, fines and restitution on a schedule as determined by the Division of Parole and Probation.
12. **Curfew:** You shall abide by any curfew imposed by your supervising officer.
13. **Counseling:** Participate in professional counseling if deemed necessary by the Division of Parole and Probation.
14. **Polygraph Examination:** You shall submit to periodic polygraph examination, as required by your supervising officer.
15. **No Contact:** You shall not have contact or communicate with a victim of the offense who testified against you, or solicit another person to engage in such contact or communication on your behalf without permission from your supervising officer.
16. **Alias Names:** You shall not use aliases or fictitious names without permission from your supervising officer.
17. **Post Office Box:** You shall not obtain a post office box unless you have obtained permission from your supervising officer.
18. **No Contact With Persons Under 18 Years of Age:** You shall not have contact with a person less than 18 years of age in a secluded environment unless another adult who has never been convicted of an offense listed in NRS 179D.410 is present.
19. **Presence:** You shall not be in or near:
 - a) A playground, school or school grounds;

age in a secluded environment unless another adult who has never been convicted of an offense listed in NRS 179D.410 is present.

19. **Presence:** You shall not be in or near:
- a) A playground, school or school grounds;
 - b) A motion picture theater;
 - c) A business that primarily has children as customers or conducts events that primarily children attend.
20. **Search:** You shall submit to a search of your person, property under your control, or place of residence, by a Parole Officer, at any time of the day or night without a warrant, upon reasonable cause as ascertained by the Parole Officer.
21. **Special Conditions of Your Lifetime Supervision: EFFECTIVE 5/24/11:** 1) Not to patronize a business which offers a sexually related form of entertainment and which is deemed inappropriate by the supervising officer; 2) Not possess any electronic device capable of accessing the Internet and not access the Internet through any such device of any other means, unless possession of a such a device or such access is approved by the supervising officer. An Internet monitoring service provider approved by the supervising officer will be the only means allowed for any and all Internet access device or service. 3) Abstain from consuming, possessing or having under your control any alcohol; 4) Not possess any sexually explicit material that is deemed inappropriate by the supervising officer; 5) Not possess any sexually explicit material that is deemed inappropriate by the supervising officer; 5) Comply with any protocol concerning the prescription medication prescribed by the treating physician, including, without limitation, any protocol concerning the use of psychotropic medication;

6) Do not enter any bar/lounge for any purpose except for employment.

This Lifetime Supervision is granted to and accepted by you, subject to the conditions stated herein, and with the knowledge that the Board of Parole Commissioners has the power, at any time, to modify the conditions of supervision. Pursuant to NRS 213.1243(3), failure to comply with the conditions as set forth may result in felony charges being filed.

Chief Parole Officer: _____

Dated: _____

AGREEMENT BY OFFENDER

I do hereby waive extradition to the State of Nevada from any state in the United States, and from any territory or country outside the continental United States, and also agree that I will not contest any effort to return me to the United States or the State of Nevada. I have read or had read to me, the conditions of my Lifetime Supervision, and I fully understand them and I agree to abide by and strictly follow them. I fully understand the penalties involved should I, in any manner, violate the foregoing conditions.

Witness: _____



Offender: _____



Dated: _____

11/7/12


CLERK OF THE COURT

ORDR
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
NICOLE J. CANNIZZARO
Deputy District Attorney
Nevada Bar #011930
200 Lewis Avenue
Las Vegas, NV 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

CASE NO: C-14-297725-1

DEPT NO: XXV

STEVE DELL MCNEILL,
#0648344

Defendant.

ORDER DENYING DEFENDANT'S MOTION FOR ARREST OF JUDGMENT
PURSUANT TO NRS 176.525 OR, IN THE ALTERNATIVE, MOTION FOR
JUDGMENT OF ACQUITTAL PURSUANT TO NRS 175.381

DATE OF HEARING: July 30, 2014
TIME OF HEARING: 9:00 A.M.

THIS MATTER having come on for hearing before the above entitled Court on the
30th day of July, 2014, the Defendant being present, represented by XIOMARA
BONAVENTURE, Deputy Public Defender, the Plaintiff being represented by STEVEN B.
WOLFSON, District Attorney, through NICOLE J. CANNIZZARO, Deputy District
Attorney, and the Court having heard the arguments of counsel and good cause appearing
therefor,

///

///

///

W:\2014F023\93\14F02393-ORDR-(MCNEILL__STEVE)-001.DOCX

AUG 04 2014

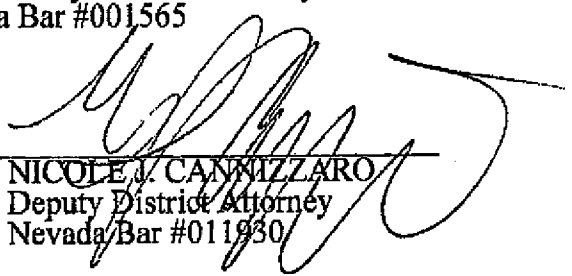
1 IT IS HEREBY ORDERED that the Defendant's Motion for Arrest of Judgment
2 Pursuant To Nrs 176.525 Or, in the Alternative, Motion for Judgment of Acquittal Pursuant
3 to Nrs 175.381, shall be, and it is DENIED for the reasons stated in the State's opposition.

4 DATED this 7th day of August, 2014.

5
6 
7 DISTRICT JUDGE

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

10
11 BY

12 
13 NICOLE J. CANNIZZARO
14 Deputy District Attorney
15 Nevada Bar #011930
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28 14F02393X/mc/L4


CLERK OF THE COURT

JOC

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

STEVE DELL MCNEILL
#0648344

Defendant.

CASE NO. C297725-1

DEPT. NO. XXV

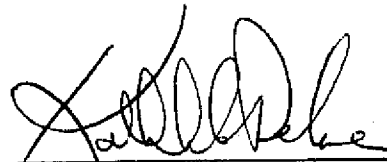
JUDGMENT OF CONVICTION
(JURY TRIAL)

The Defendant previously entered a plea of not guilty to the crimes of COUNT 1 – VIOLATION OF LIFETIME SUPERVISION BY CONVICTED SEX OFFENDER (Category B Felony) in violation of NRS 213.1243, and COUNT 2 – PROHIBITED ACTS BY A SEX OFFENDER (Category D Felony) in violation of NRS 179D.441, 179D.447, 179D.550; and the matter having been tried before a jury and the Defendant having been found guilty of the crime of COUNT 1 - VIOLATION OF LIFETIME SUPERVISION BY CONVICTED SEX OFFENDER (Category B Felony) in violation of NRS 213.1243; thereafter, on the 10th day of September, 2014, the Defendant was present in court for sentencing with his counsel XIOMARA BONAVENTURE, Deputy Public Defender, and good cause appearing,

SEP 16 2014

1 THE DEFENDANT IS HEREBY ADJUDGED guilty of said offenses and, in
2 addition to the \$25.00 Administrative Assessment Fee, the Defendant is SENTENCED
3 to the Nevada Department of Corrections (NDC) as follows: as to COUNT 1 - to a
4 MAXIMUM of THIRTY-SIX (36) MONTHS with a MINIMUM parole eligibility of TWELVE
5 (12) MONTHS; with ONE HUNDRED FIFTY (150) DAYS credit for time served. As the
6 \$150.00 DNA Analysis Fee and Genetic Testing have been previously imposed, the Fee
7 and Testing in the current case are WAIVED. COUNT 2 - DISMISSED
8

9 DATED this 16th day of September, 2014
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14 KATHLEEN DELANEY
15 DISTRICT COURT JUDGE
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1 NOAS
2 PHILIP J. KOHN, PUBLIC DEFENDER
3 NEVADA BAR No. 0556
4 309 South Third Street, Suite 226
Las Vegas, Nevada 89155
(702) 455-4685
Attorney for Defendant


CLERK OF THE COURT

5 DISTRICT COURT

6 CLARK COUNTY, NEVADA

7 THE STATE OF NEVADA,

8 Plaintiff,

9 v.

10 STEVE DELL MCNEILL,

11 Defendant.

CASE NO. C-14-297725-1

DEPT. NO. XXV

12 NOTICE OF APPEAL

13 TO: THE STATE OF NEVADA
14 STEVEN B. WOLFSON, DISTRICT ATTORNEY, CLARK COUNTY,
15 NEVADA and DEPARTMENT NO. XXV OF THE EIGHTH JUDICIAL
DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE
COUNTY OF CLARK.

16 NOTICE is hereby given that Defendant, Steve Dell
17 McNeill, presently incarcerated in the Nevada State Prison,
18 appeals to the Supreme Court of the State of Nevada from the
19 judgment entered against said Defendant on the 18th day of
20 September, 2014, whereby he was convicted of Ct. 1 - Violation of
21 Lifetime Supervision by Convicted Sex Offender and sentenced to
22 \$25 Admin. Fee; 12-36 months in prison; 150 days CTS; \$150 DNA
23 analysis fee and genetic testing previously imposed, fee and
24 testing are waived; Ct. 2 - Dismissed.

25 DATED this 10th day of October, 2014.

26 PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

27 By: /s/ Sharon G. Dickinson
28 SHARON G. DICKINSON, #3710
Deputy Public Defender

DECLARATION OF MAILING

Carrie Connolly, an employee with the Clark County Public Defender's Office, hereby declares that she is, and was when the herein described mailing took place, a citizen of the United States, over 21 years of age, and not a party to, nor interested in, the within action; that on the 10th day of October, 2014, declarant deposited in the United States mail at Las Vegas, Nevada, a copy of the Notice of Appeal in the case of the State of Nevada v. Steve Dell McNeill, Case No. C-14-297725-1, enclosed in a sealed envelope upon which first class postage was fully prepaid, addressed to Steve Dell McNeill, c/o High Desert State Prison, P.O. Box 650, Indian Springs, NV 89018. That there is a regular communication by mail between the place of mailing and the place so addressed.

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED on the 10th day of October, 2014.

/s/ Carrie M. Connolly
An employee of the Clark County
Public Defender's Office

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that service of the above and foregoing
was made this 10th day of October, 2014, by Electronic Filing to:

District Attorneys Office

E-Mail Address:

PDMotions@clarkcountyda.com

Jennifer.Garcia@clarkcountyda.com

Eileen.Davis@clarkcountyda.com

/s/ Carrie M. Connolly

Secretary for the
Public Defender's Office

FILED

JAN 12 2015

Tracie K. Lindeman
CLERK OF COURT

1 Steve D. McNeill #84046

2 In Proper Person
3 P.O. Box 650 H.D.S.P.
4 Indian Springs, Nevada 89018

5 8TH Judicial DISTRICT COURT
6 Clark COUNTY NEVADA

G-14-297725-1
NOASC
Notice of Appeal (criminal)
4427200



7
8 Steve D. McNeill #84046

9 Appellant

Case No. C-14-297725-1

Dept. No. XXV (25)

Docket _____

10 -v-
11 State of Nevada

12 Respondant

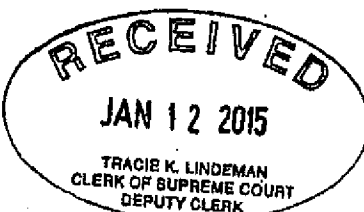
13
14 NOTICE OF APPEAL

15 Notice is hereby given that the Petitioner/Defendant/Appellant,
16 Steve D. McNeill #84046, by and through himself in proper person, does now appeal
17 to the Supreme Court of the State of Nevada, the decision of the District
18 Court in case # C-14-297725-1 Dept. XXV (25)

19
20
21 Dated this date, _____

22
23 Respectfully Submitted,

24
25
26 In Proper Person



27 RECEIVED
28 JAN 21 2015
CLERK OF THE COURT

31

CERTIFICATE OF SERVICE BY MAILING

I, _____, hereby certify, pursuant to NRCP 5(b), that on this _____ day of _____, 20____, I mailed a true and correct copy of the foregoing, "

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

Per Nevada Electronic Filing (E-Flex) - 9E.

*State of Nevada Attorney Gen.
Katharine Mastro Cortez
100 Carson City St.
Carson City, NV. 89701-4717*

*Steven D. Garrison
200 Lewis Ave. 3FL.
Las Vegas, NV. 89155-1130*

DATED: this _____ day of _____, 20____.

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

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding Notice of Appeal

Notice of Appeal
(Title of Document)

filed in District Court Case number _____

☒ Does not contain the social security number of any person.

-OR-

☐ Contains the social security number of a person as required by:

A. A specific state or federal law, to wit:

(State specific law)

-or-

B. For the administration of a public program or for an application
for a federal or state grant.

000-308 S. McNeill
Signature

12-29-14
Date

S. McNeill #84046
Print Name

Petitioner/Pro Per
Title

DA
PP

John D. Shuman

CLERK OF THE COURT

DISTRICT COURT

CLARK COUNTY, NEVADA

STATE OF NEVADA

Plaintiff

CASE NO: C-14-297725-1

-VS-

DEPT. NO: XXV

STEVE DELL MCNEILL

#648344

Defendant

AFFIDAVIT of TRUTH

Comes now, Sovereign, Steve D. McNeill, secured party, holder in due course, Beneficiary: An individual with the breath of the Living God in him, as described in The Holy Bible, book of Genesis: 1, 26.

Not a Corporation, a straw man, legal fiction or, ... an artificial being of any kind.

This is the result of an accusation from officer Mangum of the NEVADA DEPT. PUBLIC SAFETY, Parole & Probation, division

I have been falsely accused and wrongfully imprisoned. A direct affect of lies & falsehoods put forth in writing, and in court by officer Mangum. Officer Mangum testified in court, on the stand, that I did not draw a map for her to find my camp.

RECEIVED

JUL 10 2014

CLERK OF THE COURT

CLERK OF THE COURT

JUL 08 2014

RECEIVED

1.

1 I not only drew Mangau's map, I drew her a sec-
2 ond map, & on that day, at that appointment
3 she used her work computer to look up the
4 name of the street - Utah - that I could not
5 remember. On "google earth," she found the street
6 - Utah - and the specific square block in qu-
7 estion. While that block was on her (Mangau's)
8 computer screen, I pointed at the exact place
9 and said "That's my spot." I wrote the
10 name "Utah" on the second map & gave it to her.

11 It is obvious to me, & it should be obvious to
12 anyone who can see that officer Mangau is
13 guilty of perjury, ~~mistaken~~, ~~mistaken~~, and
14 untruthfulness.

15 After more than five (5) years of ex-
16 emplary behavior on my part.

17 Because lifetime supervision has so
18 many calling for its declaration of un-
19 constitutionality, and its abolition.

20 Because officer Mangau has perjured hers-
21 elf on the stand - as proved by the two
22 maps having ~~been~~ found by my public defender -
23 she - my public defender - on July 2, 2014 informed
24 me of this by phone.

25
26 2.
27

1 The court should - I say respectfully - drop all charges
2 against Steve D. McNeill and/or STEVE DELL MCNE-
3 ILL, and release Steve Dell McNeill and/or STEVE
4 DELL MCNEILL from lifetime supervision. Especially
5 if one considers that the charges are "fruit of
6 the poisonous tree", and if it had been
7 for officer Mangard's spurious charges, I'd still
8 be in line with the agreement, and eligible
9 for release any way.

10 Any rebuttal to this affidavit, in kind, should
11 be in affidavit format, and signed, subscribed
12 on the author's unlimited commercial liability, any-
13 thing less is a nullity, and shall have no affect or
14 effect, on/in this affidavit, or this case. And
15 the author of any rebuttal shall also be criminally
16 liable for any fraud, libel, or slander.

17 Dated this the 3rd day of July, in the year of our
18 Lord 2014. I Steve D. McNeill, do solemnly swear under
19 penalty of perjury, that the above statement is true,
20 correct, and accurate to the best of my knowledge.
21 NRS 171.102 and NRS 208.165
22
23

24 Respectfully submitted
25 S. McNeill
26 defendant
27

Steve D. McNeill # 648344
330 Casino Center Blvd.
Las Vegas, Nv. 89101

Steven D. Grierson Clerk of the Court
200 Lewis Ave 3rd floor
Las Vegas, Nv. 89155-1160



SENT FROM CCDC

Steve D. McNeill #84046

Appellant

Case: C-14-297725-1

-VS-

State of Nevada

Respondent

AFFIDAVIT of TRUTH

Comes now Steve D. McNeill, secured party, & holder in due course. A living individual, and not a corporation in any way. The following is the result of the lies of Officer Mangan of the Parole & Probation Dept. of the N.D.P.S.

I was arrested on or about April 14, 2014. On my first court date, the Judge forced an attorney on me, against my will.

Then my "alleged" attorney - from this point on will be referred to as Ms. Bon. -

Ms. Bon fails to file any "timely" motions.
Ms. Bon dose file a writ of Habeas
Corpus. But it isn't timely & has to
be withdrawn. It is my contention that
in accordance with Johnson-v-state 653
N.E. 2d 478, 479 (Ind. 1995) that she, Ms. B-
on, should have filed a writ of
Corpus Delecti. Forcing the state to
produce a tangible victim, with a tanga-
ble injury. And to connect my actions
to said injury in a criminal way. Not
possible, there is no victim. The state
can't be the victim cause the "state"
is a fictional intity, a "corperation",

that by its very definition cannot be injured. During preliminary Mangan says, "she tryed to call" me "several" times, & she "tried driving around on the streets, and in the allys" where I habbitually slept. This she - Mangan - said. she tried "several," times

Then on 2, July 2014, Ms. Bon. call me at N.V.C. of CLLX, where I was incarcerated, and tells me she "Just got Mangan's file on me & she was leafing through it & the two maps fell out" that Mangan said I had not drawn for her to find where I habbitually slept.

I asked Ms. Bon. if I should write an affidavit. She said "no" cuz "it wouldn't be fair to the prosecution". I wrote one anyway. But cuz of the 4th of July weekend it didn't make it till after the trial. Trial was set for July 7, 8, + 9.

I didn't hear about all the stuff in Mangani's file till 1 mailing day till trial.

I found out on 2 July, then sent my affidavit on 3 July. 4, 5, + 6, July ~~were~~ were holidays, + 7, 8, + 9 July ~~were~~ were trial days.

It got there on 10 July.

Then begins the trial: During which Ms. Bon. fails to move for a dismissle on

grounds that Mangan's charges have no credibility due to Mangan's lies destroying her credibility

Indipendantly, each of these constitute a denial of due process, & all constitute a loss of jurisdiction.

The original charging instrument says I signed a lifetime supervision agreement on, or, in 2007. I signed it under duress. It is an onerous contract, & a uncountionable contract, that no one would sign if they ~~new~~ knew in advance what it would mean. I knew and did not agree to it from the

beginning. Slavery is universally unlawful

11. So it is my wish to be released from prison, & released from lifetime

supervision. If my sentence expires

before I can be released from prison

by way of an overturned conviction,

I still wish to be released from lifetime

me ~~supervision~~ supervision. If Nangan hadn't

filed these spurious charges against

me, I would be eligible for release

anyway due to it having been 10 yrs

since my conviction in 2004, where I

signed a plea agreement under coercion,

↓ The preceding is true &
and without Full Disclosure

6. of 7

correct to the best of my knowledge,

under penalty of ~~perjury~~ perjury

N.R.S. 208.165, and 28 U.S.C.A.

1746.

On this day of our Lord, December,
the 28th in the year 2014

Respectfully Submitted
S. W. M. M.
Appellant

Honorable Justices

Having just received my notices, I can appreciate the Newness of the type of issues I ~~am~~ bring to your attention. Doubtlessly you've seen the attached, "Exhibits", pages 17 thru 27 of a contract. (numbered lower right side)

Assuming you've never seen one of these before, you'll be wanting to see it in its entirety. Please goto Clark County Recorder's Office via www2. There you can access the public record & enter my number. (Inst. No. 201207120001959)

Read it all if you want. I included eleven (11) pages of it for your convenience. Accutly important is pages 21, -23. There you will see a self executing contract, it is part of the UCC Financing Statement in Affidavit format. 30 days after it was recorded with the Clark County Recorder's Office (C.C.R.O.) "latches" took effect. No Rebutal.

The Director of PrP; the C.C.D.A., Mr. Wolfson, & Mr. Gillespie of L.V.M.P.D. have all received notice via Certified Mail return receipt requested. The "notice to cease and desist" even appeared in my trial.

Please note the original charging instrument charges STEVE DELL MCNEILL, (in all capitol letters), this cooperation is a fiction, and

by its very definition is incapable of anything... criminal or otherwise. Likewise the corporation "STATE OF NEVADA", is incapable of being injured. As evidenced by the fact there was no one at my trial to say they had been injured.

If the STATE ever had any ~~jurisdiction~~ jurisdiction it would have been a civil issue, for breach of contract, which was ~~at~~ numerous, & unconscionable, to begin with, and which was signed "under duress", and was the result of a plea agreement that I was coerced into signing back in 2004.

Respectfully &
Without Prejudice
S. J. P. M.

Invoice No. 00001

PROPOSED ORDER:
NOTICE of DEMAND

Name of Organization:

STEVE DELL MCNEILL

For the Violation of:

Fee Imposed:

False Imprisonment

\$5,000,000.00 U.S. FRN

271 Days

x

271

Grand Total

\$1,355,000,000.00

Discount (in the interest
of getting pay)

- \$1,255,000,000.00 U.S. FRN

Sum Certain

\$100,000,000.00 U.S. FRN

Billing Agent:

Steve D. McNeill/secured party

x Without Prejudice S. McNeill Date 12/29/14

UCC Financing Statement

Clark County Records Office

Secretary of State, California

Inst. No. 201207120001959

Filing No. 12-7319192085

Recording Date: July, 12-2012

Filing Date: 6-29-2012

As a matter of Public Record

INDEMNITY BOND

Know all men by these presents, that STEVEN DELL MCNEILL, DEBTOR and INDEMNITOR, hereby establishes this Indemnity Bond in favor of Steven Dell McNeill, Secured Party and Indemnitee, in the sum of present and future collateral values up to the sum of one hundred billion United States silver dollars (\$100,000,000,000.00) of .999 fine silver, or fiat money at par value, for the payment of which bond DEBTOR hereby firmly binds its successors, heirs, executors, administrators, D/B/As, A.K.A.s (d/b/a, a.k.a.), and third-party assigns, jointly and severally. DEBTOR hereby indemnifies Secured Party against losses incurred as a result of all claims of debts or losses made by any and all persons against the commercial transactions and investments of DEBTOR. The condition of this bond is that Secured Party covenants to do certain things on behalf of DEBTOR, as set forth in the attached Commercial Security Agreement of the same date and executing parties; and DEBTOR covenants to serve as a Transmitting Utility to assure beneficial interest in all accounts established and managed by the UNITED STATES; and all goods and services in commerce are available to or conveyed from DEBTOR to Secured Party, whichever is appropriate.

To avert losses of vested rights in the present or future collateral that is the subject of the attached Commercial Security Agreement, DEBTOR agrees to make available to Secured Party such accounts established by intent of the Parties, by operation of law, and/or as constructive trusts, to hold proceeds arising from assets belonging to DEBTOR and administered by the UNITED STATES or its subdivisions, agents, or affiliates. Pursuant to existing laws of the UNITED STATES and the agreement of the parties of the attached Security Agreement, Secured Party is authorized to assign such funds from said accounts as are necessary to settle all past, present, and future public debts and obligations incurred by DEBTOR on behalf of Secured Party.

DEBTOR, without the benefit of discussion or division, does hereby agree, covenant, and undertake to indemnify, defend, and hold Secured Party harmless from and against any and all claims, losses, liabilities, costs, interests, and expenses including, without restriction, legal costs, interests, penalties, and fines previously suffered or incurred, or to be suffered or incurred by Secured Party, in accordance with Secured Party's personal guarantee with respect to loans or indebtedness belonging to DEBTOR, including any amount that DEBTOR might be deemed to owe to a public creditor for any reason whatsoever. Secured Party shall promptly advise DEBTOR of all public claims brought by third parties against the present or future property of DEBTOR, all of which is covered by the attached Security Agreement up to the indemnification amount declared herein, and to provide DEBTOR with full details of said claim(s), including copies of all documents, correspondence, suits, or actions received by or served upon DEBTOR through Secured Party. Secured Party shall fully cooperate with discussion, negotiation, or other proceedings relating to such claims.

This bond shall be in force and effect as of the date that it is signed and accepted by the Parties, and provided that Secured Party may cancel this bond and be relieved of further duty hereunder by delivering a thirty- (30) day written notice of cancellation to DEBTOR. No such cancellation shall affect the liability incurred by or accrued to Secured Party prior to the conclusion of said thirty- (30) day period. In such event of notice of cancellation, and in the event that the UNITED STATES reinstitutes its constructive claim against the collateral, DEBTOR agrees to reissue the bond before the end of the thirty- (30) day period for an amount equal to or greater than the above value of the attached Security Agreement, unless the Parties agree otherwise.

LIEN

This agreement constitutes an International Commercial Lien on all property of DEBTOR, INDEMNITOR, on behalf of, and for the benefit of, Secured Party, Indemnitee, in the amount of one hundred billion United States silver dollars (\$100,000,000,000.00) of .999 fine silver. This lien will expire at the moment that Indemnitee expires or when this lien is satisfied by Indemnitee.

STEVEN DELL MCNEILL
STEVEN DELL MCNEILL, INDEMNITOR

LS: Steven Dell McNeill ©
Steven Dell McNeill, Indemnitee

HOLD HARMLESS AND INDEMNITY AGREEMENT NON-NEGOTIABLE BETWEEN THE PARTIES

PARTIES

DEBTOR: STEVEN DELL MCNEILL
1130 SO. CASINO CENTER #7
LAS VEGAS, NEVADA 89104

CREDITOR: Steven Dell McNeill
c/o 1130 Casino Center #7
Las Vegas, Nevada 89104
Non-Domestic without the US

DEBTOR's Social Security Account Number: 555-63-2290

- I. This Hold Harmless and Indemnity Agreement is mutually agreed upon and permanently entered into on this 12 day of the month of JULY, in the year of YHWH two thousand-twelve, between the juristic person, BAILEE, STEVEN DELL MCNEILL, STEVEN D. MCNEILL, S.D.MCNEILL, S.MC DEBTOR, and Steven Dell McNeill, Steven D. McNeill, S.D.McNeill or S.Mc, including all variations of said name of STEVEN DELL MCNEILL, DEBTOR, BAILEE, and
- II. Secured Party Creditor, Bailor, who is a living, flesh-and-blood man
- II. For binding verification, DEBTOR/BAILEE hereby expressly agrees and covenants, without benefit of discussion, without division, holding said Creditor harmless, causing indemnification of Creditor from and against, but not limited to any and all: claims or legal actions, orders, warrants, judgments, demands, liabilities, losses, depositions, summons(es), lawsuits, costs, fines, liens, levies, penalties, damages, interests, and expenses whatsoever, both absolute and contingent, as are due or may become due arising hereinafter now and forevermore. Steven Dell McNeill, Bailor, articulates by covenant and agreement that creditor shall not under any circumstances be considered an accommodating entity nor surety for DEBTOR/BAILEE.

Words Defined Glossary of Terms: In witnessing by hand this "HOLD HARMLESS AND INDEMNITY AGREEMENT" the foregoing words and terminology utilized herein are non-obstinate:

1. **Appellation:** HOLD HARMLESS INDEMNITY AGREEMENT DOCUMENT IN HAND SHOWS: "A general term introduces and specifies a particular term used in addressing, greeting, calling out for, and making appeals of a particular living breathing flesh and blood man."
2. **Conduit:** HOLD HARMLESS INDEMNITY AGREEMENT DOCUMENT IN HAND SHOWS: "Conduit signifies means of transmitting and distributing energy and affects the production of labor, goods, or services by way of STEVEN DELL MCNEILL, STEVEN D. MCNEILL, S.D.MCNEILL, S.MC, including, but not limited to, any and all variations and derivatives of DEBTOR/BAILEE except Steven Dell McNeill, Steven D. McNeill, S.D.Mc.,."
3. **Creditor:** HOLD HARMLESS INDEMNITY AGREEMENT DOCUMENT IN HAND SHOWS: "Means Steven Dell McNeill as Creditor and Bailor".
4. **DEBTOR:** HOLD HARMLESS INDEMNITY AGREEMENT DOCUMENT IN HAND SHOWS: STEVEN DELL MCNEILL, STEVEN D. MCNEILL, S.D.MCNEILL, . means including, but not limited to, any and all variations and derivatives in spelling of said name except Steven Dell McNeill, Steven D. McNeill, S.D. McNeill, S.MC.,
5. **Derivative:** HOLD HARMLESS INDEMNITY AGREEMENT DOCUMENT IN HAND SHOWS: "Coming from another; taken from something preceding secondary; that which has not the origin in itself, but obtains existence from something foregoing and a fundamental nature; anything derived from another."
6. **Ens legis:** HOLD HARMLESS INDEMNITY AGREEMENT DOCUMENT IN HAND SHOWS: "A creature of the law; an artificial being, as contrasted with a natural person, such as a corporation, considered as deriving its existence entirely from the law."
7. **Juristic person:** HOLD HARMLESS INDEMNITY AGREEMENT DOCUMENT IN HAND SHOWS: "An abstract legal entity ens legis such as a corporation created by construct of law considered possessing certain legal rights/duties of a human being; an imaginary entity, such as DEBTOR, i.e. STEVEN DELL MCNEILL upon basis of legal reasoning, is legally treated as a human being for purpose of conducting commercial activity for benefit of a biological living being such as Creditor."

8. Sentient Living being: HOLD HARMLESS INDEMNITY AGREEMENT DOCUMENT IN HAND SHOWS: "The Creditor, i.e. Steven Dell McNeill, Bailor, a living breathing flesh and blood man, as distinguished from an abstract legal construct such as an artificial entity juristic person corporation partnership and association."
9. STEVEN DELL MCNEILL HOLD HARMLESS INDEMNITY AGREEMENT DOCUMENT IN HAND SHOWS: "The DEBTOR, STEVEN DELL MCNEILL, STEVEN D. MCNEILL, S.D. MCNEILL means STEVEN DELL MCNEILL, including, but not limited to, any and all variations and derivatives in the spelling of said name except "Steven Dell McNeill, Steven McNeill, Steven D. McNeill, S.D. McNeill".
10. Living breathing flesh and blood Leatha Lorraine Hatter: HOLD HARMLESS INDEMNITY AGREEMENT DOCUMENT IN HAND SHOWS: "The Creditor Steven Dell McNeill, Bailor, a sentient living being, as distinguished from an artificial legal construct, ens legis, i.e. a juristic person, created by contract of law."
11. Transmitting Utility: HOLD HARMLESS INDEMNITY AGREEMENT DOCUMENT IN HAND SHOWS: "The term transmitting utility means a conduit, e.g., the DEBTOR, i.e., STEVEN DELL MCNEILL," including, but not limited to, any and all variations and derivatives in the spelling of said name except Steven Dell McNeill, Steven D. McNeill, Steven McNeill, S.D. McNeill, .
12. U.C.C.: HOLD HARMLESS INDEMNITY AGREEMENT DOCUMENT IN HAND SHOWS: "U.C.C. means Uniform Commercial Code."
13. Non obstinate: HOLD HARMLESS INDEMNITY AGREEMENT DOCUMENT IN HAND SHOWS: "The term non obstinate means words anciently used in public and private instruments with intent of precluding in advance "any interpretation" other than certain declared objects, purposes."
14. DEBTOR: STEVEN DELL MCNEILL, STEVEN MCNEILL, STEVEN D. MCNEILL, S.D. MCNEILL " BAILEE.
15. Creditor: HOLD HARMLESS INDEMNITY AGREEMENT DOCUMENT IN HAND SHOWS: " Steven Dell McNeill, accepts DEBTOR' s signature, endorsement mark below in accordance with UCC 1-201(39) as per UCC 3-401(b)."
16. BAILEE: HOLD HARMLESS INDEMNITY AGREEMENT DOCUMENT IN HAND SHOWS: "BAILEE is a person who receives personal property from another as bailment."
17. Bailment: HOLD HARMLESS INDEMNITY AGREEMENT DOCUMENT IN HAND SHOWS: "A delivery of personal property by one individual, the Bailor, to another person, the BAILEE, who holds the property for a certain purpose under an expressed or implied-in-fact contract."
18. Bailor: HOLD HARMLESS INDEMNITY AGREEMENT DOCUMENT IN HAND SHOWS: "A Person who delivers personal property to another as a bailment."
- III. The undersigned Steven Dell McNeill, is Beneficiary (BFY) as Secured Party and Non Enemy, Non Tax Protestor, Non Belligerent, NON UNITED STATES CORPORATE TITLE 28 U.S.C 3002 (15) CITIZEN, Non Surety, Non Combatant American National Sovereign hereinafter "Creditor" and "Bailor."

STEVEN DELL MCNEILL
STEVEN DELL MCNEILL, BAILEE

LS: Steven Dell McNeill
Creditor: Steven Dell McNeill

Date July 13, 2012

NON-NEGOTIABLE SECURITY AGREEMENT

1. All property of BAILEE, STEVEN DELL MCNEILL 1130 SO. CASINO CENTER #7., LAS VEGAS NEVADA 89104 is now hereby secured property as bailment of Bailor, Secured Party Creditor Steven Dell McNeill, c/o 1130 So. Casino Center # 7., Las Vegas, Nevada, Republic; near [89104]; Non-Domestic without the US. Secured Party Creditor must be fully compensated before any property can be exchanged, sold, tendered, disposed of, or forfeited in any manner. This property now owned or hereinafter acquired includes, but is not limited to, all: Proceeds, products, accounts and fixtures from crops, mine heads, wellheads, transmitting utilities, etc., rent, wages, all and any income, land, mineral, water, and air rights, cottages, houses, buildings, structures, bank accounts, private treasury accounts, bank deposit boxes and contents therein, retirement plans, derivatives, stocks, bonds, securities, benefits from trusts, inheritances received or in receivership, inventory from any source, all machinery including farm and industrial, livestock, equipment, fifth wheel trailers, automobiles, trucks, four wheelers, boats, water craft, aircraft, motor homes, mobile homes, jewelry, wedding bands, rings, watches, all household goods, appliances, any type of furniture, kitchen utensils, cooking utensils, radios, televisions, computers, musical instruments, antiques, all sporting equipment, firearms, and all other property held for benefit by myself or others. Any and all property not specifically referenced by make, model, and serial number is also included.
2. This privately held Security Agreement in hand cannot be discharged in bankruptcy court or any other court, as holder's property is exempt from levy. Secured Party Creditor accepts all signatures in accordance with UCC3-419. Adjustment of this recording is from HJR 192, Public Law 73-10; and UCC-1-104. All proceeds, accounts, and orders therefrom are released to Secured Party Creditor.
3. This Security Agreement instrument in hand supersedes any and all, but not limited to, documents or claims purporting to have a higher standing against undersigned's bona-fide, original, wet ink signature set forth by proper English appellation Steven Dell McNeill in correlating correct accounting practice numbers.

STEVEN DELL MCNEILL
STEVEN DELL MCNEILL, BAILEE, DEBTOR

LS: St - Dell McNeill
Steven Dell McNeill, Bailor,
Secured Party Creditor

July 13, 2012
Date



ATTENTION AND WARNING
THIS IS A LEGAL NOTICE AND DEMAND
FIAT JUSTITIA, RUAT COELUM

(Let right be done, though the heavens should fall)

NON WAR POWERS

**To: All City, County, State, Federal and International Public Officials, by and
Through NEVADA STATE SECRETARY OF STATE ROSS MILLER**

ACT FLAG

TAKE NOTICE: IGNORANCE OF THE LAW IS NO EXCUSE.
THIS IS A CONTRACT IN ADMIRALTY JURISDICTION.

Take a moment to read this before you proceed any further.

I do not wish to speak to you under any circumstances excluding federal judicial review.

THIS TITLE IS FOR YOUR PROTECTION!

- (1) I, one, Steven Dell McNeill, Free man, the undersigned, herein request that you present anything that you say to me in writing, signed under penalty of perjury as required by your law as shown in this instrument. **Notice to Agent is Notice to Principal. Notice to Principal is Notice to Agent.** Attachments are included and are part of this contract.
- (2) This Notice is in the nature of a Miranda Warning. Take due heed of its contents. If, for any reason, you do not understand any of these statements or warnings, it is incumbent upon you to summon a superior officer, special prosecutor, federal judge, or other competent legal counsel to immediately explain to you the significance of this presentment as per your duties and obligations in respect to this private, formal, notarized, registered Statute Staple Securities Instrument. As per Title 11 USC 501(a), 502(a), 11 USC 7001, 7013, and Federal Rules of Civil Procedure Sections 8-A, AND 13-A, the claim or presumption that I, STEVEN DELL MCNEILL am a DEBTOR to the "UNITED STATES" or any of its agencies or sub-corporations is forever rebutted by this contract. This rebuttal is a counterclaim in Admiralty.
- (3) Your Failure to timely do so leaves you in the position of accepting full responsibility for any and all liabilities for monetary damages, as indicated herein, that I incur by any adversely affecting injuries caused by your overt or covert actions, or the actions of any of your fellow public officers and agents in this or any other relevant matters as described herein. You have thirty days (30), from the date that this document is received by the Clerk of the Public Record, to respond and rebut the presumptions of this contract by submitting to me signed, certified, authenticated documents of the laws that rebut these presumptions point by point. On and For the Record under penalties of the law including perjury. This document will be on file in the public record; and the clerk in charge of the public record is charged to distribute this to any and all responsible parties, i.e., officers of the court, and/or law enforcement officers including local, state, federal, international, multi-jurisdictional, or any and all officers, representatives, contractors, agencies, or any such entity or person that may bring any type of action, whether civil or criminal or other, against me, and whether in this county, state, region, area, country, corporation, federal zone, or in any venue and/or jurisdiction. Your failure to timely rebut the statements and warnings herein constitute your complete, tacit agreement with all statements and warnings contained herein. Your presumptions that I, the undersigned, am a "Corporate Fiction" or "Legal Entity" and under your corporate "UNITED STATES" jurisdiction are now and forever rebutted.

- 4) I, the undersigned, tendering this document, am a Private People of Posterity; a Sovereign Personam Sojourn; by fact; not a 14th amendment citizen or surety within; or subject for; or allegiance to; your corporate "UNITED STATES"; or to any de facto, compact, corporate, commercial states contracting therein; only to the "United States of America," nonetheless carrying with me exclusive, original, sovereign jurisdiction and venue having one supreme court and United States Court of International Trade. This is a matter of public record, tendered by way of certified mail to NEVADA, SECRETARY OF STATE. These pages are recorded upon liber records and books in the REGISTRAR OF DEEDS offices including, but not limited to CLARK COUNTY, NEVADA.
- (5) I, the undersigned, now tendering this legally binding Legal Notice and Demand in hand am not a surety under your jurisdiction nor a subject under your corporate veil "Color of Law Venue," being acknowledged by silence and acquiescence of ROSS MILLER, respectfully NEVADA, SECRETARY OF STATE, also but not limited to any public officers, agents, contractors, assigns, employees, and subsidiaries of your office, regarding my Legal Notice and Demand tendered by certified mail with liber book number and page affixed.
- (6) Silence of Corporate Office SECRETARY OF STATE ratifies severances of any nexus or relationship to de facto, corporate, commercial state offices; being fraudulent conveyance by operating under "Color of Authority" upon affiant. Let this be known by the "Good Faith (Oxford) Doctrine" to all men and women. I do not consent to any warrantless searches, or searches that are not compliant with the "Constitution for the United States of America" and/or all of the amendments of the Honorable "Bill of Rights," whether of my dwellings, cars, land craft, watercraft, aircraft, me, mine, current location, property, hotel rooms, apartments, business records, businesses, or my machinery, vehicles, equipment, supplies, computer equipment, buildings, grounds, land in my private possession or control, past, present, and future, now and forevermore, so help me God.
- (7) By this record let it be known that I do not at any time waive any rights or protections, as acknowledged by the aforementioned Constitution and/or Honorable "Bill of Rights," nonetheless, demanding that you protect these as you swore an oath to do so. I accept your lawfully required Oath of Office, bonds of any type, insurance policies, and property of any type for my protection and making whole. Furthermore, should you witness any public officers at this time, or any time past, present, or future violating any of my rights or protections, it is your sworn duty (of oath) to immediately arrest, or have them arrested. You are legally required to charge them as you should any law breaker, regardless of officer's title, rank, uniform, cloak, badge, position, stature, or office; or you shall henceforth be accountable for monetary damages from, but not limited to, your monetary liability, your corporate bond, your law-required private bond, compensatory costs, punitive procurements, and sanctioned-by-attorney attributions.
- (8) Note: A true and correct, notarized copy of this Statute Staple Securities Instrument is safely deposited in the REGISTRAR OF DEEDS office in CLARK COUNTY, NEVADA. It is my policy to present this document to any officer, agent, or representative that has any interaction with me. I have a lawful right to travel, by whatever means, via land, sea, or air, without any officer, agent, employee, attorney, or judge willfully causing adverse affects or damages upon me by an arrest, detainment, restraint, or deprivation. I will be granted the status and treatment of a foreign Sovereign, a foreign diplomat, by all customs' officials. This document or the deposited copy becomes an evidentiary document certified herein, as if now fully reproduced, should any court action be taken upon me as caused by your acts under color of law with you, your officers, and employees. Take note: You are now monetarily liable in your personal and corporate capacity. I, Steven Dell McNeill, Free man, the undersigned, a Sovereign; notwithstanding anything contrary, abide by all laws in accordance with the aforementioned Constitution and Honorable "Bill of Rights" which are applicable to Sovereign. I, Steven Dell McNeill wish no harm to any man. You agree by your non-response to uphold my Right to Travel, or you must rebut my presumption by lawfully documented evidence in law on and for the record, under Oath and penalty of perjury, within the thirty (30) days as aforementioned in this Admiralty contract.
- (9) BE WARNED, NOTICED, AND ADVISED that I rely upon, in addition to constitutional limits of the "Constitution for the United States of America" and/or the Honorable "Bill of Rights," governmental authority, the rights and protections guaranteed under Uniform Commercial Codes, common equity law, laws of admiralty, and commercial liens and levies pursuant to, but not limited, to Title 42 (Civil Rights), Title 18 U.S.C.A. (Criminal Codes), Title 28 U.S.C.A. (Civil Codes), and additional NEVADA constitution penal codes, in as much as they are in compliance with the aforementioned Constitution and/or "Bill of Rights." There can be no violation of any of these laws unless there is a victim consisting of a natural, flesh and blood man or woman who has been damaged. When there is no victim, there is no crime or law broken. Unless this is rebutted within the time limit contained herein, and the conditions of the rebuttal are met, you, or any representative in any capacity of any agency, government, corporation, or the like, agree to abide by this contract anytime that you interact with me. I, Steven Dell McNeill, Free man, the undersigned, am of lawful majority age, clear head, and sound mind.
- (10) Remember, you took a solemn binding oath to protect and defend the original "Constitution for the United States of America" (1787) adopted circa 1791. Violations of said oath are perjury, being a bad-faith doctrine by constructive treason and immoral dishonor. I accept said Oath of Office that you have sworn to uphold. I declare that any and all presumptions that I am a citizen, subject, resident, participant, legal entity, strawman, fiction, or any such thing, of any and all jurisdictions of the UNITED STATES OR ANY OF ITS SUBDIVISIONS; AGENCIES, ENTITIES, DEPARTMENTS, SUBSIDIARIES are now and forever rebutted. You may rebut my presumptions by submitting certified copies of lawful documents that have been certified by

a CALIFORNIA state's attorney while under oath and on the official record and under penalty of perjury and waiving all immunities from prosecution. You have thirty (30) days to rebut my statements as indicated herein; or my statements will stand as true, lawful, and legal in all of your courts and/or hearings.

- (11) This legal and timely notice, declaration, and demand is prima facie evidence of sufficient Notice of Grace. The terms and conditions of this presentment agreement are a quasi-contract under the Uniform Commercial Code and Fair Debt Collection Practices Act. These terms and conditions are not subject to any or all immunities that you may claim, should you in any way violate my rights or allow violations by others. Your corporate commercial acts against me or mine and your failures to act on behalf of me or mine are ultra vires and injurious by willful and gross negligence.
- (12) The liability is upon you, and/or your respondeat superior, and upon others including any and all local, state, regional, federal, multijurisdictional, international, and/or corporate agencies, and/or persons of the foregoing, involved directly or indirectly with you via any nexus acting with you; and said liability shall be satisfied jointly and/or severally at my discretion. You are sworn to your Oath of Office, and I accept your Oath of Office and your responsibility to uphold the rights of me and mine at all times.

BILLING COSTS ASSESSED WITH LEVIES AND LIENS UPON VIOLATIONS SHALL BE:

- (13) Unlawful Arrest, Illegal Arrest, or Restraint, or Distrain, Trespassing/Trespass, without a lawful, correct, and complete 4th amendment warrant: \$2,000,000.00 (Two Million) lawful US Silver Dollars, per occurrence, per officer, or agent involved.

Excessive Bail, Fraudulent Bond, Cruel and Unusual Punishment, Violation of Right to Speedy Trial, Violation of the Right of Freedom of Speech, Conspiracy, Aiding and Abetting, Racketeering, or Abuse of Authority as per Title 18 U.S.C.A., §241 and §242, or definitions contained herein: \$2,000,000.00 (Two Million) lawful US Silver Dollars, per occurrence, per officer, or agent involved.

Assault or Assault and Battery without Weapon: \$2,000,000.00 (Two Million) lawful US Silver Dollars, per occurrence, per officer, or agent involved.

Assault or Assault and Battery with Weapon: \$3,000,000.00 (Three Million) lawful US Silver Dollars, per occurrence, per officer, or agent involved.

Unfounded Accusations by Officers of the Court, or Unlawful Determination: \$2,000,000.00 (Two Million) lawful US Silver Dollars, per occurrence, per officer, or agent involved.

- (14) Denial and/or Abuse of Due Process: \$2,000,000.00 (Two Million) lawful US Silver Dollars, per occurrence, per officer, or agent involved.

Obstruction of Justice: \$2,000,000.00 (Two Million) lawful US Silver Dollars, per occurrence, per officer, or agent involved.

Unlawful Distrain, Unlawful Detainer, or False Imprisonment: \$5,000,000.00 (Five Million) lawful US Silver Dollars, per day, per occurrence, per officer, or agent involved, plus 18% annual interest.

Reckless Endangerment, Failure to Identify and/or Present Credentials and/or Failure to Charge within 48 (Forty-Eight) Hours after being detained: \$2,000,000.00 (Two Million) lawful US Silver Dollars per occurrence, per officer, or agent involved.

Counterfeiting Statute Staple Securities Instruments: \$2,000,000.00 (Two Million) lawful US Silver Dollars per occurrence, per officer, or agent involved.

- (15) Unlawful Detention or Incarceration: \$2,000,000.00 (Two Million) lawful US Silver Dollars, per day, per occurrence, per officer, or agent involved.

Incarceration for Civil or Criminal Contempt of Court without lawful, documented-in-law, and valid reason: \$2,000,000.00 (Two Million) lawful US Silver Dollars per day, per occurrence, per officer, or agent involved.

Disrespect by a Judge or Officer of the Court: \$2,000,000.00 (Two Million) lawful US Silver Dollars per occurrence, per officer, or agent involved.

Threat, Coercion, Deception, or Attempted Deception by any Officer of the Court: \$2,000,000.00 (Two Million) lawful US Silver Dollars per occurrence, per officer, or agent involved.

Unnecessary Restraint: \$2,000,000.00 (Two Million) lawful US Silver Dollars, per occurrence, per officer, or agent involved.

Violation of Rights: \$2,000,000.00 (Two Million) lawful US Silver Dollars, per occurrence, per officer, or agent involved.

Refusal of Lawful Bailment as provided by the aforementioned Constitution and/or Honorable "Bill of Rights": \$2,000,000.00 (Two Million) lawful US Silver Dollars per day of confinement, to be prorated by the hour as per Trafficant vs. Florida, per occurrence, per officer, per agent involved.

Coercion or Attempted Coercion of the Natural Man or Woman to take responsibility for the Corporate Strawman against the Natural Man or Woman Secured Party's Will: \$2,000,000.00 (Two Million) lawful US Silver Dollars per occurrence, per officer or agent involved.

The Placing of an Unlawful or Improper Lien, Levy, Impoundments, or Garnishment against any funds, bank accounts, savings accounts, retirement funds, investment funds, social security funds, intellectual property, or any other property belonging to the Natural Man or Woman Secured Party by any agency: \$2,000,000.00 (Two Million) lawful US Silver Dollars per occurrence, and \$100,000.00 (One Hundred Thousand) lawful US Silver Dollars per day penalty until liens, levies, impoundments, and/or garnishments are ended and all funds reimbursed, and all property returned in the same condition as it was when taken, with 18% annual interest upon the Secured Party's declared value of property.

Destruction, Deprivation, Concealment, Defacing, Alteration, or Theft, of Property, including buildings, structures, equipment, furniture, fixtures, and supplies belonging to the Natural Man or Woman Secured Party will incur a penalty of total, new replacement costs of property as indicated by Owner and Secured Party, including but not limited to purchase price and labor costs for locating, purchasing, packaging, shipping, handling, transportation, delivery, set up, assembly, installation, tips and fees, permits, replacement of computer information and data, computer hardware and software, computer supplies, office equipment and supplies, or any other legitimate fees and costs associated with total replacement of new items of the same type, like, kind, and/or quality, and quantity as affected items. The list and description of affected property will be provided by the Owner and Secured Party and will be accepted as complete, accurate, and uncontestable by the agency or representative thereof that caused such action. In addition to the aforementioned cost, there will be a \$200,000.00 (Two Hundred Thousand) lawful US Silver Dollars per day penalty until property is restored in full, beginning on the first day after the incident, as provided by this contract.

CAVEAT

- (16) The aforementioned charges are billing costs deriving from, but not limited to, Uniform Commercial Codes and Fair Debt Collection Practices Act and this contract. These charges shall be assessed against persons, governmental bodies, and corporate entities supra, or any combination thereof when they individually and/or collectively violate my natural and/or civil rights as an American by declaration. The aforementioned Constitution and/or the Honorable "Bill of Rights" establishes jurisdiction for you in your normal course of business. All violations against me, the undersigned, will be assessed per occurrence, per officer, representative, or agent of any agency that is involved in any unlawful action against me.
- (17) By your actions, you shall lack recourse for all claims of immunity in any forum. Your officers' knowing consent and admission of perpetrating known acts by your continued enterprise is a violation of my rights. This Statute Staple Securities Instrument exhausts all state maritime Article 1 administrative jurisdictions and protects my Article III court remedies including but not limited to Title 42 U.S.C.A., Title 18 U.S.C.A., Title 28 U.S.C.A., and Title 18 U.S.C., § 242.

IGNORANCE OF THE LAW IS NO EXCUSE!

- (18) I, one, Steven Dell McNeill, Free man, the undersigned, am the principal; and you are the agent! Fail not to adhere to your oath, lest you be called to answer before one God and one Supreme Court Exclusive Original Jurisdiction, which is the court of first and last resort, not excluding my "Good Faith (Oxford) Doctrine" by my conclusive Honorable "Bill of Rights."
- (19) This Statute Staple Securities Instrument is not set forth to threaten, delay, hinder, harass, or obstruct, but to protect guaranteed Rights and Protections assuring that at no time my Unalienable Rights are ever waived or taken from me against my will by threats, duress, coercion, fraud, or without my express written consent of waiver. None of the statements contained herein intend to threaten or cause any type of physical or other harm to anyone. The statements contained herein are to notice any persons, whether real or corporate, of their potential, personal, civil, and criminal liability if and when they violate my Unalienable Rights as protected by the original Constitution of 1787, adopted circa 1791, and/or the Honorable "Bill of Rights." A bona fide duplicate of this paperwork is safely archived with those who testify under oath that it is my standard policy to ALWAYS present this notice to any public or private officer attempting to violate me and my rights. It is noted on the record that by implication of said presentment, this notice has been tendered by way of certified mail to ROSS MILLER SECRETARY OF STATE NEVADA. This is prima facie evidence of your receipt and acceptance of this presentment in both your corporate and individual capacity, jointly and severally for each and all governmental, political, and corporate bodies. Any other individuals who have been, are, or hereafter become involved in the instant actions or any future actions against me shall only correspond to me in writing while signing under penalty of perjury pursuant but not limited to Title 28 U.S.C.A. § 1746. This document is now on record in the REGISTRAR OF DEEDS office CLARK COUNTY, NEVADA, supra.

SUMMATION

- (20) Should you move against me in defiance of this presentment, there is no immunity from prosecution available to you or to any of your fellow public officers, officials of government, judges, magistrates, district attorneys, clerks, or any other persons who become involved in the instant actions, or any future actions, against me by way of aiding and abetting. Take due heed and govern yourself accordingly. Any or all documents tendered to me, lacking bona fide wet ink signatures or dates per title 18 U.S.C.A. § 513-514, are counterfeit security instruments causing you to be liable in your corporate and individual capacity by fraudulent conveyance now and forevermore. If and when you cause any injury and/or damages to the Natural Man or Woman Secured Party by violating any of the rights, civil rights, privileges, or any terms herein, you agree to voluntarily, with no reservation of rights and defenses, at the written request of the Natural Man or Woman Secured Party, surrender, including but not limited to, any and all bonds, public and/or corporate insurance policies, and CAFR funds as needed to satisfy any and all claims as filed against you by the Natural Man or Woman Secured Party. This applies to any and all agents, or representatives, individually and severally, of the "UNITED STATES" or any of the subdivisions thereof, as described herein.

**NOTICE TO AGENT IS NOTICE TO PRINCIPAL AND
NOTICE TO PRINCIPAL IS NOTICE TO AGENT**

- (21) This document cannot be retracted by any employee, agent, representative, or officer of the court, or any individuals, excluding the Natural Man or Woman Secured Party on this registered document, for one hundred years from the date on this legally binding Statute Staple Securities Instrument.
- Attention:** All Agents, Representatives, Officers, and/or such, of the "UNITED STATES" or its subdivisions including local, state, federal, and/or international or multinational governments, corporations, agencies, and the like: You have thirty (30) days to rebut any portion of this document, or you stand in total agreement. Non response is agreement. Partial response is agreement. Rebuttal must be in written form with legal/lawful, verified, certified documentation in law, with copies of said law enclosed. This documentation must be provided under penalty of perjury. **Notice to Agent is Notice to Principal. Notice to Principal is Notice to Agent. Ignorance of the law is no excuse.**
- (22) All other corporations including but not limited to telephone companies, cable companies, utility companies, contractors, builders, maintenance personnel, investors, journeymen, inspectors, law enforcement officers, officers of the court, manufacturers, wholesalers, retailers, and all others, including all persons, are bound by all paragraphs, terms, and conditions herein regardless of nature of limited liability corporations or affiliations as "D/B/As," "A.K.A.s," incorporations, or any types of businesses in commerce as decreed by this securities agreement and decree.
- (23) **YOU ARE NOTICED** having been given knowledge of the law and your personal financial liability in event of any violations of my rights and/or being. This Statute Staple Securities Instrument now in your hand constitutes timely and sufficient warning by good faith, notice, and grace.
- (24) Dated this 12 day of JULY, in the year of our Lord, two thousand twelve. This contract being of honor is presented under the "Good Faith (Oxford) Doctrine." I accept the Oath of Office of all officers of the court, including but not limited to the clerk of the court; all judges and attorneys from all jurisdictions; all local, state, federal, international law enforcement officers, and all agents of the "UNITED STATES" or any subdivisions thereof.
- (25) Any agent, law enforcement officer, employee, contractor, representative, or the like of the "UNITED STATES" or any of its subsidiaries or sub-corporations, SHALL NOT ENTER, AT ANY TIME, FOR ANY REASON, ANY PROPERTY AT WHICH I AM LOCATED, OR LEASE, OWN, OR CONTROL, WITHOUT MY EXPRESS WRITTEN PERMISSION. Violation of this notice will be considered criminal trespass and will be subject to a \$2,000,000.00 (Two Million) lawful US Silver Dollar penalty plus damages, per violation, per violator.
- (26) **Attention:** Any and all lending institutions, brokerage firms, credit unions, depository institutions, insurance agencies, credit bureaus, and the officers, agents and employees therein: You have now been notified of the law as to your corporate and individual financial liability in the event of any violations upon the rights and/or being of Gerald Edward David. This Statute Staple Securities Instrument constitutes timely and sufficient warning by Good Faith Notice of your liability regardless of your political affirmations. All penalties contained herein will be subject to a penalty increase of \$1,000,000.00 (One Million) lawful US Silver Dollars per day, plus interest, while there is any unpaid balance for the first thirty (30) days after default of payment. This penalty will increase by 10% per each day until balance is paid in full, plus 18% annual interest, beginning on the thirty-first (31st) day after default of payment. All penalties in this document are assessed in lawful money and are to be paid in one troy ounce US Silver Dollars that are .999 fine silver or equivalent par value if paid in

NOTICE TO CLARK COUNTY REGISTRAR OF DEEDS CLERK

(27) Pursuant to Title 18 U.S.C., chapter 101 § 2071(b), "Whoever, having the custody of any such record, proceeding, map, book, document, paper, or other thing, willfully and unlawfully conceals, removes, mutilates, obliterates, falsifies, or destroys the same, shall be fined under this title or imprisoned not more than three years, or both; and shall forfeit his office and shall be disqualified from holding any office under the United States."

LS: Steven Dell McNeill

Steven Dell McNeill
Secured Party Creditor

7-12-12 Date

State of Nevada)
County of Clark) ss.

SUBSCRIBED AND AFFIRMED: On this 12 day of July, 2012 AD, before me appeared Daisy Izary known to me or proved to me on the basis of satisfactory evidence to be the man whose name is subscribed on this Statute Staple Securities instrument. Witnessed by my hand and official stamp, signed, sealed, and delivered by hand or by private, registered or certified mail, drafted by the above Secured Party Creditor with attached property description and definitions.

NS: Daisy Izary
Signature of Notary Public



We, the undersigned witnesses, do hereby swear or affirm that it is the policy of Steven Dell McNeill to present this "LEGAL NOTICE AND DEMAND" to all law enforcement officers, agents, or representatives of the "UNITED STATES" anytime that he has any interaction with them.

Gerald-E. David
First Witness Printed Name

Living Location c/o 200 So. 8th

LS: Gerald-E. David
First Witness Signature

LV, Nevada 89101
Non-Domestic without the US

Guillermo Lopez Date 7-12-12
Second Witness Printed Name

Living Location c/o 6936 Snow Pines Street

LS: Guillermo Lopez Date 7-12-12
Second Witness Signature

North Las Vegas NV 89084
Non-Domestic without the US

Carlos Fernandez
Third Witness Printed Name

Living Location c/o 4040 Nellis Davis L

LS: Carlos Fernandez
Third Witness Signature Date

Las Vegas NV. 89115
Non-Domestic without the US

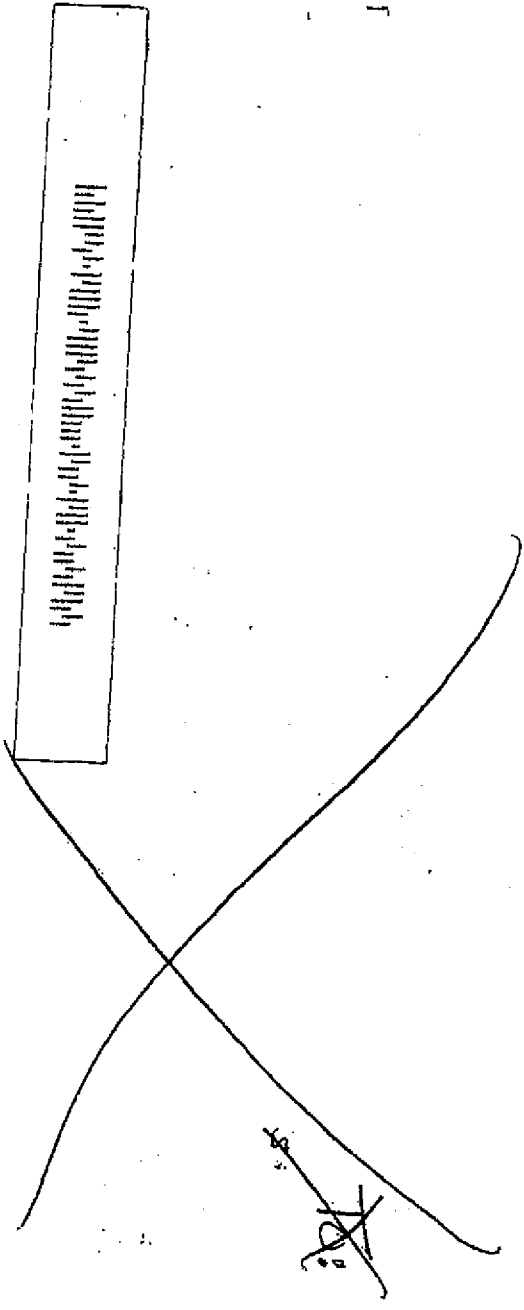
legal tender or fiat paper money. Par value will be determined by the value established by a one troy ounce .999 fine silver coin at the US MINT, or by law, whichever is higher value at the time of the incident. Any dispute over the par value will be decided by the Secured Party, or his designee. All definitions in "Legal Notice and Demand Definitions" are included as a part of this contract and will be applied as written herein. Any dispute of any definition will be decided by the Secured Party. There is no contradiction of terms as written within the confines of this title pursuant to the "Constitution for the United States of America." If any contradiction is found, the meaning will be determined by the Secured Party. Definitions as they apply to this contract are enclosed in "Legal Notice and Demand Definitions" and are included as a legal part of this contract.

L.S. St. Duff McNeill
Steven Duff McNeill
Secured Party Creditor

Date July 12, 2012

- Remainder of page intentionally left blank. -

From: Steve D. McNeill #846346
HDSF
P.O. Box 656
Indian Springs, W. 89470



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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 07, 2014

C-14-297725-1 State of Nevada
vs
Steve McNeill

May 07, 2014 9:30 AM Initial Arraignment

HEARD BY: De La Garza, Melisa

COURTROOM: RJC Lower Level
Arraignment

COURT CLERK: Monique Alberto

RECORDER: Kiara Schmidt

PARTIES

PRESENT: Clowers, Shanon Attorney for State of Nevada
 McNeill, Steve Dell Defendant
 Miles, Dedree S. Attorney for Defendant

JOURNAL ENTRIES

- DEFT. MCNEILL ARRAIGNED, PLED NOT GUILTY, and INVOKED the 60-DAY RULE. COURT ORDERED, matter set for trial. COURT ORDERED, pursuant to Statute, Counsel has 21 days from today for the filing of any Writs; if the Preliminary Hearing Transcript has not been filed as of today, Counsel has 21 days from the filing of the Transcript.

CUSTODY

6/30/14 9:30 A.M. CALENDAR CALL (DEPT 25)

7/7/14 10:30 A.M. JURY TRIAL (DEPT 25)

PRINT DATE: 05/08/2014

Page 1 of 1

Minutes Date: May 07, 2014

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 30, 2014**

C-14-297725-1 State of Nevada
 vs
 Steve McNeill

June 30, 2014**9:30 AM****All Pending Motions****HEARD BY:** Togliatti, Jennifer**COURTROOM:** RJC Courtroom 15A**COURT CLERK:** Kristen Brown**RECORDER:****REPORTER:** Brenda Schroeder**PARTIES**

PRESENT:	Ferrera, Xiomara	Attorney for the Defendant
	Hojjat, Nadia	Attorney for the Defendant
	Jones, Jr., John T.	Attorney for the State
	McNeill, Steve Dell	Defendant

JOURNAL ENTRIES

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

Conference at the Bench. Colloquy between Court and counsel regarding Deft's Motion for Discovery. COURT ORDERED, Motion GRANTED IN PART and DENIED IN PART. Court directed Ms. Ferrara to prepare an order directing the Clerk's Office to produce the left side file. Colloquy between Court and counsel regarding Deft's Petition that was just filed. COURT ORDERED, matter set for Trial and Deft's Petition for Writ of Habeas Corpus is to be heard on the morning of the same date.

CUSTODY**7/07/14 9:00 AM DEFT'S PETITION FOR WRIT OF HABEAS CORPUS****7/07/14 1:00 PM JURY TRIAL****PRINT DATE:** 08/05/2014**Page 1 of 2****Minutes Date:****June 30, 2014**

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****July 07, 2014**

C-14-297725-1 State of Nevada
 vs
 Steve McNeill

**July 07, 2014 9:00 AM Petition for Writ of Habeas
Corpus**

HEARD BY: Delaney, Kathleen E.**COURTROOM:** RJC Courtroom 15A**COURT CLERK:** Kristen Brown**RECORDER:****REPORTER:** Brenda Schroeder**PARTIES****PRESENT:**

Cooper, Jonathan
Ferrera, Xiomara
Hojjat, Nadia
McNeill, Steve Dell
Public Defender
State of Nevada

Attorney for the State
Attorney for the Defendant
Attorney for the Defendant
Defendant
Attorney
Plaintiff

JOURNAL ENTRIES

- Argument by counsel regarding the timeliness of the Petition. Court stated that it finds good cause for the delay in the filing of the Petition and will proceed substantively. Mr. Cooper requested ten days to file a response and argued that since the Writ was filed, the deft. has waived his speedy trial rights. Statement by Ms. Ferrera. Court stated that it agrees with the State's assessment that the filing of the Writ does waive the deft's speedy trial rights and will consider the State's request for time to file a response. Ms. Ferrera requested time to speak with the deft. **COURT ORDERED, matter TRAILED.**

RECALLED: Ms. Ferrera stated that she has spoken with the deft. and he would like to continue to invoke his right to a speedy trial, therefore, will withdraw the Writ. **COURT ORDERED, Petition WITHDRAWN** and will proceed to trial at 1:00 pm today. Amended Information FILED IN OPEN COURT.

PRINT DATE: 07/11/2014**Page 1 of 2****Minutes Date:****July 07, 2014**

C-14-297725-1

CUSTODY

PRINT DATE: 07/11/2014

Page 2 of 2

Minutes Date: July 07, 2014

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****July 07, 2014**

C-14-297725-1 State of Nevada
vs
Steve McNeill

July 07, 2014 1:00 PM Jury Trial

HEARD BY: Delaney, Kathleen E.**COURTROOM:** RJC Courtroom 15A**COURT CLERK:** Kristen Brown**RECORDER:****REPORTER:** Brenda Schroeder**PARTIES**

PRESENT:	Cooper, Jonathan	Attorney for the State
	Ferrera, Xiomara	Attorney for the Defendant
	Hojjat, Nadia	Attorney for the Defendant
	McNeill, Steve Dell	Defendant
	Public Defender	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Ms. Hojjat advised the Court that they are not ready to proceed as the deft. was brought over with the jail issued sandals which is prejudicial and has contacted someone in her office to see if shoes can be provided. Colloquy. Court stated it will proceed to trial. Ms. Hojjat stated that the State has not filed a bad acts motion and would request that the State admonish their witnesses to not bring up any of the deft's prior bad acts and to make sure the exhibits do not reference prior bad acts. Argument by Mr. Cooper. Counsel stated the deft. will STIPULATE that he is a sex offender and is on lifetime supervision, COURT SO NOTED. Ms. Hojjat argued that Marsha Lee was not properly noticed as an expert. Arguments by counsel. Court stated that it did not hear Mr. Cooper stated that the witness was an expert and can figure out what the parameters of the testimony will be. Further colloquy between Court and counsel regarding the witnesses testimony and redactions that needed to be made. Court DIRECTED Mr. Cooper to prepare an Amended Information with the noted redactions.

PROSPECTIVE JURY PRESENT. Voir dire. Jury and 2 alternates selected. COURT ORDERED, Trial

PRINT DATE: 10/10/2014

Page 1 of 2

Minutes Date:

July 07, 2014

CONTINUED.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY: Ms. Hojjat moved for a Batson Challenge. Arguments by counsel. Court stated its findings and ORDERED, Deft's Motion is DENIED and the panel will remain as is.

7/08/14 1:00 PM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****July 08, 2014**

C-14-297725-1 State of Nevada
vs
Steve McNeill

July 08, 2014**1:00 PM****Jury Trial****HEARD BY:** Delaney, Kathleen E.**COURTROOM:** RJC Courtroom 15A**COURT CLERK:** Kristen Brown**RECORDER:****REPORTER:** Brenda Schroeder**PARTIES****PRESENT:**

Cooper, Jonathan

Ferrera, Xiomara

Hojjat, Nadia

McNeill, Steve Dell

Public Defender

State of Nevada

Attorney for the State

Attorney for the Defendant

Attorney for the Defendant

Defendant

Attorney

Plaintiff

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE JURY: Ms. Hojjat advised the Court that parties are attempting to agree with the redactions that are necessary but advised the Court of the redactions that have not been agreed upon. Arguments by counsel. Court issued its rulings regarding the redactions. Colloquy between Court and counsel regarding the Second Amended Information submitted by the State. COURT ORDERED, the Second Amended Information presented by the State will STAND as submitted.

JURY PRESENT: Jury and 2 alternates sworn. Second Amended Information read by the Court Clerk. Opening statements by counsel. Testimony and exhibits presented. (See worksheets). COURT ORDERED, Trial CONTINUED.

OUTSIDE THE PRESENCE OF THE JURY: Court placed the objections made at the Bench on the record.

PRINT DATE: 10/10/2014

Page 1 of 2

Minutes Date:

July 08, 2014

C-14-297725-1

7/09/14 11:00 AM JURY TRIAL

PRINT DATE: 10/10/2014

Page 2 of 2

Minutes Date: July 08, 2014

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****July 09, 2014**

C-14-297725-1 State of Nevada
 vs
 Steve McNeill

July 09, 2014 11:00 AM Jury Trial

HEARD BY: Delaney, Kathleen E. **COURTROOM:** RJC Courtroom 15A

COURT CLERK: Kristen Brown

RECORDER:

REPORTER: Dana J. Tavaglione

PARTIES

PRESENT:	Cooper, Jonathan	Attorney for the State
	Ferrera, Xiomara	Attorney for the Defendant
	Hojjat, Nadia	Attorney for the Defendant
	McNeill, Steve Dell	Defendant
	Public Defender	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE JURY: Instructions settled on the record. Witness, Marsha Lee, present. Court advised Ms. Lee of what can be discussed in front of the jury. Court advised the deft. of his rights not to testify.

JURY PRESENT: Testimony and exhibits presented. (See worksheets). State rests. Defense rests. Court instructed the jury. Closing arguments by counsel. At the hour of 3:17 pm, the jury retired to deliberate. At the hour of 3:50 pm, the jury returned with a VERDICT of: GUILTY of VIOLATION OF LIFETIME SUPERVISION BY CONVICTED SEX OFFENDER. Jury polled. Court thanked and excused the Jury. COURT ORDERED, Deft. REMANDED TO CUSTODY and matter referred to the Division of Parole and Probation (P & P) and set for sentencing.

CUSTODY

PRINT DATE: 10/10/2014

Page 1 of 2

Minutes Date:

July 09, 2014

C-14-297725-1

9/10/14 9:00 AM SENTENCING

PRINT DATE: 10/10/2014

Page 2 of 2

Minutes Date: July 09, 2014

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 30, 2014

C-14-297725-1 State of Nevada
 vs
 Steve McNeill

July 30, 2014 9:00 AM Motion

HEARD BY: Delaney, Kathleen E. **COURTROOM:** RJC Courtroom 15A

COURT CLERK: Kristen Brown

RECORDER:

REPORTER: Brenda Schroeder

PARTIES

PRESENT:	Cannizzaro, Nicole J.	Attorney for the State
	Ferrera, Xiomara	Attorney for the Defendant
	McNeill, Steve Dell	Defendant
	Public Defender	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Submitted by counsel. Court stated its findings and ORDERED, Motion DENIED for the reasons stated in the State's opposition. State to prepare the Order.

CUSTODY

PRINT DATE: 07/31/2014

Page 1 of 1

Minutes Date: July 30, 2014

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 10, 2014

C-14-297725-1 State of Nevada
 vs
 Steve McNeill

September 10, 2014 9:00 AM Sentencing

HEARD BY: Delaney, Kathleen E.

COURTROOM: RJC Courtroom 15A

COURT CLERK: Kristen Brown

RECORDER:

REPORTER: Brenda Schroeder

PARTIES

PRESENT:

Ferrera, Xiomara
McNeill, Steve Dell
Public Defender
Rhoades, Kristina A.
State of Nevada

Attorney for the Defendant
Defendant
Attorney
Attorney for the State
Plaintiff

JOURNAL ENTRIES

- Argument by the State. Statements by the deft. and Ms. Bonaventure. DEFT MCNEILL ADJUDGED GUILTY of VIOLATION OF LIFETIME SUPERVISION BY CONVICTED SEX OFFENDER (F). COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, Deft. SENTENCED to a MINIMUM of TWELVE (12) MONTHS and a MAXIMUM of THIRTY-SIX (36) MONTHS in the Nevada Department of Corrections (NDC) with 150 DAYS credit for time served. COURT FURTHER ORDERED, the \$150.00 DNA Analysis fee including testing to determine genetic markers is WAIVED. BOND, if any, EXONERATED.

NDC

PRINT DATE: 09/12/2014

Page 1 of 1

Minutes Date:

September 10,
2014


CLERK OF THE COURT

TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

STEVE DELL MCNEILL,

Defendant.

CASE NO. C-14-297725-1

DEPT. XXV

(ARRAIGNMENT HELD IN DEPT. LLA)

BEFORE THE HONORABLE MELISA DE LA GARZA, HEARING MASTER
WEDNESDAY, MAY 07, 2014

**RECORDER'S TRANSCRIPT OF HEARING RE:
INITIAL ARRAIGNMENT**

APPEARANCES:

For the State:

SHANON L. CLOWERS, ESQ.,
Chief Deputy District Attorney

For the Defendant:

DEDREE S. MILES, ESQ.,
Deputy Public Defender

RECORDED BY: KIARA SCHMIDT, COURT RECORDER

-1-

ROUGH DRAFT TRANSCRIPT

1 WEDNESDAY, MAY 07, 2014

2 * * * * *

3 P R O C E E D I N G S

4
5 THE COURT: State of Nevada versus Steve McNeill, C297725. He is
6 present in custody. Mr. Miles -- Ms. Miles is here on his behalf. Counsel?

7 MS. MILES: Your Honor, today he's going to enter a not-guilty plea and
8 invoke his right to a speedy trial.

9 THE COURT: Sir, have you received a copy of the Information stating the
10 charges against you?

11 THE DEFENDANT: Yes, I did.

12 THE COURT: You read through it and understood it?

13 THE DEFENDANT: No -- I'm sorry. No, I've not.

14 THE COURT: You didn't receive the Information with the charges against
15 you?

16 THE DEFENDANT: I've received it. I just haven't read it.

17 THE COURT: Well sit down and read it, sir. You need to understand the
18 charges against you. You've been sitting here for like an hour.

19 (Whereupon, the matter was trailed and then recalled.)

20 THE COURT: Page 21, State of Nevada versus Steve McNeill, C297725. He
21 is present in custody. Ms. Miles is here on his behalf.

22 Sir, you've now had an opportunity to read through the Information
23 stating the charges against you?

24 THE DEFENDANT: Yes, I have.

25 THE COURT: You understand those charges? I'm not asking --

1 THE DEFENDANT: I comprehend them.

2 THE COURT: -- whether you agree with them. I'm asking whether you
3 understand the charges against you.

4 THE DEFENDANT: In laymen's terms, yes, I understand them.

5 THE COURT: All right. Do you want to waive a formal reading of the
6 charges?

7 THE DEFENDANT: Sure.

8 THE COURT: How do you plead?

9 THE DEFENDANT: Well --

10 THE COURT: Not guilty?

11 THE DEFENDANT: That's the thing right there. I'm a secured party as
12 defined in NRS 104.9402, and honestly I don't understand who the charges are
13 against yet. Are they against me or my property?

14 THE COURT: State, what are the charges against the defendant.

15 MS. CLOWERS: The defendant, your Honor, is charged with violation of
16 lifetime supervision by a convicted sex offender and prohibited acts by a sex
17 offender. The charges are The State of Nevada versus Steve Dell McNeill, the
18 defendant that stands before you. I can go into what the specific allegations are.

19 THE COURT: That's okay.

20 Sir, the charge is against you, not your property, but you. Apparently
21 you were convicted of a sex offense prior, and at this point you have violated your
22 lifetime supervision or, at least, those are the allegations. So it's my understanding
23 the charge is against you personally. So how do you want to plead?

24 THE DEFENDANT: I'm just going to have to say not guilty then.

25 THE COURT: All right. You do have a right to a trial within 60 days. That's a

1 speedy trial. It's my understanding you want to invoke that right. Is that correct?

2 THE DEFENDANT: That's correct.

3 THE COURT: Speedy trial.

4 THE CLERK: Calendar call, June 30th at 9:30. Jury trial, July 7th at 10:30,
5 Department 25.

6 THE COURT: Counsel, pursuant to statute you have 21 days from today for
7 the filing of any writs. If the transcript has not been filed as of today, you have 21
8 days from the filing.

9 MS. CLOWERS: Thank you.

10 THE COURT: Thank you, sir.

11 MS. MILES: Thank you, your Honor.

12 (Whereupon, the proceedings concluded.)

13 * * * * *

14 ATTEST: I do hereby certify that I have truly and correctly transcribed the
15 audio/video proceedings in the above-entitled case to the best of my ability.

16 

17 Kiara Schmidt, Court Recorder/Transcriber

18

19

20

21

22

23

24

25

STEVE DELL MCNEILL,

Appellant,

V.

THE STATE OF NEVADA,

Respondent.

PHILIP J. KOHN
Clark County Public Defender
309 South Third Street
Las Vegas, Nevada 89155-2610

Attorney for Appellant

STEVEN B. WOLFSON
Clark County District Attorney
200 Lewis Avenue, 3rd Floor
Las Vegas, Nevada 89155

ADAM LAXALT
Attorney General
100 North Carson Street
Carson City, Nevada 89701-4717
(702) 687-3538

Counsel for Respondent

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 29th day of July, 2015. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

CATHERINE CORTEZ MASTO
STEVEN S. OWENSSHARON G. DICKINSON
HOWARD S. BROOKS

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage pre-paid, addressed to:

STEVE DELL MCNEILL
NDOC # 84046
c/o HIGH DESERT STATE PRISON
P.O. Box 650
INDIAN SPRINGS, NV 89018

BY _____
Employed, Clark County Public Defender's Office