

CLERK OF THE COURT

TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

THE STATE OF NEVADA

Plaintiff

vs.

FREDERICK HARRIS, JR.

Defendant
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CASE NO. C-291374

DEPT. NO. XII

**Transcript of
Proceedings**

BEFORE THE HONORABLE MICHELLE LEAVITT, DISTRICT COURT JUDGE

JURY TRIAL - DAY 14

TUESDAY, APRIL 15, 2014

APPEARANCES:

FOR THE STATE:

ELISSA LUZAICH
KRISTINA A. RHOADES
Deputy District Attorneys

FOR THE DEFENDANT:

BETSY ALLEN, ESQ.
JONATHAN MacARTHUR, ESQ.

COURT RECORDER:

KRISTINE CORNELIUS
District Court

TRANSCRIPTION BY:

FLORENCE HOYT
Las Vegas, Nevada 89146

Proceedings recorded by audio-visual recording, transcript
produced by transcription service.

1 LAS VEGAS, NEVADA, TUESDAY, APRIL 15, 2014, 12:54 P.M.
2 (Court was called to order)
3 (Jury is not present)
4 THE COURT: Ms. Allen, did you have enough
5 opportunity to speak to Mr. Harris?
6 MS. ALLEN: I did. Thank you.
7 THE COURT: Okay. State of Nevada versus Harris.
8 Mr. Harris is present. He's in custody.
9 We do have a verdict. The jury's getting ready to
10 come in. Before the jury comes in do you want to make your
11 appearances.
12 MS. LUZAICH: Lisa Luzaich and Kristina Rhoades for
13 the State. Thank you, Judge.
14 MS. ALLEN: Betsy Allen and Jonathan MacArthur for
15 Mr. Harris.
16 THE COURT: Okay.
17 (Jury reconvened at 12:56 p.m.)
18 THE COURT: Does the State stipulate to the presence
19 of the jury panel?
20 MS. LUZAICH: Yes.
21 THE COURT: The defense?
22 MS. ALLEN: Yes, Your Honor.
23 THE COURT: Has the jury selected a foreperson?
24 Mr. Geiger, you're the foreperson?
25 JUROR NUMBER 2: Yes.

1 THE COURT: Has the jury reached a verdict?

2 JUROR NUMBER 2: Yeah.

3 THE COURT: Will you hand the verdict form to the
4 court marshal.

5 On Count 17, Mr. Geiger, is that your -- is that
6 your signature?

7 JUROR NUMBER 2: Yeah. I marked it incorrectly and
8 changed it.

9 THE COURT: Okay. And that's your -- I just wanted
10 to make sure that was your signature indicating that. Okay.

11 (Pause in the proceedings)

12 THE COURT: Okay. So the defendant and his
13 attorneys will please stand for the reading of the verdict.

14 THE CLERK: "District Court, Clark County, Nevada,
15 the State of Nevada, plaintiff, versus Frederick Harold
16 Harris, Jr., defendant. Case Number C-13-291374-1, Department
17 XII. Verdict.

18 "We, the jury in the above-entitled case, find the
19 defendant, Frederick Harold Harris, Jr., as follows.

20 "Count 1, child abuse, neglect or endangerment. Not
21 guilty.

22 "Count 2, sexual assault with a minor under 14 years
23 of age. Guilty of sexual assault with a minor under 14 years
24 of age.

25 "Count 3, sexual assault with a minor under 14 years

1 of age. Guilty of sexual assault with a minor under 14 years
2 of age.

3 "Count 4, lewdness with a child under the age of 14.
4 Guilty of lewdness with a child under the age of 14.

5 "Count 5, lewdness with a child under the age of 14.
6 Guilty of lewdness with a child under the age of 14.

7 "Count 6, sexual assault with a minor under 14 years
8 of age. Guilty of sexual assault with a minor under 14 years
9 of age.

10 "Count 7, lewdness with a child under the age of 14.
11 Guilty of lewdness with a child under the age of 14.

12 "Count 8, sexual assault with a minor under 14 years
13 of age. Guilty of sexual assault with a minor under 14 years
14 of age.

15 "Count 9, sexual assault with a minor under 14 years
16 of age. Guilty of sexual assault with a minor under 14 years
17 of age.

18 "Count 10, sexual assault with a minor under 14
19 years of age. Guilty of sexual assault with a minor under 14
20 years of age.

21 "Count 11, sexual assault with a minor under 14
22 years of age. Guilty of sexual assault with a minor under 14
23 years of age.

24 "Count 12, lewdness with a child under the age of
25 14. Guilty of lewdness with a child under the age of 14.

1 "Count 13, sexual assault with a minor under 14
2 years of age. Guilty of sexual assault with a minor under 14
3 years of age.

4 "Count 14, sexual assault with a minor under 14
5 years of age. Guilty of sexual assault with a minor under 14
6 years of age.

7 "Count 15, child abuse, neglect, or endangerment.
8 Not guilty.

9 "Count 15, child abuse, neglect, or endangerment.
10 Guilty of child abuse, neglect, or endangerment.

11 "Count 17, child abuse, neglect, or endangerment."

12 (Pause in the proceedings)

13 THE CLERK: I apologize. "Count 17, child abuse,
14 neglect, or endangerment. Not guilty.

15 "Count 18, child abuse, neglect, or endangerment.
16 Not guilty.

17 "Count 19, first degree kidnapping. Guilty of first
18 degree kidnapping.

19 "Count 20, lewdness with a child under the age of
20 14. Guilty of lewdness with a child under the age of 14.

21 "Count 21, sexual assault with a minor under 14
22 years of age. Guilty of sexual assault with a minor under 14
23 years of age.

24 "Count 22, sexual assault with a minor under 14
25 years of age. Guilty of sexual assault with a minor under 14

1 years of age.

2 "Count 23, coercion sexually motivated. Guilty of
3 coercion sexually motivated.

4 "Count 24, administration of a drug to aid in the
5 commission of a crime. Guilty of administration of a drug to
6 aid in the commission of a crime.

7 "Count 25, first degree kidnapping. Guilty of first
8 degree kidnapping.

9 "Count 26, sexual assault with a minor under 16
10 years of age. Guilty of sexual assault with a minor under 16
11 years of age.

12 "Count 27, administration of a drug to aid in the
13 commission of a crime. Not guilty.

14 "Count 28, first degree kidnapping. Guilty of first
15 degree kidnapping.

16 "Count 29, sexual assault with a minor under 16
17 years of age. Guilty of sexual assault with a minor under 16
18 years of age.

19 "Count 30, sexual assault with a minor under 16
20 years of age. Not guilty.

21 "Count 31, sexual assault with a minor under 16
22 years of age. Guilty of sexual assault with a minor under 16
23 years of age.

24 "Count 32, sexual assault with a minor under 16
25 years of age. Not guilty.

1 "Count 33, sexual assault with a minor under 16
2 years of age. Guilty of sexual assault with a minor under 16
3 years of age.

4 "Count 34, sexual assault with a minor under 16
5 years of age. Guilty of sexual assault with a minor under 16
6 years of age.

7 "Count 35, sexual assault with a minor under 16
8 years of age. Guilty of sexual assault with a minor under 16
9 years of age.

10 "Count 36, sexual assault. Guilty of sexual
11 assault.

12 "Count 37, first degree kidnapping. Guilty of first
13 degree kidnapping.

14 "Count 38, battery with intent to commit sexual
15 assault. Guilty of battery with intent to commit sexual
16 assault.

17 "Count 39, sexual assault. Guilty of sexual
18 assault.

19 "Count 40, sexual assault. Guilty of sexual
20 assault.

21 "Count 41, sexual assault. Guilty of sexual
22 assault.

23 "Count 42, pandering. Guilty of pandering.

24 "Count 43, sexual assault. Not guilty.

25 "Count 44, living from the earnings of a prostitute.

1 Guilty of living from the earnings of a prostitute.

2 "Count 45, battery by strangulation. Not guilty.

3 "Dated this 15th day of April 2014." Signed by
4 Timothy Geiger, foreperson.

5 Ladies and gentlemen of the jury, are these your
6 verdicts as read, so say you one, so say you all?

7 (Jurors responded in the affirmative)

8 THE COURT: Does either side wish to have the jury
9 panel polled?

10 MS. LUZAICH: Not the State.

11 MS. ALLEN: Yes, Your Honor.

12 THE COURT: Okay. At this time, ladies and
13 gentlemen, the clerk's going to ask you a question. If you'll
14 just please respond yes or no.

15 THE CLERK: Juror Number 1, are these your verdicts
16 as read?

17 JUROR NUMBER 1: Yes.

18 THE CLERK: Juror Number 2, foreperson, are these
19 your verdicts as read?

20 JUROR NUMBER 2: Yes.

21 THE CLERK: Juror Number 3, are these your verdicts
22 as read?

23 JUROR NUMBER 3: Yes.

24 THE CLERK: Juror Number 4, are these your verdicts
25 as read?

1 JUROR NUMBER 4: Yes.
2 THE CLERK: Juror Number 5, are these your verdicts
3 as read?
4 JUROR NUMBER 5: Yes.
5 THE CLERK: Juror Number 7, are these your verdicts
6 as read?
7 JUROR NUMBER 7: Yes.
8 THE CLERK: Juror Number 8, are these your verdicts
9 as read?
10 JUROR NUMBER 8: Yes.
11 THE CLERK: Juror Number 9, are these your verdicts
12 as read?
13 JUROR NUMBER 9: Yes.
14 THE CLERK: Juror Number 10, are these your verdicts
15 as read?
16 JUROR NUMBER 10: Yes.
17 THE CLERK: Juror Number 11, are these your verdicts
18 as read?
19 JUROR NUMBER 11: Yes.
20 THE CLERK: Juror Number 12, are these your verdicts
21 as read?
22 JUROR NUMBER 12: Yes.
23 THE COURT: And, Juror Number 13, are these your
24 verdicts as read?
25 JUROR NUMBER 13: Yes.

1 THE COURT: Okay. At this time the clerk will
2 record the verdict in the official record of the court, and at
3 this time, ladies and gentlemen, you are going to be
4 discharged as jurors.

5 Don't look so excited.

6 Before I do discharge you I just want to give you a
7 few instructions. You're no longer under the admonition not
8 to discuss this case with anyone. You're free to discuss this
9 case with anyone, but it's up to you whether you want to
10 discuss it with anyone at all. I do always give the attorneys
11 the opportunity to speak to a jury panel, but only if you want
12 to speak to the attorneys or anybody else. I just want to
13 make sure you understand you're no longer under that
14 admonition.

15 Because I have another jury trial, we broke that
16 trial so I could take this verdict. I probably will ask you
17 to go to the third floor, at which time the attorneys can go
18 there and speak to you if you want to speak to them. But
19 before I do excuse you I do want to thank you very much. Your
20 service to the Court and to the people of Clark County was
21 above and beyond. You were here for three weeks. It was a
22 tough case. You deliberated. Clearly you took the case very
23 seriously. This was your second day of deliberations, and I
24 just want to thank you very much for your service to the
25 District Court.

1 And at this time you are discharged. You can go
2 back to the jury deliberation room. Thank you very much for
3 your service.

4 (Jury discharged at 1:07 p.m.)

5 THE COURT: The record reflect that the hearing is
6 taking place outside the presence of the jury panel.

7 The matter will be referred to Parole & Probation.
8 It'll be set for sentencing --

9 THE CLERK: July 17th at 8:30.

10 MS. LUZAICH: Your Honor, at this time, because the
11 defendant is facing multiple life sentences and a minimum of
12 35 to life, I would ask the Court to revoke his bail and
13 remand him without bail.

14 MS. ALLEN: Your Honor, Mr. Harris has not made bail
15 up until this point. I don't understand -- I don't see the
16 necessity in revoking his bail at this point. He's been in
17 custody for the entirety of the year.

18 THE COURT: Okay. At this time his bail will be
19 revoked. He'll be held without bail pending sentencing on
20 July 17th at 8:30.

21 Anything else?

22 MS. ALLEN: No.

23 MS. LUZAICH: Judge, I don't think so. Thank you.

24 THE COURT: Thank you very much, the attorneys. It
25 was a pleasure.

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MS. LUZAICH: Thank you, Your Honor.

MS. ALLEN: Thank you, Your Honor.

THE COURT: See you next time.

THE PROCEEDINGS CONCLUDED AT 1:09 P.M.

* * * * *

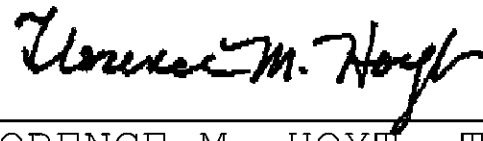
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AFFIRMATION

I AFFIRM THAT THIS TRANSCRIPT DOES NOT CONTAIN THE SOCIAL SECURITY OR TAX IDENTIFICATION NUMBER OF ANY PERSON OR ENTITY.

FLORENCE HOYT
Las Vegas, Nevada 89146



FLORENCE M. HOYT, TRANSCRIBER

12/28/15

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IN THE SUPREME COURT OF THE STATE OF NEVADA

* * * * *

FREDERICK HARRIS,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

S.C. CASE NO. 69093

Electronically Filed
Jun 17 2016 09:00 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

APPEAL FROM JUDGMENT OF CONVICTION
(JURY TRIAL)
EIGHTH JUDICIAL DISTRICT COURT
THE HONORABLE JUDGE MICHELLE LEAVITT , PRESIDING

~~~~~  
APPELLANT'S APPENDIX TO THE OPENING BRIEF  
VOLUME XXI  
~~~~~

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IN THE SUPREME COURT OF NEVADA

FREDERICK HARRIS,

CASE NO. 69093

Appellant,

vs.

THE STATE OF NEVADA

Respondent.

OPENING BRIEF APPENDIX

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CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court 17th day of June, 2016. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

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