

CLERK OF THE COURT

Electronically Filed  
Nov 03 2015 10:40 a.m.  
Tracie K. Lindeman  
Clerk of Supreme Court

1 **NOTC**  
2 CHRISTOPHER R. ORAM, ESQ.  
3 Nevada Bar No. 4349  
4 520 South 4th Street, # 370  
5 Las Vegas, Nevada 89101  
6 (702) 384-5563

7 Attorney for Defendant  
8 FREDERICK HARRIS

9 **DISTRICT COURT**  
10 **CLARK COUNTY, NEVADA**

11 \* \* \* \* \*

12 THE STATE OF NEVADA,

13 Plaintiff,

14 vs.

15 FREDERICK HARRIS,

16 Defendant.


CASE NO. C-13-291374-1  
DEPT. NO. 12

17 **NOTICE OF APPEAL**

18 NOTICE is hereby given that Defendant, FREDERICK HARRIS, hereby appeals to the  
19 Supreme Court of the State of Nevada from his sentence announced on October 27, 2015. The  
20 Judgment of Conviction has not yet been filed.

21 DATED this 27 day of October, 2015.

22 By

  
23 CHRISTOPHER R. ORAM  
24 Nevada Bar #004349  
25 520 South Fourth Street.,  
26 Las Vegas, Nevada 89101

27 Attorney for Defendant  
28 FREDERICK HARRIS

CHRISTOPHER R. ORAM, LTD.  
520 SOUTH 4TH STREET | SECOND FLOOR  
LAS VEGAS, NEVADA 89101  
TEL. 702.384-5563 | FAX. 702.974-0623

CHRISTOPHER R. ORAM, LTD.  
520 SOUTH 4<sup>TH</sup> STREET | SECOND FLOOR  
LAS VEGAS, NEVADA 89101  
TEL. 702.384-5563 | FAX. 702.974-0623

**CERTIFICATE OF SERVICE**

I hereby certify that on the 21 day of October, 2015, I served a true and correct copy of the foregoing document entitled **NOTICE OF APPEAL** to the Clark County District Attorney's Office by sending a copy via electronic mail to:

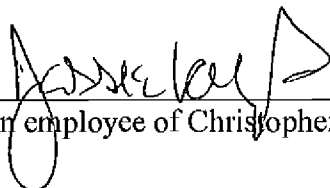
CLARK COUNTY DISTRICT ATTORNEY'S OFFICE

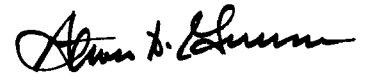
I further certify that on the 21 day of October, 2015, I did deposit in the United States Post Office, at Las Vegas, Nevada, in a sealed envelope with postage fully pre-paid thereon, a true and correct copy of the above and foregoing **NOTICE OF APPEAL**, addressed to:

Supreme Court Clerk  
Supreme Court Building  
201 S. Carson Street  
Carson City, Nevada 89701

Adam Paul Laxalt  
Attorney General  
100 North Carson Street  
Carson City, Nevada 89701

BY:

  
An employee of Christopher R. Oram, Esq.



CLERK OF THE COURT

1 **CASA**  
2 CHRISTOPHER R. ORAM, ESQ.  
3 Nevada State Bar #004349  
4 520 S. Fourth Street, 2nd Floor  
5 Las Vegas, Nevada 89101  
6 (702) 384-5563

7 Attorney for Defendant  
8 FREDERICK HARRIS

9 **DISTRICT COURT**  
10 **CLARK COUNTY, NEVADA**

11 \* \* \* \* \*

12 THE STATE OF NEVADA,  
13  
14 Plaintiff,

15 vs.

16 FREDERICK HARRIS,  
17  
18 Defendant.

CASE NO. C-13-291374-1  
DEPT. NO. 12

19 **CASE APPEAL STATEMENT**

20 1. Appellant : FREDERICK HARRIS  
21 2. Judge : Hon. Michelle Leavitt  
22 3. Parties in District Court : State of Nevada v. Frederick Harris  
23 4. Parties in Appeal : Frederick Harris v. State of Nevada  
24 5. Counsel on Appeal : Christopher R. Oram, Esq.  
25 520 S. Fourth Street, 2nd Floor  
26 Las Vegas, Nevada 89101  
27 (702) 384-5563

28 Steve Wolfson  
District Attorney  
200 Lewis Avenue  
Las Vegas, NV 89155  
(702) 671-2500

Adam Paul Laxalt  
Attorney General  
100 North Carson Street  
Carson City, Nevada 89701

- 1 6. Appellant was represented by court retained counsel in the district court.
- 2 7. Appellant is currently represented by retained counsel on appeal.
- 3 8. Appellant has not been granted leave to proceed in form pauperis as of this date.
- 4 9. Mr. Harris was sentenced on October 27, 2015. Mr. Harris' Judgment of Conviction has
- 5 not been filed. Mr. Harris appeals to the Nevada Supreme Court from this judgment and
- 6 sentence.

7  
8 DATED this 27 day of October, 2015.

9  
10 Respectfully submitted by:

11 

12 CHRISTOPHER R. ORAM, ESQ.  
13 Nevada Bar No. 004349  
14 520 S. Fourth Street, 2nd Floor  
15 Las Vegas, Nevada 89101  
16 (702) 384-5563

17 Attorney for Defendant  
18 FREDERICK HARRIS  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**CERTIFICATE OF SERVICE**

I hereby certify that on the 27 day of October, 2015, I served a true and correct copy of the foregoing document entitled **CASE APPEAL STATEMENT** to the Clark County District Attorney's Office by sending a copy via electronic mail to:

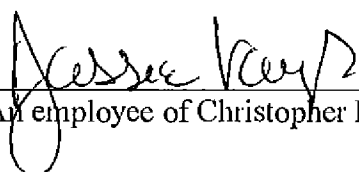
CLARK COUNTY DISTRICT ATTORNEY'S OFFICE

I further certify that on the 27 day of October, 2015, I did deposit in the United States Post Office, at Las Vegas, Nevada, in a sealed envelope with postage fully pre-paid thereon, a true and correct copy of the above and foregoing **CASE APPEAL STATEMENT** addressed to:

Supreme Court Clerk  
Supreme Court Building  
201 S. Carson Street  
Carson City, Nevada 89701

Adam Paul Laxalt  
Attorney General  
100 North Carson Street  
Carson City, Nevada 89701

BY:

  
An employee of Christopher R. Oram, Esq.

DEPARTMENT 12  
**CASE SUMMARY**  
**CASE NO. C-13-291374-1**

State of Nevada  
vs  
Frederick Harris Jr

§ Location: Department 12  
§ Judicial Officer: Leavitt, Michelle  
§ Filed on: 07/23/2013  
§ Cross-Reference Case Number: C291374  
§ Defendant's Scope ID #: 972945  
§ ITAG Booking Number: 1300009686  
§ ITAG Case ID: 1471427  
§ Lower Court Case # Root: 13F02924  
§ Lower Court Case Number: 13F02924X

CASE INFORMATION

Offense	Deg	Date	Case Type:	Felony/Gross Misdemeanor
1. CHILD ABUSE, NEGLECT, OR ENDANGERMENT Arrest: 02/21/2013	F	08/01/2007	Case Flags:	Appealed to Supreme Court Custody Status - Nevada Department of Corrections No Bail Set Bond/Bail Revoked Charge Description Updated
2. SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE Arrest: 02/21/2013	F	10/01/2010		
3. SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE Arrest: 02/21/2013	F	10/01/2010		
4. LEWDNESS WITH A CHILD UNDER THE AGE OF 14 Arrest: 02/21/2013	F	10/01/2010		
5. LEWDNESS WITH A CHILD UNDER THE AGE OF 14 Arrest: 02/21/2013	F	10/01/2010		
6. SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE Arrest: 02/21/2013	F	10/01/2010		
7. LEWDNESS WITH A CHILD UNDER THE AGE OF 14 Arrest: 02/21/2013	F	10/01/2010		
8. SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE Arrest: 02/21/2013	F	10/01/2010		
9. SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE Arrest: 02/21/2013	F	10/01/2010		
10. SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE Arrest: 02/21/2013	F	10/01/2010		
11. SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE Arrest: 02/21/2013	F	10/01/2010		
12. LEWDNESS WITH A CHILD UNDER THE AGE OF 14 Arrest: 02/21/2013	F	10/01/2010		
13. SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE Arrest: 02/21/2013	F	10/01/2010		
14. SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE Arrest: 02/21/2013	F	10/01/2010		
15. CHILD ABUSE, NEGLECT, OR ENDANGERMENT Arrest: 02/21/2013	F	08/01/2007		
16. CHILD ABUSE, NEGELCT, OR ENDANGERMENT Arrest: 02/21/2013	F	08/01/2007		

**DEPARTMENT 12**  
**CASE SUMMARY**  
**CASE NO. C-13-291374-1**

17. CHILD ABUSE, NEGLECT, OR ENDANGERMENT	F	08/01/2007
Arrest: 02/21/2013		
18. CHILD ABUSE, NEGLECT, OR ENDANGERMENT	F	01/01/2005
Arrest: 02/21/2013		
19. FIRST DEGREE KIDNAPPING	F	12/01/2004
Arrest: 02/21/2013		
20. LEWDNESS WITH A CHILD UNDER THE AGE OF 14	F	12/01/2004
Arrest: 02/21/2013		
21. SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE	F	12/01/2004
Arrest: 02/21/2013		
22. SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE	F	12/01/2004
Arrest: 02/21/2013		
23. COERCION (SEXUALLY MOTIVATED)	F	12/01/2004
Arrest: 02/21/2013		
24. ADMINISTRATION OF A DRUG TO AID IN THE COMMISSION OF A CRIME	F	08/01/2007
Arrest: 02/21/2013		
25. FIRST DEGREE KIDNAPPING	F	08/01/2007
Arrest: 02/21/2013		
26. SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE	F	08/01/2007
Arrest: 02/21/2013		
27. ADMINISTRATION OF A DRUG TO AID IN THE COMMISSION OF A CRIME	F	09/01/2007
Arrest: 02/21/2013		
28. FIRST DEGREE KIDNAPPING	F	09/01/2007
Arrest: 02/21/2013		
29. SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE	F	09/01/2007
Arrest: 02/21/2013		
30. SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE	F	09/01/2007
Arrest: 02/21/2013		
31. SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE	F	09/01/2007
Arrest: 02/21/2013		
32. SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE	F	09/01/2007
Arrest: 02/21/2013		
33. SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE	F	09/01/2007
Arrest: 02/21/2013		
34. SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE	F	09/01/2007
Arrest: 02/21/2013		
35. SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE	F	09/01/2007
Arrest: 02/21/2013		
36. SEXUAL ASSAULT	F	05/01/2009
Arrest: 02/21/2013		
37. FIRST DEGREE KIDNAPPING	F	08/01/2010
Arrest: 02/21/2013		
38. BATTERY WITH INTENT TO COMMIT SEXUAL ASSAULT	F	08/01/2010
Arrest: 02/21/2013		
39. SEXUAL ASSAULT	F	08/01/2010

DEPARTMENT 12  
**CASE SUMMARY**  
**CASE NO. C-13-291374-1**

Arrest: 02/21/2013		
40. SEXUAL ASSAULT	F	08/01/2010
Arrest: 02/21/2013		
41. SEXUAL ASSAULT	F	08/01/2011
Arrest: 02/21/2013		
42. PANDERING	F	08/01/2007
Arrest: 02/21/2013		
43. SEXUAL ASSAULT	F	08/01/2007
Arrest: 02/21/2013		
44. LIVING FROM THE EARNINGS OF A PROSTITUTE	F	08/01/2007
Arrest: 02/21/2013		
45. BATTERY BY STRANGULATION	F	08/01/2007
Arrest: 02/21/2013		

DATE	CASE ASSIGNMENT
------	-----------------








**Current Case Assignment**

Case Number	C-13-291374-1
Court	Department 12
Date Assigned	07/23/2013
Judicial Officer	Leavitt, Michelle

PARTY INFORMATION
-------------------















<b>Defendant</b>	<b>Harris Jr, Frederick Harold</b>	<i>Lead Attorneys</i> <b>Allen, Betsy</b> <i>Retained</i> 702-386-9700(W)
<b>Plaintiff</b>	<b>State of Nevada</b>	<b>Wolfson, Steven B</b> 702-671-2700(W)

DATE	EVENTS & ORDERS OF THE COURT	INDEX
------	------------------------------	-------

07/23/2013	 Information <i>Information</i>	
07/23/2013	 Criminal Bindover <i>Criminal Bindover</i>	
07/30/2013	 <b>Initial Arraignment</b> (1:30 PM) (Judicial Officer: Martin, Eugene)	
07/31/2013	 Transcript of Proceedings <i>Volume I Reporter's Transcript of Preliminary Hearing 4/29/13</i>	
07/31/2013	 Transcript of Proceedings <i>Volume II Reporter's Transcript of Preliminary Hearing 5/7/13</i>	
07/31/2013	 Transcript of Proceedings <i>Volume III Reporter's Transcript of Preliminary Hearing 6/11/13</i>	
07/31/2013	 Transcript of Proceedings <i>Volume IV Reporter's Transcript of Preliminary Hearing 6/13/13</i>	











DEPARTMENT 12  
**CASE SUMMARY**  
**CASE NO. C-13-291374-1**

08/08/2013	 Transcript of Proceedings <i>Reporter's Transcript of Bindover 7/19/13</i>
10/08/2013	 <b>Calendar Call</b> (8:30 AM) (Judicial Officer: Leavitt, Michelle)
10/15/2013	<b>CANCELED Jury Trial</b> (1:30 PM) (Judicial Officer: Leavitt, Michelle) <i>Vacated - per Judge</i>
02/21/2014	 Motion <i>Defendant's Motion to Preserve and Produce Evidence Including Potentially Exculpatory Evidence</i>
03/10/2014	 Notice of Witnesses and/or Expert Witnesses <i>Defendant's Notice of Witnesses</i>
03/11/2014	 <b>Motion</b> (8:30 AM) (Judicial Officer: Leavitt, Michelle) <i>Defendant's Motion to Preserve and Produce Evidence Including Potentially Exculpatory Evidence</i>
03/12/2014	 Order to Release Medical Records <i>Order for Production of Medical Records</i>
03/12/2014	 Order to Release Medical Records <i>Order for Production of Medical Records</i>
03/14/2014	 Notice of Witnesses and/or Expert Witnesses <i>Notice of Witnesses and/or Expert Witnesses</i>
03/14/2014	 Order <i>Order Releasing Child Protective Services Records</i>
03/17/2014	 Notice <i>Defendant's Second Notice of Witnesses</i>
03/18/2014	 <b>Calendar Call</b> (8:30 AM) (Judicial Officer: Brennan, James)
03/19/2014	 Notice <i>Defendant's Third Notice of Witnesses</i>
03/24/2014	<b>CANCELED Jury Trial</b> (1:00 PM) (Judicial Officer: Leavitt, Michelle) <i>Vacated - per Judge</i>
03/25/2014	 <b>Jury Trial</b> (10:30 AM) (Judicial Officer: Leavitt, Michelle) <b>03/25/2014-03/27/2014, 03/31/2014-04/04/2014, 04/07/2014, 04/09/2014-04/11/2014, 04/14/2014-04/15/2014</b>
03/25/2014	<b>CANCELED Jury Trial</b> (1:30 PM) (Judicial Officer: Leavitt, Michelle) <i>Vacated - per Judge</i>
03/27/2014	 Amended Information <i>Amended Information</i>
03/28/2014	 Jury List

DEPARTMENT 12  
**CASE SUMMARY**  
**CASE NO. C-13-291374-1**

Party: Plaintiff State of Nevada  
*Filed in Open Court*

03/31/2014	 Ex Parte Application <i>Ex Parte Application for Order Requiring Material Witness to Post Bail</i>
03/31/2014	 Request for Attendance of Out-Of-State Witness <i>Request for Attendance of Out-Of-State Witness Victoria Duke</i>
04/02/2014	 Stipulation and Order <i>Stipulation and Order Regarding Discovery of Child Pornographic Materials</i>
04/02/2014	 Ex Parte Motion <i>Ex Parte Motion and Order for Release of S.N.C.A.C. Records</i>
04/09/2014	 Amended Jury List <i>Amended Jury List</i>
04/11/2014	 Jury List <i>Second Amended Jury List</i>
04/11/2014	 Jury Instructions <i>Jury Instructions</i>
04/15/2014	 Verdict <i>Verdict</i>
04/16/2014	<p><b>Disposition</b> (Judicial Officer: Leavitt, Michelle)</p> <p>1. CHILD ABUSE, NEGLECT, OR ENDANGERMENT Not Guilty PCN: Sequence:</p> <p>15. CHILD ABUSE, NEGLECT, OR ENDANGERMENT Not Guilty PCN: Sequence:</p> <p>17. CHILD ABUSE, NEGLECT, OR ENDANGERMENT Not Guilty PCN: Sequence:</p> <p>18. CHILD ABUSE, NEGLECT, OR ENDANGERMENT Not Guilty PCN: Sequence:</p> <p>27. ADMINISTRATION OF A DRUG TO AID IN THE COMMISSION OF A CRIME Not Guilty PCN: Sequence:</p> <p>30. SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE Not Guilty PCN: Sequence:</p> <p>32. SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE Not Guilty PCN: Sequence:</p> <p>43. SEXUAL ASSAULT</p>

DEPARTMENT 12  
**CASE SUMMARY**  
**CASE NO. C-13-291374-1**

Not Guilty  
PCN: Sequence:

45. BATTERY BY STRANGULATION

Not Guilty  
PCN: Sequence:


04/28/2014

 Motion for New Trial  
*Defendant's Motion for a New Trial*


06/13/2014

 Opposition  
*Opposition to Defendant's Motion for New Trial*

06/19/2014

 **Motion for New Trial** (8:30 AM) (Judicial Officer: Leavitt, Michelle)  
**06/19/2014, 07/15/2014, 09/30/2014, 10/16/2014, 10/30/2014, 11/24/2014, 01/05/2015, 02/17/2015, 06/30/2015**  
*Defendant's Motion for a New Trial*


07/09/2014

 Reply  
*Defendant's Reply to State's Response to Motion for a New Trial and Supplement to Defendant's Motion for a New Trial*

07/17/2014

**CANCELED Sentencing** (8:30 AM) (Judicial Officer: Leavitt, Michelle)  
*Vacated - per Judge*  
**SENTENCING (JURY VERDICT) / DISMISSAL OF COUNTS 1, 15, 17, 18, 27, 30, 32, 43 AND 45**


07/22/2014

 Order  
*Order for Transcripts*

08/11/2014

 Recorders Transcript of Hearing  
*Tuesday, March 25, 2014 Recorder's Rough Draft Transcript of Proceedings Jury Trial, Day 1 - Voir Dire Only*

08/11/2014

 Recorders Transcript of Hearing  
*Wednesday, March 26, 2014 Recorder's Rough Draft Transcript of Proceedings Jury Trial, Day 2 - Voir Dire*


10/29/2014

 Opposition to Motion  
*State's Opposition to Defendant's Supplemental Motion for New Trial*


11/24/2014

**Evidentiary Hearing** (10:30 AM) (Judicial Officer: Leavitt, Michelle)  
**11/24/2014, 01/05/2015, 02/17/2015, 06/30/2015**

11/24/2014

 **All Pending Motions** (10:30 AM) (Judicial Officer: Leavitt, Michelle)


01/05/2015

 **All Pending Motions** (10:30 AM) (Judicial Officer: Leavitt, Michelle)

01/12/2015









 Order  
*Order for Production of Documents*

02/17/2015

 **All Pending Motions** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

03/25/2015

DEPARTMENT 12  
**CASE SUMMARY**  
**CASE NO. C-13-291374-1**

	 Order <i>Order for Production of Documents</i>
03/25/2015	 Order <i>Order for Production of Documents</i>
05/19/2015	 Notice of Rescheduling <i>Notice Of Rescheduling Of Hearings</i>
06/30/2015	 <b>All Pending Motions</b> (8:30 AM) (Judicial Officer: Leavitt, Michelle)
10/21/2015	 PSI
10/27/2015	 Notice of Appeal (criminal) <i>Notice of Appeal</i>
10/27/2015	 Case Appeal Statement <i>Case Appeal Statement</i>
10/27/2015	 <b>Sentencing</b> (8:30 AM) (Judicial Officer: Leavitt, Michelle)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**July 30, 2013**

C-13-291374-1      State of Nevada  
vs  
Frederick Harris Jr

**July 30, 2013      1:30 PM      Initial Arraignment**

**HEARD BY:** Martin, Eugene      **COURTROOM:** RJC Lower Level Arraignment

**COURT CLERK:** Roshonda Mayfield

**RECORDER:** Kiara Schmidt

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Allen, Betsy, ESQ	Attorney
	Harris Jr, Frederick Harold	Defendant
	Miller, James J.	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- DEFT. HARRIS JR. ARRAIGNED, PLED NOT GUILTY, and INVOKED the 60-DAY RULE. COURT ORDERED, matter set for trial. Upon inquiry by the court clerk Attorney Allen CONFIRMS the defendant WAIVES 2 weeks regarding the trial date set being outside of the 60 days.

**CUSTODY**

10/8/13 8:30 A.M. CALENDAR CALL (DEPT. 12)

10/15/13 1:30 P.M. JURY TRIAL (DEPT. 12)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**October 08, 2013**

---

C-13-291374-1      State of Nevada  
                                 vs  
                                 Frederick Harris Jr

---

**October 08, 2013      8:30 AM      Calendar Call**

**HEARD BY:** Leavitt, Michelle      **COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Susan Jovanovich

**RECORDER:** Patti Slattery

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Allen, Betsy, ESQ	Attorney
	Harris Jr, Frederick Harold	Defendant
	Keeler, Brett O.	Attorney
	Luzaich, Elissa	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Court TRAILED and RECALLED matter for all parties to appear. Ms. Allen advised defense does not have any CPS records. Ms. Luzaich advised State had requested the local CPS records, to be forwarded to Chambers for in-camera review, and nothing has been received yet. Court clarified it has not received these records. Ms. Luzaich advised she will send another request, and State will need a Court order to retrieve the records from Utah. Ms. Allen advised defense has an outstanding medical records request. At request of parties, COURT ORDERED, trial date VACATED AND RESET. Parties estimated 2 weeks for trial. SO NOTED.

CUSTODY

3/18/14 8:30 A.M. CALENDAR CALL

3/25/14 1:30 P.M. TRIAL BY JURY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

## Felony/Gross Misdemeanor

# COURT MINUTES

**March 11, 2014**

C-13-291374-1                      State of Nevada  
vs  
Frederick Harris Jr

**March 11, 2014**                      **8:30 AM**                      **Motion**

**HEARD BY:** Leavitt, Michelle                      **COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Susan Jovanovich

**RECORDER:** Kristine Cornelius

**REPORTER:**

## PARTIES

<b>PRESENT:</b>	Allen, Betsy, ESQ	Attorney
	Harris Jr, Frederick Harold	Defendant
	Luzaich, Elissa	Attorney
	Rhoades, Kristina A.	Attorney
	State of Nevada	Plaintiff

## JOURNAL ENTRIES

- Ms. Allen advised she reviewed State's file, and CPS records were already provided to the Court. Ms. Luzaich advised State did not file an Opposition to the Motion, as the parties are working everything out on the discovery. Ms. Allen advised State has provided police reports, and are ordering additional reports for defense; further noting defense has proposed orders for the Court, regarding medical records. Ms. Allen added there are records for the Co-Def't's case, and defense will be requesting medical records for her client's case. State made no objection. Ms. Allen informed the Court there are additional records that need to be reviewed by Court in-camera. State made no objection. CONFERENCE AT BENCH. Orders submitted by Ms. Allen regarding additional medical records SIGNED BY COURT. Trial date STANDS.

## CUSTODY

3/18/14 8:30 A.M. CALENDAR CALL

3/25/14 1:30 P.M. TRIAL BY JURY



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**March 18, 2014**

---

C-13-291374-1      State of Nevada  
                                 vs  
                                 Frederick Harris Jr

---

**March 18, 2014      8:30 AM      Calendar Call**

**HEARD BY:** Brennan, James      **COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Susan Jovanovich

**RECORDER:** Kristine Cornelius

**REPORTER:**

**PARTIES**

**PRESENT:**      Allen, Betsy, ESQ      Attorney  
                                 Harris Jr, Frederick Harold      Defendant  
                                 Luzaich, Elissa      Attorney  
                                 State of Nevada      Plaintiff

**JOURNAL ENTRIES**

- Both parties announced ready for trial. Counsel estimated 7-10 witnesses, 2 witnesses from out-of-state, and 2 weeks for trial. COURT ORDERED, trial date SET.

**CUSTODY**

3/24/14 1:00 P.M. TRIAL BY JURY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**March 25, 2014**

---

C-13-291374-1      State of Nevada  
                                 vs  
                                 Frederick Harris Jr

---

**March 25, 2014      10:30 AM      Jury Trial**

**HEARD BY:** Leavitt, Michelle      **COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Susan Jovanovich

**RECORDER:** Kristine Cornelius

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Allen, Betsy, ESQ	Attorney
	Harris Jr, Frederick Harold	Defendant
	Luzaich, Elissa	Attorney
	MacArthur, Jonathan	Attorney
	Rhoades, Kristina A.	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- OUTSIDE PRESENCE OF PROSPECTIVE JURY PANEL: Colloquy regarding trial schedule for tomorrow morning.

PROSPECTIVE JURY PANEL PRESENT: Introductory statements by Court and by counsel. Clerk called roll and SWORE the entire Prospective Jury Panel. Voir Dire commenced.

Evening recess. TRIAL CONTINUES.

CUSTODY

3/26/14 10:00 A.M. TRIAL BY JURY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****March 26, 2014**

C-13-291374-1      State of Nevada  
                                  vs  
                                  Frederick Harris Jr

**March 26, 2014      10:00 AM      Jury Trial**

**HEARD BY:** Leavitt, Michelle      **COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Susan Jovanovich

**RECORDER:** Kristine Cornelius

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Allen, Betsy, ESQ	Attorney
	Harris Jr, Frederick Harold	Defendant
	Luzach, Elissa	Attorney
	MacArthur, Jonathan	Attorney
	Rhoades, Kristina A.	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- OUTSIDE PRESENCE OF PROSPECTIVE JURY PANEL: Court stated Prospective Juror with Badge No. 0019, is currently on their way here, further noting the prospective juror was notified telephonically earlier, and had believed trial will be starting at 11:00 a.m. today, not at 10:00 a.m. Court further stated it would like to wait this morning, until this prospective juror arrives. Parties made no objections. Ms. Allen advised she provided an envelope of documents to Chambers for in-camera review, consisting of psych records that her investigator had given to her unsealed. Additionally, upon receipt, defense just forwarded these documents to the Court, and did not look at them. Court stated it believes the documents need to be turned over to both parties. Ms. Luzach made no objections; and advised State has the right to challenge on whether or not the information provided in-camera is admissible. Court agreed. Thereafter, copies of the documents were provided to both State and defense by Court. Court Exhibit presented (See Worksheets.). Court TRAILED matter for the remaining Prospective Juror to arrive.

CASE RECALLED.

PROSPECTIVE JURY PANEL PRESENT: Voir Dire commenced.

OUTSIDE PRESENCE OF PROSPECTIVE JURY PANEL: Prospective Juror with Badge No. 0023 is present in Court, and made statements regarding financial and employment hardship. Following further discussions, Court thanked and excused Badge No. 0023 for cause.

PROSPECTIVE JURY PANEL PRESENT: Voir Dire commenced further. JURY SELECTED. Court thanked and excused the remaining jury panel members. Thereafter, Court admonished and excused the Jury to return tomorrow morning at 10:30 a.m.

OUTSIDE PRESENCE OF JURY: Colloquy as to Deft's recorded statements to police to be presented by State during trial.

Evening recess. TRIAL CONTINUES.

CUSTODY

3/27/14 10:30 A.M. TRIAL BY JURY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**March 27, 2014**

---

C-13-291374-1      State of Nevada  
                                 vs  
                                 Frederick Harris Jr

---

**March 27, 2014      10:30 AM      Jury Trial**

**HEARD BY:** Leavitt, Michelle      **COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Susan Jovanovich

**RECORDER:** Kristine Cornelius

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Allen, Betsy, ESQ	Attorney
	Harris Jr, Frederick Harold	Defendant
	Luzaich, Elissa	Attorney
	MacArthur, Jonathan	Attorney
	Rhoades, Kristina A.	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- OUTSIDE PRESENCE OF JURY: There being no objection by defense, COURT ORDERED, Amended Information FILED IN OPEN COURT to correct typographical errors on Count 43 and Count 45.

JURY PRESENT: Jury SWORN by Clerk and instructed by Court. Clerk read the Amended Information. Further instructions were instructed by Court. Opening statements by Ms. Luzaich and Mr. MacArthur. Testimony presented (See Worksheets.).

OUTSIDE PRESENCE OF JURY: Ms. Allen advised she noticed during openings, State mentioned that Rose Smith was coming in for the trial, and defense has had no ability to contact her, as no contact information was provided by State in any way, which presents a problem. Additionally, defense has not had the opportunity to locate Ms. Smith at this point. Thereafter, Ms. Allen moved to exclude Ms. Smith from trial; and argued pursuant to Statute, the State needs to update their witness

list. Further, defense never received Ms. Smith's address after the discovery Motion was filed. Ms. Luzaich argued defense has not said anything when parties spoke about the case, and if something was said, the State would have provided the contact information. Additionally, State will provide a telephone number. Ms. Allen advised she appreciates the information, however, the remedy would be to exclude the witness, and the witness list was not updated. COURT ORDERED, State to provide the telephone number of Ms. Smith to defense. Court advised counsel if they still did not get the opportunity to contact Ms. Smith, parties can revisit this Motion at a later date. Ms. Allen indicated there may be a different incident report regarding an argument that occurred on Blankenship Street. Following discussions, Ms. Allen advised parties stipulate that no testimony will be made on a conversation being heard by an officer at the Blankenship residence, and just a loud noise had occurred. State concurred. SO NOTED.

Lunch recess.

OUTSIDE PRESENCE OF JURY: Ms. Allen addressed on a proffer regarding a book written by the children's mother, and further noted defense does not intend on getting into the facts of the book, which was about rape shield. Ms. Allen advised defense believes the book gestures bias from the mother and the nature in this case, and defense will be asking about the book being written and set to be published, but not about the substance. Ms. Luzaich advised she does not know what the book is about, however, the story in the book is the mother claimed she was raped by somebody, had thought about revenge, and kills someone. Upon Court's inquiry, Ms. Luzaich advised the story is fictional. Following discussions, Ms. Luzaich objected to defense bringing information about the book, as it is inappropriate, it has nothing to do with this case, there was no hearing about this issue, and it is misleading. Arguments by counsel. COURT ORDERED, information regarding the book is EXCLUDED, unless the witness says something during testimony that makes the book become relevant.

JURY PRESENT: Testimony presented (See Worksheets.).

OUTSIDE PRESENCE OF JURY: State provided contact information to defense regarding Rose Smith. Discussions as to limited stipulation that was made about the CPS records and testimony; and further discussions regarding witness line up, length of examination on witnesses, and trial schedule.

Evening recess. TRIAL CONTINUES.

CUSTODY

3/31/14 10:30 A.M. TRIAL BY JURY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**March 31, 2014**

---

C-13-291374-1	State of Nevada
	vs
	Frederick Harris Jr

---

**March 31, 2014      10:30 AM      Jury Trial**

**HEARD BY:** Leavitt, Michelle      **COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Susan Jovanovich

**RECORDER:** Kristine Cornelius

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Allen, Betsy, ESQ	Attorney
	Harris Jr, Frederick Harold	Defendant
	Luzaich, Elissa	Attorney
	MacArthur, Jonathan	Attorney
	Rhoades, Kristina A.	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- OUTSIDE PRESENCE OF JURY: Prior to trial starting, both parties in the presence of the Clerk, opened an evidence envelope provided by Metro, for review of a proposed exhibit.

JURY PRESENT: Testimony and Exhibits presented (See Worksheets.). State's current witness on the Stand complained to the Court about not feeling well. Court EXCUSED the Jury for a break until 1:15 p.m.

OUTSIDE PRESENCE OF JURY: State's witness Tina Duke, is present on the Stand. Court DIRECTED the Marshal to call Control and have emergency personnel come into the Courtroom, to medically examine the witness. MATTER TRAILED. Following examination of the witness, by paramedics, Court EXCUSED the trial attorneys to return at 1:15 p.m.

Lunch recess.

JURY PRESENT: Further testimony presented (See Worksheets.).

OUTSIDE PRESENCE OF JURY: State made objections regarding inadmissibility on a question asked by Mr. MacArthur, during cross examination of State's witness Tina Duke. Arguments as to State having made an objection regarding rape shield during testimony. Arguments by Mr. MacArthur as to relevancy of his question. Court SUSTAINED State's objection.

JURY PRESENT: Further testimony presented (See Worksheets.).

Evening recess. TRIAL CONTINUES.

CUSTODY

4/01/14 10:30 A.M. TRIAL BY JURY



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****April 01, 2014**

C-13-291374-1      State of Nevada  
vs  
Frederick Harris Jr

**April 01, 2014      10:30 AM      Jury Trial**

**HEARD BY:** Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Susan Jovanovich**RECORDER:** Kristine Cornelius**REPORTER:****PARTIES**

<b>PRESENT:</b>	Allen, Betsy, ESQ	Attorney
	Harris Jr, Frederick Harold	Defendant
	Luzaich, Elissa	Attorney
	MacArthur, Jonathan	Attorney
	Rhoades, Kristina A.	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- JURY PRESENT: Testimony presented (See Worksheets.).

**OUTSIDE PRESENCE OF JURY:** At request of defense, Voir Dire was conducted with State's witness Dr. Mehta. Following examination, Ms. Allen informed the Court there are lab reports regarding one of the alleged victims in Dr. Mehta's possession on the Stand, which were not provided to defense. Ms. Luzaich objected; and argued defense came and looked at State's file months ago. Court provided copies of the lab reports to defense. Voir Dire commenced further with Dr. Mehta regarding medical records and a doctor visit from one of the minor victims. Ms. Allen argued defense is not sure if Dr. Mehta is qualified to testify on records that Dr. Gondy did reports on; and requested Court to preclude Dr. Mehta on referring to Dr. Gondy's medical reports by during testimony. State cross examined Dr. Mehta during Voir Dire. Arguments by parties regarding hearsay, and opinions being given on the reports. Court **OVERRULED** objection made by defense, as State is not moving to admit the medical records in question. Ms. Allen argued this witness did

not have records at the time frame in question; and requested a proffer from the State. Ms. Luzaich argued State has already provided this during testimony on Voir Dire. Further arguments by counsel. Court's ruling on the objection STANDS.

JURY PRESENT: Testimony presented (See Worksheets.).

OUTSIDE PRESENCE OF JURY: Upon Court's inquiry, Dr. Mehta advised photographs taken during the medical examination are in possession of CAC, and she is not able to request such photographs. Court thanked and excused the witness from her subpoena. Dr. Mehta exited the Courtroom. Ms. Allen advised she does not have the photographs from the medical examination; and requested State to obtain them. Ms. Luzaich advised the Court needs to issue an order, and state findings under Epperson. Additionally, State sent an email to CAC, and received no response yet. Court directed State to prepare the order as to photographs. Colloquy regarding trial schedule for tomorrow.

EXCLUSIONARY RULE INVOKED.

JURY PRESENT: Testimony and Exhibits presented (See Worksheets.). Court admonished and excused the Jury for the evening, to return tomorrow morning at 10:30 a.m.

OUTSIDE PRESENCE OF JURY: Court noted for the record one of the jurors wanted to ask a question to Deft, and the Court reminded the jury panel they can ask written questions to witnesses. Parties acknowledged.

Evening recess. TRIAL CONTINUES.

CUSTODY

4/02/14 10:30 A.M. TRIAL BY JURY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**April 02, 2014**

---

C-13-291374-1      State of Nevada  
                                 vs  
                                 Frederick Harris Jr

---

**April 02, 2014      10:30 AM      Jury Trial**

**HEARD BY:** Leavitt, Michelle      **COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Susan Jovanovich

**RECORDER:** Kristine Cornelius

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Allen, Betsy, ESQ	Attorney
	Harris Jr, Frederick Harold	Defendant
	Luzaich, Elissa	Attorney
	MacArthur, Jonathan	Attorney
	Rhoades, Kristina A.	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- JURY PRESENT: Testimony presented (See Worksheets.).

OUTSIDE PRESENCE OF JURY: Order releasing records and Stipulation and Order regarding discovery SIGNED AND FILED IN OPEN COURT. Both parties made disclosures to the Court.

JURY PRESENT: Further testimony and Exhibits presented (See Worksheets.).

Evening recess. TRIAL CONTINUES.

CUSTODY

4/03/14 10:00 A.M. TRIAL BY JURY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**April 03, 2014**

C-13-291374-1      State of Nevada  
vs  
Frederick Harris Jr

**April 03, 2014      10:00 AM      Jury Trial**

**HEARD BY:** Leavitt, Michelle      **COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Susan Jovanovich

**RECORDER:** Kristine Cornelius

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Allen, Betsy, ESQ	Attorney
	Harris Jr, Frederick Harold	Defendant
	Luzach, Elissa	Attorney
	MacArthur, Jonathan	Attorney
	Rhoades, Kristina A.	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- JURY PRESENT: Testimony and Exhibits presented (See Worksheets.).

OUTSIDE PRESENCE OF JURY: Defense made objections on Dr. Gondy testifying about Lealer Cooks' representation about one of the minor victims. Arguments by State. Court OVERRULED objection by defense.

JURY PRESENT: Testimony presented (See Worksheets.).

Evening recess. TRIAL CONTINUES.

CUSTODY

4/04/14 9:00 A.M. TRIAL BY JURY



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****April 04, 2014**

C-13-291374-1      State of Nevada  
vs  
Frederick Harris Jr

**April 04, 2014      9:00 AM      Jury Trial**

**HEARD BY:** Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Susan Jovanovich**RECORDER:** Kristine Cornelius**REPORTER:****PARTIES**

<b>PRESENT:</b>	Allen, Betsy, ESQ	Attorney
	Harris Jr, Frederick Harold	Defendant
	Luzaich, Elissa	Attorney
	MacArthur, Jonathan	Attorney
	Rhoades, Kristina A.	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- OUTSIDE PRESENCE OF JURY: Ms. Allen advised the first witness for today is Deft's daughter, and State informed defense the daughter had pled guilty to two Misdemeanor battery charges. Additionally, the actual charges had occurred prior to an outburst in Justice Court during the Preliminary Hearing. Ms. Allen argued the battery charges should not be able to come in; however, State can impeach the witness if the door gets open. Ms. Luzaich advised during Preliminary Hearing, Deft's daughter charged at witness Victoria Duke, and threatened to kill her, further noting the daughter is emotionally violent and was held in contempt of Court due to the Courtroom incident. Ms. Allen argued the two battery charges have nothing to do with this case, and the information is precluded by statute. Ms. Allen argued the charges stem from when the daughter broke into her own home after being locked out by her boyfriend. Further arguments. Court GRANTED Deft's Motion to preclude witness from testifying about the battery charges, with exception that if the information becomes relevant during the examination, State can ask about the charges.

JURY PRESENT: Testimony and Exhibits presented (See Worksheets.).

Evening recess. TRIAL CONTINUES.

CUSTODY

4/07/14 10:00 A.M. TRIAL BY JURY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**April 07, 2014**

C-13-291374-1      State of Nevada  
vs  
Frederick Harris Jr

**April 07, 2014      10:00 AM      Jury Trial**

**HEARD BY:** Leavitt, Michelle      **COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Susan Jovanovich

**RECORDER:** Kristine Cornelius

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Allen, Betsy, ESQ	Attorney
	Harris Jr, Frederick Harold	Defendant
	Luzaich, Elissa	Attorney
	MacArthur, Jonathan	Attorney
	Rhoades, Kristina A.	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- JURY PRESENT: Testimony and Exhibits presented (See Worksheets.).

Evening recess. TRIAL CONTINUES.

CUSTODY

4/09/14 10:00 A.M. TRIAL BY JURY



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**April 09, 2014**

---

C-13-291374-1      State of Nevada  
                                 vs  
                                 Frederick Harris Jr

---

**April 09, 2014      9:30 AM      Jury Trial**

**HEARD BY:** Leavitt, Michelle      **COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Susan Jovanovich

**RECORDER:** Kristine Cornelius

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Allen, Betsy, ESQ	Attorney
	Harris Jr, Frederick Harold	Defendant
	Luzaich, Elissa	Attorney
	MacArthur, Jonathan	Attorney
	Rhoades, Kristina A.	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- OUTSIDE PRESENCE OF JURY: Court NOTED for the record Juror No. 6 has been excused from trial and from reporting to Court this morning, due to health issues. Parties made no objections. COURT ORDERED, Alternate Juror No. 13 will now be part of the seated Jury panel. Colloquy regarding trial schedule for the week, witness line up for defense, and status of proposed jury instructions.

JURY PRESENT: Testimony and Exhibits presented (See Worksheets.).

OUTSIDE PRESENCE OF JURY: Parties made a record regarding redacted transcript of State's Proposed Exhibit No. 3. Court Exhibit presented (See Worksheets.). Colloquy regarding witness line up. Ms. Allen advised there was a redacted portion of Deft's statement to police, which indicated one of the alleged victims was engaging in sexual intercourse in Utah and had admitted to this. Additionally, this would be covered by rape shield; however, defense located case law from Johnson

vs. State. Arguments by counsel as to admissibility and testimony from Deft. regarding the alleged victim. Counsel requested that Mr. MacArthur be allowed to ask about the Utah issue to the detective during cross examination; and argued defense believes the rape shield factor does not apply, as this would indicate the alleged victim had prior knowledge of sexual intercourse. Further, defense believes the question falls into completeness of Deft's statement. Court reviewed the case law provided by defense. Ms. Luzaich argued regarding NRS 50.090, and defense seeking to challenge credibility. Further arguments in opposition to defense' request and this having no basis of prior knowledge. Further arguments by defense. State provided the unredacted transcript from page 90, for Court to review. COURT ORDERED, Deft's Motion DENIED.

JURY PRESENT: Testimony and Exhibits presented (See Worksheets.). State's Exhibit No. 3 being an audio recording of Deft's statements to Metro, was PUBLISHED to the Jury.

Evening recess. TRIAL CONTINUES.

CUSTODY

4/10/14 10:30 A.M. TRIAL BY JURY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**April 10, 2014**

---

C-13-291374-1      State of Nevada  
                                 vs  
                                 Frederick Harris Jr

---

**April 10, 2014      10:30 AM      Jury Trial**

**HEARD BY:** Leavitt, Michelle      **COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Susan Jovanovich

**RECORDER:** Kristine Cornelius

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Allen, Betsy, ESQ	Attorney
	Harris Jr, Frederick Harold	Defendant
	Luzaich, Elissa	Attorney
	MacArthur, Jonathan	Attorney
	Rhoades, Kristina A.	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- JURY PRESENT: Testimony and Exhibits presented (See Worksheets.). State rested. Further testimony and Exhibits presented (See Worksheets.).

Evening recess. TRIAL CONTINUES.

CUSTODY

4/11/14 10:00 A.M. TRIAL BY JURY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**April 11, 2014**

C-13-291374-1      State of Nevada  
vs  
Frederick Harris Jr

**April 11, 2014      10:00 AM      Jury Trial**

**HEARD BY:** Leavitt, Michelle      **COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Susan Jovanovich

**RECORDER:** Kristine Cornelius

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Allen, Betsy, ESQ	Attorney
	Harris Jr, Frederick Harold	Defendant
	Luzaich, Elissa	Attorney
	MacArthur, Jonathan	Attorney
	Rhoades, Kristina A.	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- OUTSIDE PRESENCE OF JURY: Deft. was admonished of his right not to testify. Upon Court's inquiry, Deft. acknowledged; and indicated he will not be testifying. SO NOTED. Court TRAILED matter for jury instructions to be finalized. CASE RECALLED. Jury Instructions SETTLED. Objections were made by parties. Court Exhibits presented (See Worksheets.).

JURY PRESENT: Testimony presented (See Worksheets.). Defense rested. State had no rebuttal case; and rested. Court instructed Jury on the law. Closing arguments by Ms. Rhoades. Jury was admonished and excused for a lunch break.

OUTSIDE PRESENCE OF JURY: Court stated Jury Instruction No. 10 and information on Count 35, from in the instructions had to be revised, due to grammatical errors. Parties acknowledged; and made no objections to the revisions, or Jury receiving corrected revisions.

Lunch recess.

JURY PRESENT: Closing arguments by Ms. Allen. Rebuttal arguments by Ms. Luzaich. Marshal and Matron sworn by Clerk to take charge of Jury. Alternate Juror was identified; and instructed by Court. At the hour of 3:50 P.M., the Jury retired to deliberate.

Jury deliberating.

Evening recess. TRIAL CONTINUES.

CUSTODY

4/14/14 9:00 A.M. TRIAL BY JURY

DISTRICT COURT  
CLARK COUNTY, NEVADA

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**April 14, 2014**

---

C-13-291374-1      State of Nevada  
                                 vs  
                                 Frederick Harris Jr

---

**April 14, 2014      9:00 AM      Jury Trial**

**HEARD BY:** Leavitt, Michelle      **COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Susan Jovanovich

**RECORDER:** Kristine Cornelius

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Jury deliberating.

Court SWORE in the Clerk, to assist on taking charge of the Jury panel with the Matron and the Marshal.

Jury is still deliberating. Evening recess. TRIAL CONTINUES.

CUSTODY

4/15/14 9:00 A.M. TRIAL BY JURY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**April 15, 2014**

---

C-13-291374-1      State of Nevada  
                                 vs  
                                 Frederick Harris Jr

---

**April 15, 2014      9:00 AM      Jury Trial**

**HEARD BY:** Leavitt, Michelle      **COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Susan Jovanovich

**RECORDER:** Kristine Cornelius

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Allen, Betsy, ESQ	Attorney
	Harris Jr, Frederick Harold	Defendant
	Luzaich, Elissa	Attorney
	MacArthur, Jonathan	Attorney
	Rhoades, Kristina A.	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- 12:56 P.M.--JURY PRESENT: Court reconvened with all parties present from before. JURY RETURNED VERDICTS AS FOLLOWS:

COUNT 1 - NOT GUILTY OF CHILD ABUSE, NEGLECT, OR ENDANGERMENT (F);

COUNT 2 - GUILTY OF SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (F);

COUNT 3 - GUILTY OF SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (F);

COUNT 4 - GUILTY OF LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (F);

COUNT 5 - GUILTY OF LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (F);

COUNT 6 - GUILTY OF SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (F);

COUNT 7 - GUILTY OF LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (F);

COUNT 8 - GUILTY OF SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (F);

COUNT 9 - GUILTY OF SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (F);

COUNT 10 - GUILTY OF SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (F);

COUNT 11 - GUILTY OF SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (F);

COUNT 12 - GUILTY OF LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (F);

COUNT 13 - GUILTY OF SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (F);

COUNT 14 - GUILTY OF SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (F);

COUNT 15 - NOT GUILTY OF CHILD ABUSE, NEGLECT, OR ENDANGERMENT (F);

COUNT 16 - GUILTY OF CHILD ABUSE, NEGLECT, OR ENDANGERMENT (F);

COUNT 17 - NOT GUILTY OF CHILD ABUSE, NEGLECT, OR ENDANGERMENT (F);

COUNT 18 - NOT GUILTY OF CHILD ABUSE, NEGLECT, OR ENDANGERMENT (F);

COUNT 19 - GUILTY OF FIRST DEGREE KIDNAPPING (F);

COUNT 20 - GUILTY OF LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (F);

COUNT 21 - GUILTY OF SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (F);

COUNT 22 - GUILTY OF SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF



AGE (F);

COUNT 23 - GUILTY OF COERCION (SEXUALLY MOTIVATED) (F);

COUNT 24 - GUILTY OF ADMINISTRATION OF A DRUG TO AID IN THE COMMISSION OF A CRIME (F);

COUNT 25 - GUILTY OF FIRST DEGREE KIDNAPPING (F);

COUNT 26 - GUILTY OF SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE (F);

COUNT 27 - NOT GUILTY OF ADMINISTRATION OF A DRUG TO AID IN THE COMMISSION OF A CRIME (F);

COUNT 28 - GUILTY OF FIRST DEGREE KIDNAPPING (F);

COUNT 29 - GUILTY OF SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE (F);

COUNT 30 - NOT GUILTY OF SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE (F);

COUNT 31 - GUILTY OF SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE (F);

COUNT 32 - NOT GUILTY OF SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE (F);

COUNT 33 - GUILTY OF SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE (F);

COUNT 34 - GUILTY OF SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE (F);

COUNT 35 - GUILTY OF SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE (F);

COUNT 36 - GUILTY OF SEXUAL ASSAULT (F);

COUNT 37 - GUILTY OF FIRST DEGREE KIDNAPPING (F);

COUNT 38 - GUILTY OF BATTERY WITH INTENT TO COMMIT SEXUAL ASSAULT (F);

COUNT 39 - GUILTY OF SEXUAL ASSAULT (F);

COUNT 40 - GUILTY OF SEXUAL ASSAULT (F);

COUNT 41 - GUILTY OF SEXUAL ASSAULT (F);

COUNT 42 - GUILTY OF PANDERING (F);

COUNT 43 - NOT GUILTY OF SEXUAL ASSAULT (F);

COUNT 44 - GUILTY OF LIVING FROM THE EARNINGS OF A PROSTITUTE (F);

COUNT 45 - NOT GUILTY OF BATTERY BY STRANGULATION (F).

Jury polled at request of defense. Court thanked and excused the Jury from trial proceedings.

OUTSIDE PRESENCE OF JURY: COURT ORDERED, matter REFERRED to Division of Parole and Probation (P&P), and SET for sentencing. Ms. Luzaich requested Deft's bail setting be revoked, and for Deft. to be remanded into custody without bail, pending sentencing. Ms. Allen objected to revocation of bail; and argued Deft. has been in custody this whole time. COURT ORDERED, State's request GRANTED; Deft. REMANDED in this case WITHOUT BAIL PENDING SENTENCING; current bail setting REVOKED.

Court adjourned. TRIAL ENDS.

CUSTODY

7/17/14 8:30 A.M. SENTENCING (JURY VERDICT) / DISMISSAL OF COUNTS 1, 15, 17, 18, 27, 30, 32, 43 AND 45

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**June 19, 2014**

---

C-13-291374-1      State of Nevada  
                                 vs  
                                 Frederick Harris Jr

---

**June 19, 2014      8:30 AM      Motion for New Trial**

**HEARD BY:** Leavitt, Michelle      **COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Susan Jovanovich

**RECORDER:** Kristine Cornelius

**REPORTER:**

**PARTIES**

**PRESENT:**      Allen, Betsy, ESQ      Attorney  
                                 Burton, Chris      Attorney  
                                 Harris Jr, Frederick Harold      Defendant  
                                 State of Nevada      Plaintiff

**JOURNAL ENTRIES**

- Ms. Allen advised State filed an Opposition, which she received on Monday, and Ms. Luzaich had no objection with defense seeking to file a reply, or with defense appearing to make these representations today. At request of counsel, COURT ORDERED, matter CONTINUED for the reply to be filed.

**CUSTODY**

7/15/14 8:30 A.M. DEFT'S MOTION FOR A NEW TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**July 15, 2014**

---

C-13-291374-1      State of Nevada  
                                 vs  
                                 Frederick Harris Jr

---

**July 15, 2014      8:30 AM      Motion for New Trial**

**HEARD BY:** Leavitt, Michelle      **COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Susan Jovanovich

**RECORDER:** Kristine Cornelius

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Allen, Betsy, ESQ	Attorney
	Harris Jr, Frederick Harold	Defendant
	Luzaich, Elissa	Attorney
	Rhoades, Kristina A.	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Ms. Allen requested a continuance, to have this Court order a production of a copy of the Voir Dire transcript from trial, further noting State is seeking to file supplement to their response to Deft's Motion. Ms. Allen additionally requested that sentencing scheduled for this Thursday, July 17, 2014 be vacated, as defense does not have a PSI Report, yet. Court noted State needs to respond to the issues; and inquired if defense would want a recorded disc to be produced from Voir Dire. Ms. Allen requested the full Voir Dire addressing Juror No. 7. Following discussions, COURT ORDERED, written transcript of Voir Dire from trial to be done by August 11, 2014. Ms. Allen to submit an order. COURT FURTHER ORDERED, today's Motion is CONTINUED; sentencing is VACATED at this time.

**CUSTODY**

9/16/14 8:30 A.M. DEFT'S MOTION FOR A NEW TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**September 30, 2014**

---

C-13-291374-1      State of Nevada  
                                 vs  
                                 Frederick Harris Jr

---

**September 30, 2014    8:30 AM      Motion for New Trial**

**HEARD BY:** Leavitt, Michelle      **COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Susan Jovanovich

**RECORDER:** Kristine Cornelius

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Allen, Betsy, ESQ	Attorney
	Harris Jr, Frederick Harold	Defendant
	Luzaich, Elissa	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Ms. Luzaich apologized to the Court; and stated she was in trial last week, and did not have a chance to complete what she needed to do on this Motion. At request of State, and there being no objection by defense, COURT ORDERED, matter CONTINUED. Ms. Allen indicated there is no PSI Report. Ms. Luzaich advised State did not send the file to P&P yet, pending the result of this Motion.

**CUSTODY**

10/16/14 8:30 A.M. DEFT'S MOTION FOR A NEW TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**October 16, 2014**

---

C-13-291374-1      State of Nevada  
                                 vs  
                                 Frederick Harris Jr

---

**October 16, 2014      8:30 AM      Motion for New Trial**

**HEARD BY:** Leavitt, Michelle      **COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Susan Jovanovich  
Deborah Miller

**RECORDER:** Kristine Cornelius

**REPORTER:**

**PARTIES**

**PRESENT:**      Allen, Betsy, ESQ      Attorney  
                                 Luzaich, Elissa      Attorney  
                                 Oram, Christopher R      Attorney  
                                 State of Nevada      Plaintiff

**JOURNAL ENTRIES**

- At the request of parties, COURT ORDERED, matter CONTINUED.

CUSTODY

CONTINUED TO: 10/30/14 8:30 A.M.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**October 30, 2014**

---

C-13-291374-1      State of Nevada  
                                 vs  
                                 Frederick Harris Jr

---

**October 30, 2014      8:30 AM      Motion for New Trial**

**HEARD BY:** Leavitt, Michelle      **COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Susan Jovanovich  
Deborah Miller

**RECORDER:** Kristine Cornelius

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Allen, Betsy, ESQ	Attorney
	Harris Jr, Frederick Harold	Defendant
	Luzaich, Elissa	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Ms. Allen advised she did submit a supplement to Deft's Motion alleging juror misconduct; and requested an evidentiary hearing be set. Thereafter, counsel argued regarding the juror not wanting to sign an Affidavit due to future employment reasons, and discussions that were made between the jurors during deliberations. Further arguments in support of evidentiary hearing to be set, based on case law cited in the Motion. Ms. Luzaich opposed the request for evidentiary hearing; and argued State does not believe a hearing is appropriate, and defense failed to meet the burden. Additionally, the law is the jury cannot impeach their own verdict. Further arguments as to the Meyer case. Additional arguments by Ms. Allen as to case law cited in the Canada case, from Deft's supplemental Motion. COURT ORDERED, matter SET for evidentiary hearing; Motion CONTINUED.

**CUSTODY**

11/24/14 10:30 A.M. EVIDENTIARY HEARING...DEFT'S MOTION FOR A NEW TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**November 24, 2014**

---

C-13-291374-1      State of Nevada  
                                 vs  
                                 Frederick Harris Jr

---

**November 24, 2014      10:30 AM      All Pending Motions**

**HEARD BY:** Leavitt, Michelle      **COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Susan Jovanovich  
Deborah Miller

**RECORDER:** Kristine Cornelius

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Allen, Betsy, ESQ	Attorney
	Harris Jr, Frederick Harold	Defendant
	Luzaich, Elissa	Attorney
	Rhoades, Kristina A.	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- EVIDENTIARY HEARING...DEFT'S MOTION FOR NEW TRIAL

Also present: Chris Oram, Esq.

Exclusionary rule INVOKED, therefore, Ms. Harris was asked to leave the courtroom as she is a potential witness. Testimony and Exhibit presented (See Worksheet). Conference at the Bench. Ms. Allen requested matter be continued to allow the defense to subpoena additional witnesses. COURT SO ORDERED.

CUSTODY

MATTERS CONTINUED TO: 12/17/14 9:00 A.M.



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**January 05, 2015**

C-13-291374-1      State of Nevada  
vs  
Frederick Harris Jr

**January 05, 2015      10:30 AM      All Pending Motions**

**HEARD BY:** Leavitt, Michelle

**COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Susan Jovanovich

**RECORDER:** Kristine Cornelius

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Allen, Betsy, ESQ	Attorney
	Harris Jr, Frederick Harold	Defendant
	Luzaich, Elissa	Attorney
	Rhoades, Kristina A.	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- EVIDENTIARY HEARING...DEFT'S MOTION FOR A NEW TRIAL

Ms. Allen advised this matter was previously continued at her request; further noting she provided black and white copies of the Facebook posts, referenced by Juror No. 13 Robert Bell from his previous testimony, to the State this morning. Additionally, after this matter was continued, defense sent an email to Dept. 12's Law Clerk, which referenced Ms. Allen asking the State to continue the matter to have additional witnesses come in and testify today. Further, there are additional posts defense is seeking to obtain from Facebook to make a record on, which were allegedly made by two jurors, including Juror No. 7 Yvonne Lewis. Ms. Allen further advised State had agreed to issue subpoenas on the witnesses, however, a last minute decision was made by State to bring an offer of proof in, and to not have the witnesses subpoenaed to come to Court. Ms. Allen argued two jurors defied the Court's orders not to communicate about the trial with anyone, defense will be requesting to obtain additional records from Facebook, and defense had believed Ms. Lewis was going to be

present today based on the State's response in the previous emails.

Ms. Luzaich argued this matter was continued for the investigator to come testify, and parties had agreed to continue the case to allow the investigator to attend a funeral. Thereafter, State provided colored copies of the Facebook posts to the Court; and agreed to stipulate to this evidence. Thereafter, Ms. Luzaich argued these jurors did nothing wrong; and based on the Court's admonishments from March 27, 2014, the Court told the Jury they were permitted to let other people know they were jurors in a criminal case; and based on the Facebook posts, that is all what the jurors did, further noting the jurors did not make any comments about the case in the posts. Ms. Luzaich provided a one page copy of a drafted transcript from trial proceedings, addressing the Court's admonishment to the Jury. Ms. Luzaich further argued there is nothing inappropriate on these Facebook posts. Pursuant to stipulation made by parties, COURT ORDERED, State's Exhibits ADMITTED (See Worksheets.). Ms. Allen argued there are comments from the Facebook profile page that need to be made part of the record; and further argued defense was not trying to waste any time by communicating with the State through emails on the request for State to issue subpoenas on the two jurors that defense was seeking to call as witnesses today. Ms. Allen also argued the jurors were not permitted to discuss the matter on social media and there was clear misconduct. Ms. Luzaich added the jurors did not discuss about the case, the Court never told the jury panel they were not permitted to go on Facebook, and all these two jurors were doing were telling their friends that they were jurors. Court stated it has to be more specific on these admonishments from now on. Ms. Allen requested a continuance to obtain more information from Facebook, including a Court order to obtain additional information, with regards to the picture submitted by State today, including the comment thread. State made no objections as to defense retrieving Facebook information from March 23, 2014, March 26, 2014 and March 27, 2014. COURT SO ORDERED.

Ms. Allen advised she believed the issues would have been alleviated if Ms. Lewis appeared in Court today, due to the juror being unhappy and uncomfortable about being contacted by defense regarding this case. Additionally, the defense will not be calling their investigator in to testify, however, defense will be seeking to call Ms. Lewis in to have her testify again. State objected; and argued it is not necessary to have Ms. Lewis come back to testify. COURT ORDERED, matters are CONTINUED for defense to obtain additional information from Facebook, and to verify whether or not Ms. Lewis will be needed to testify, based on the additional information defense may receive. Ms. Luzaich advised a preservation letter to Facebook may be needed to be done by defense, in addition to the Court order.

CUSTODY

2/17/15 10:30 A.M. EVIDENTIARY HEARING...DEFT'S MOTION FOR A NEW TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**February 17, 2015**

C-13-291374-1      State of Nevada  
vs  
Frederick Harris Jr

**February 17, 2015      8:30 AM      All Pending Motions**

**HEARD BY:** Leavitt, Michelle

**COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Susan Jovanovich

**RECORDER:** Kristine Cornelius

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Allen, Betsy, ESQ	Attorney
	Harris Jr, Frederick Harold	Defendant
	Luzaich, Elissa	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- EVIDENTIARY HEARING...DEFT'S MOTION FOR A NEW TRIAL

Ms. Allen requested a continuance to issue subpoenas to the two jurors themselves, for the Facebook account information. Ms. Luzaich advised she does not know if the Court has authority to have them go out to retrieve information. Arguments by counsel. COURT ORDERED, matters are CONTINUED.

CUSTODY

3/23/15 10:30 A.M. EVIDENTIARY HEARING...DEFT'S MOTION FOR A NEW TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****June 30, 2015**

C-13-291374-1      State of Nevada  
vs  
Frederick Harris Jr

**June 30, 2015      8:30 AM      All Pending Motions**

**HEARD BY:** Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Tia Everett**RECORDER:** Kristine Cornelius**REPORTER:****PARTIES**

<b>PRESENT:</b>	Allen, Betsy, ESQ	Attorney
	Harris Jr, Frederick Harold	Defendant
	Luzaich, Elissa	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- EVIDENTIARY HEARING .... DEFENDANT'S MOTION FOR A NEW TRIAL

Exhibits presented. (see worksheets). Ms. Allen argued in support of new trial stating although social media issues during trial is a new area the posts by jurors in this case on Facebook during the trial go directly against this Court's order not to discuss the case with anyone and is juror misconduct which she believes warrants a new trial. Ms. Luzaich argued in opposition stating this issue does not rise to the level of juror misconduct as there was no discussion about the case, no facts about the case disclosed, and nothing said as to what they thought about the case and requested the motion be denied. Further arguments. COURT ORDERED, Defendant's Motion for New Trial DENIED. Further discussion regarding the time frame of the post during the trial. Court stated ruling stands. Ms. Allen noted for the record Ms. Luzaich confirmed there were no additional witness fees paid. Court so noted. Ms. Luzaich requested matter be set for sentencing. COURT FURTHER ORDERED, matter referred to the Division of Parole and Probation (P & P) and SET for sentencing.

**CUSTODY**

PRINT DATE: 10/28/2015

Page 40 of 45

Minutes Date: July 30, 2013

9/01/2015 8:30 AM SENTENCING

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**October 27, 2015**

C-13-291374-1      State of Nevada  
vs  
Frederick Harris Jr

**October 27, 2015      8:30 AM      Sentencing**

**HEARD BY:** Leavitt, Michelle      **COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Susan Jovanovich

**RECORDER:** Kristine Cornelius

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Allen, Betsy	Attorney
	Harris Jr, Frederick Harold	Defendant
	Luzach, Elissa	Attorney
	Rhoades, Kristina A.	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- By virtue of Jury Verdict returned in this matter, DEFT. FREDERICK HAROLD HARRIS ADJUDGED GUILTY OF COUNT 2 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (F); COUNT 3 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (F); COUNT 4 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (F); COUNT 5 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (F); COUNT 6 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (F); COUNT 7 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (F); COUNT 8 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (F); COUNT 9 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (F); COUNT 10 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (F); COUNT 11 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (F); COUNT 12 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (F); COUNT 13 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (F); COUNT 14 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (F); COUNT 16 - CHILD ABUSE, NEGLECT OR ENDANGERMENT (F); COUNT 19 - FIRST DEGREE KIDNAPPING (F); COUNT 20 -

LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (F); COUNT 21 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (F); COUNT 22 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (F); COUNT 23 - COERCION (SEXUALLY MOTIVATED) (F); COUNT 24 - ADMINISTRATION OF A DRUG TO AID IN THE COMMISSION OF A CRIME (F); COUNT 25 - FIRST DEGREE KIDNAPPING (F); COUNT 26 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE (F); COUNT 28 - FIRST DEGREE KIDNAPPING (F); COUNT 29 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE (F); COUNT 31 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE (F); COUNT 33 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE (F); COUNT 34 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE (F); COUNT 35 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE (F); COUNT 36 - SEXUAL ASSAULT (F); COUNT 37 - FIRST DEGREE KIDNAPPING (F); COUNT 38 - BATTERY WITH INTENT TO COMMIT SEXUAL ASSAULT (F); COUNT 39 - SEXUAL ASSAULT (F); COUNT 40 - SEXUAL ASSAULT (F); COUNT 41 - SEXUAL ASSAULT (F); COUNT 42 - PANDERING (F); AND, COUNT 44 - LIVING FROM THE EARNINGS OF A PROSTITUTE (F); COUNTS 1, 15, 17, 18, 27, 30, 32, 43, AND 45 ARE DISMISSED.

Ms. Luzaich indicated the Pre-Sentence Investigation (PSI) Report was incorrect on what the potential sentences are, as no legislature changes were reflected in this Report on Counts. Thereafter, Ms. Luzaich provided the potential sentences for the Counts; and argued imposition of sentencing. Arguments by Ms. Allen. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, a \$150.00 DNA Analysis fee including testing to determine genetic markers, and \$3.00 DNA Collection fee, Deft. SENTENCED as follows:

COUNT 2 - LIFE with a MINIMUM Parole Eligibility of THIRTY FIVE (35) YEARS in the Nevada Department of Corrections (NDC); COUNT 3 - LIFE with a MINIMUM Parole Eligibility of THIRTY FIVE (35) YEARS in the Nevada Department of Corrections (NDC); COUNT 4 - LIFE with a MINIMUM Parole Eligibility of TEN (10) YEARS in the Nevada Department of Corrections (NDC); COUNT 5 - LIFE with a MINIMUM Parole Eligibility of TEN (10) YEARS in the Nevada Department of Corrections (NDC); COUNT 6 - LIFE with a MINIMUM Parole Eligibility of THIRTY FIVE (35) YEARS in the Nevada Department of Corrections (NDC); COUNT 7 - LIFE with a MINIMUM Parole Eligibility of TEN (10) YEARS in the Nevada Department of Corrections (NDC); COUNT 8 - LIFE with a MINIMUM Parole Eligibility of THIRTY FIVE (35) YEARS in the Nevada Department of Corrections (NDC); COUNT 9 - LIFE with a MINIMUM Parole Eligibility of THIRTY FIVE (35) YEARS in the Nevada Department of Corrections (NDC); COUNT 10 - LIFE with a MINIMUM Parole Eligibility of THIRTY FIVE (35) YEARS in the Nevada Department of Corrections (NDC); COUNT 11 - LIFE with a MINIMUM Parole Eligibility of THIRTY FIVE (35) YEARS in the Nevada Department of Corrections (NDC); COUNT 12 - LIFE with a MINIMUM Parole Eligibility of TEN (10) YEARS in the Nevada Department of Corrections (NDC); COUNT 13 - LIFE with a MINIMUM Parole Eligibility of THIRTY FIVE (35) YEARS in the Nevada Department of Corrections (NDC); COUNT 14 - LIFE with a MINIMUM Parole Eligibility of THIRTY FIVE (35) YEARS in the Nevada Department of Corrections (NDC); COUNT 16 - to a MINIMUM of TWENTY EIGHT (28) MONTHS and a MAXIMUM of SEVENTY TWO (72) MONTHS in the Nevada Department of Corrections (NDC); COUNT 19 - LIFE

with a MINIMUM Parole Eligibility of FIVE (5) YEARS in the Nevada Department of Corrections (NDC); COUNT 20 - LIFE with a MINIMUM Parole Eligibility of TEN (10) YEARS in the Nevada Department of Corrections (NDC); COUNT 21 - LIFE with a MINIMUM Parole Eligibility of TWENTY (20) YEARS in the Nevada Department of Corrections (NDC); COUNT 22 - LIFE with a MINIMUM Parole Eligibility of TWENTY (20) YEARS in the Nevada Department of Corrections (NDC); COUNT 23 - to a MINIMUM of TWENTY EIGHT (28) MONTHS and a MAXIMUM of SEVENTY TWO (72) MONTHS in the Nevada Department of Corrections (NDC); COUNT 24 - to a MINIMUM of TWENTY FOUR (24) MONTHS and a MAXIMUM of SIXTY (60) MONTHS in the Nevada Department of Corrections (NDC); COUNT 25 - LIFE with a MINIMUM Parole Eligibility of FIVE (5) YEARS in the Nevada Department of Corrections (NDC); COUNT 26 - LIFE with a MINIMUM Parole Eligibility of TWENTY (20) YEARS in the Nevada Department of Corrections (NDC); COUNT 28 - LIFE with a MINIMUM Parole Eligibility of FIVE (5) YEARS in the Nevada Department of Corrections (NDC); COUNT 29 - LIFE with a MINIMUM Parole Eligibility of TWENTY (20) YEARS in the Nevada Department of Corrections (NDC); COUNT 31 - LIFE with a MINIMUM Parole Eligibility of TWENTY (20) YEARS in the Nevada Department of Corrections (NDC); COUNT 33 - LIFE with a MINIMUM Parole Eligibility of TWENTY (20) YEARS in the Nevada Department of Corrections (NDC); COUNT 34 - LIFE with a MINIMUM Parole Eligibility of TWENTY (20) YEARS in the Nevada Department of Corrections (NDC); COUNT 35 - LIFE with a MINIMUM Parole Eligibility of TWENTY (20) YEARS in the Nevada Department of Corrections (NDC); COUNT 36 - LIFE with a MINIMUM Parole Eligibility of TEN (10) YEARS in the Nevada Department of Corrections (NDC); COUNT 37 - LIFE with a MINIMUM Parole Eligibility of FIVE (5) YEARS in the Nevada Department of Corrections (NDC); COUNT 38 - LIFE with a MINIMUM Parole Eligibility of TWO (2) YEARS in the Nevada Department of Corrections (NDC); COUNT 39 - LIFE with a MINIMUM Parole Eligibility of TEN (10) YEARS in the Nevada Department of Corrections (NDC); COUNT 40 - LIFE with a MINIMUM Parole Eligibility of TEN (10) YEARS in the Nevada Department of Corrections (NDC); COUNT 41 - LIFE with a MINIMUM Parole Eligibility of TEN (10) YEARS in the Nevada Department of Corrections (NDC); COUNT 42 - to a MINIMUM of TWENTY FOUR (24) MONTHS and a MAXIMUM of SIXTY (60) MONTHS in the Nevada Department of Corrections (NDC); and COUNT 44 - to a MINIMUM of EIGHTEEN (18) MONTHS and a MAXIMUM of FORTY EIGHT (48) MONTHS in the Nevada Department of Corrections (NDC); COUNTS 2, 3, 6, 8, 9, 10, 11, 13, and 14 are to run CONCURRENT with each other; COUNT 21 to run CONSECUTIVE to COUNT 22; COUNTS 4, 5, 7, 12, and 20 are to run CONCURRENT with each other and to the other Counts; COUNT 16 to run CONCURRENT to the other Counts; COUNTS 19, 25, 28, and 37 are to run CONCURRENT with each other and to the other Counts; COUNT 23 to run CONCURRENT to the other Counts; COUNT 24 to run CONCURRENT to the other Counts; COUNTS 26, 29, 31, 33, 34, and 35 are to run CONCURRENT with each other and CONSECUTIVE to the other Counts; COUNTS 36, 39, 40, and 41 are to run CONCURRENT with each other; COUNT 38 to run CONCURRENT to the other Counts; and, COUNT 42 to run CONSECUTIVE to COUNT 44, with NINE HUNDRED SEVENTY NINE (979) DAYS CREDIT FOR TIME SERVED.

Deft's AGGREGATE TOTAL SENTENCE is LIFE with a MINIMUM sentence of NINE HUNDRED EIGHTEEN (918) MONTHS.



Pursuant to statute, Deft. is to register as a sex offender in accordance with NRS 179D.460 within 48 hours upon release from custody; and, a special SENTENCE OF LIFETIME SUPERVISION is imposed to commence upon release from any term of probation, parole or imprisonment.

Ms. Allen requested to file a Motion in open Court on behalf of Mr. Oram for purposes of appeal; and COURT SO ORDERED.

Deft's Motion To Place On Calendar To Request Transcripts For Direct Appeal At The State's Expense FILED IN OPEN COURT. Court GRANTED the Motion. Mr. Oram, counsel for Deft. for appellate proceedings to submit an order.

BOND, if any, EXONERATED.

NDC

CASE NO. C291374-1

S:\State's Exhibit List.doc3/15/2011

DEFT'S EXHIBITS

CASE NO. C291374-1

	Date Offered	Objection	Date Admitted
A. Letter written by victim	4-3-14	no	4-3-14
B. Typed letter by victim			
C. Written Statement			
D. photo	4-2-14	no	4-2-14
E. photo	↑	↑	↑
F. photo			
G. photo			
H. photo			
I. photo			
J. photo			
K. photo			
L. photo			
M. photo			
N. photo			
O. photo			
P. photo			
Q. photo	↓	↓	↓
R. Diagram	4-10-14	no	4-10-14
S. pill bottle in bag	4-2-14	no	4-2-14
T. Letter	4-2-14	no	4-2-14
U. Student Records	4-2-14	skip	4-2-14
V. Student Records	4-3-14	skip	4-3-14
W. Student Records	4-10-14	skip	4-10-14

## COURT'S EXHIBITS

CASE NO. C291374-1

[illegible]

STATE'S EXHIBITS

CASE NO. C291374-1

[illegible]

DEFT'S EXHIBITS

CASE NO. C291374-1

[illegible]



EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE  
**NOTICE OF DEFICIENCY**  
ON APPEAL TO NEVADA SUPREME COURT

CHRISTOPHER R. ORAM, ESQ.  
520 S. 4TH ST., #370  
LAS VEGAS, NV 89101

DATE: October 28, 2015  
CASE: C291374

RE CASE: STATE OF NEVADA vs. FREDERICK HAROLD HARRIS, JR.

NOTICE OF APPEAL FILED: October 27, 2015

**YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.**

PLEASE NOTE: DOCUMENTS NOT TRANSMITTED HAVE BEEN MARKED:

- ☐ Case Appeal Statement  
- NRAP 3 (a)(1), Form 2
- ☒ Order
- ☒ Notice of Entry of Order

---

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. **The district court clerk shall apprise appellant of the deficiencies in writing**, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (e) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

# Certification of Copy

State of Nevada }  
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT  
DOCKET ENTRIES; DISTRICT COURT MINUTES; EXHIBITS LIST; NOTICE OF DEFICIENCY

STATE OF NEVADA,

Plaintiff(s),

vs.

FREDERICK HAROLD HARRIS, JR. aka  
FREDRICK HAROLD HARRIS, JR.,

Defendant(s).

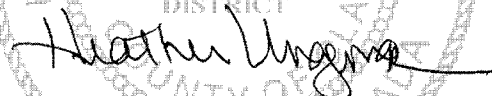
Case No: C291374

Dept No: XII

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto  
Set my hand and Affixed the seal of the  
Court at my office, Las Vegas, Nevada  
This 28 day of October 2015.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk

