

Electronically Filed
Oct 30 2017 02:54 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

1 **NOA**
2 MICHAEL L. BECKER, ESQ.
3 Nevada Bar No. 8765
4 MICHAEL V. CASTILLO, ESQ.
5 Nevada Bar No 11531
6 2970 W. Sahara Ave.
7 Las Vegas, NV 89102
8 Office (702) 331-2725
9 Fax (702) 974-0524
10 Attorneys for Defendant DUSTIN JAMES BARRAL

11 **DISTRICT COURT**
12 **CLARK COUNTY, NEVADA**

13 THE STATE OF NEVADA,)

14 Plaintiff,)

15 vs.)

16 DUSTIN JAMES BARRAL,)
17 #0979591)

18 Defendant.)

CASE NO.: C-10-269095-1
DEPT. NO.: VIII


19 **NOTICE OF APPEAL**

20 TO: THE STATE OF NEVADA

21 TO: STEVEN WOLFSON, DISTRICT ATTORNEY, CLARK COUNTY, NEVADA and
22 THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
23 DEPARTMENT 8 (VIII), IN AND FOR THE COUNTY OF CLARK.

24 NOTICE is hereby given that the Appellant, DUSTIN JAMES BARRAL, pursuant to
25 NRAP 4 and NRS 177.025, hereby appeals to the Supreme Court of the State of Nevada from the
26 Judgment of Conviction entered against said Appellant on the 29th day of September 2017 and
27 attached hereto to Exhibit "A".

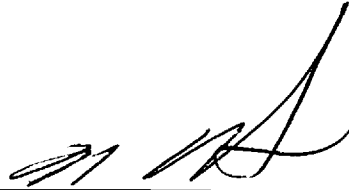
28 Dated this 13 day of October 2017.


MICHAEL V. CASTILLO, ESQ.
Nevada Bar No. 11531
Attorneys for Defendant
DUSTIN JAMES BARRAL

1 **AFFIRMATION PURSUANT TO NRS 239B.030**

2 The undersigned does hereby affirm that the preceding document does not contain the
3 social security number of any person.

4 Dated this 13 day of October 2017.

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8 _____
9 MICHAEL V. CASTILLO, ESQ.
10 Nevada Bar No. 11531

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EXECUTED on the 13th day of October 2017.

-4-

EXHIBIT “A”

Steven D. Grierson

JOCP

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

CASE NO. C-10-269095-1

-VS-

DEPT. NO. VIII

DUSTIN JAMES BARRAL
#2755494

Defendant.

JUDGMENT OF CONVICTION

(PLEA OF GUILTY- ALFORD)

The Defendant previously appeared before the Court with counsel and entered a plea of guilty pursuant to Alford Decision to the crimes of COUNT 1 – ATTEMPT SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (Category B Felony) in violation of NRS 200.364, 200.366, 193.330; and COUNT 2 – CHILD ABUSE, NEGLECT OR ENDANGERMENT (Category B Felony) in violation of NRS 200.508(1); thereafter, on the 18th day of September, 2017, the Defendant was present in court for sentencing with counsel Michael Castillo, Esq., and good cause appearing,

THE DEFENDANT IS HEREBY ADJUDGED guilty of said offenses and, in addition to the \$25.00 Administrative Assessment Fee and \$150.00 DNA Analysis Fee including testing to determine genetic markers plus \$3.00 DNA Collection Fee, the

<input type="checkbox"/> Not a Plea (Before trial)	<input type="checkbox"/> Bench (Non-Jury) Trial
<input type="checkbox"/> Dismissed (After conviction)	<input type="checkbox"/> Dismissed (during trial)
<input type="checkbox"/> Dismissed (Before trial)	<input type="checkbox"/> Appeal
<input checked="" type="checkbox"/> Guilty Plea (Before trial)	<input type="checkbox"/> Guilty Plea with Sent. (during trial)
<input type="checkbox"/> Transferred (before/after trial)	<input type="checkbox"/> Conviction
<input type="checkbox"/> Other: Marital or Divorce	

[Signature]

1 Defendant is sentenced to the Nevada Department of Corrections as follows: COUNT
2 1 - a MAXIMUM of TWO HUNDRED AND FORTY (240) MONTHS with a MINIMUM
3 parole eligibility of NINETY-SIX (96) MONTHS; and COUNT 2 - a MAXIMUM of
4 SEVENTY-TWO (72) MONTHS with a MINIMUM parole eligibility of TWENTY-EIGHT
5 (28) MONTHS, CONSECUTIVE to COUNT 1; with ONE THOUSAND AND FIVE
6 HUNDRED SEVENTY-FOUR (1,574) DAYS credit for time served. The
7 AGGREGATE TOTAL sentence is THREE HUNDRED AND TWELVE (312) MONTHS
8 MAXIMUM with a MINIMUM of ONE HUNDRED AND TWENTY-FOUR (124)
9 MONTHS.
10
11

12 FURTHER ORDERED, a SPECIAL SENTENCE of LIFETIME SUPERVISION
13 is imposed to commence upon release from any term of imprisonment, probation or
14 parole. In addition, before the Defendant is eligible for parole, a panel consisting of
15 the Administrator of the Mental Health and Development Services of the Department
16 of Human Resources or his designee; the Director of the Department of corrections or
17 his designee; and a psychologist licensed to practice in this state; or a psychiatrist
18 licensed to practice medicine in Nevada must certify that the Defendant does not
19 represent a high risk to re-offend based on current accepted standards of assessment.
20
21

22 ADDITIONALLY, the Defendant is ORDERED to REGISTER as a sex offender
23 in accordance with NRS 179D.460 within FORTY-EIGHT (48) HOURS after any
24 release from custody.

25 DATED this 28 day of September, 2017

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27
28
DOUGLAS E. SMITH
DISTRICT COURT JUDGE

DEPARTMENT 8
CASE SUMMARY
CASE NO. C-10-269095-1

State of Nevada
vs
Dustin Barral

§	Location:	Department 8
§	Judicial Officer:	Smith, Douglas E.
§	Filed on:	11/17/2010
§	Cross-Reference Case	C269095
§	Number:	
§	Defendant's Scope ID #:	2755494
§	ITAG Booking Number:	1000042105
§	ITAG Case ID:	1840309
§	Lower Court Case # Root:	10F14936
§	Lower Court Case Number:	10F14936X
§	Supreme Court No.:	64135

CASE INFORMATION

Offense	Deg	Date	Case Type:	Felony/Gross Misdemeanor
1. SEXUAL ASSAULT VICTIM UNDER 14	F	07/10/2010		
2. SEXUAL ASSAULT VICTIM UNDER 14	F	07/10/2010	Case Flags:	Bail Set \$125,000 Each Count; \$250,000 with House Arrest
Statistical Closures				Appealed to Supreme Court
09/29/2017	Guilty Plea with Sentence (before trial) (CR)		Custody Status - Nevada	
09/23/2013	Guilty Plea with Sentence (before trial) (CR)		Department of Corrections	
Bonds				Bond/Bail Exonerated
Surety #S100-01577001	\$50,000.00	Charge Description Updated		
8/6/2010	Active			
9/19/2013	Exonerated			
Counts: 1				

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number	C-10-269095-1
Court	Department 8
Date Assigned	11/17/2010
Judicial Officer	Smith, Douglas E.




PARTY INFORMATION

Defendant	Barral, Dustin James	<i>Lead Attorneys</i> Becker, Michael L <i>Retained</i> 702-333-3673(W)
Plaintiff	State of Nevada	Wolfson, Steven B 702-671-2700(W)

DATE

EVENTS & ORDERS OF THE COURT

INDEX

11/17/2010	 Criminal Bindover
11/29/2010	 Information <i>Information</i>
12/01/2010	 Initial Arraignment (10:30 AM) (Judicial Officer: De La Garza, Melisa) Events: 11/17/2010 Criminal Bindover
12/01/2010	Plea (Judicial Officer: Smith, Douglas E.) 1. SEXUAL ASSAULT VICTIM UNDER 14 Not Guilty









DEPARTMENT 8
CASE SUMMARY
CASE NO. C-10-269095-1

PCN: Sequence:











2. SEXUAL ASSAULT VICTIM UNDER 14

Not Guilty

PCN: Sequence:

12/13/2010	 Reporters Transcript Filed By: Plaintiff State of Nevada <i>Reporters Transcript of Waiver of Preliminary Hearing on November 15, 2010</i>
04/12/2011	 Motion to Continue Trial Filed By: Defendant Barral, Dustin James <i>Notice of Motion and Motion to Continue Trial</i>
04/25/2011	 Motion to Continue Trial (8:00 AM) (Judicial Officer: Smith, Douglas E.) 04/25/2011, 05/02/2011 Events: 04/12/2011 Motion to Continue Trial <i>Notice of Motion and Motion to Continue Trial</i>
05/18/2011	CANCELED Calendar Call (8:00 AM) (Judicial Officer: Smith, Douglas E.) <i>Vacated - per Judge and RESET</i>
05/23/2011	CANCELED Jury Trial (10:30 AM) (Judicial Officer: Smith, Douglas E.) <i>Vacated - per Judge and RESET</i>
05/23/2011	 Substitution of Attorney Filed by: Defendant Barral, Dustin James
07/08/2011	 Motion to Continue Filed By: Defendant Barral, Dustin James <i>Motion to Continue Calendar Call and Jury Trial</i>
07/18/2011	 Motion to Continue (8:00 AM) (Judicial Officer: Smith, Douglas E.) Events: 07/08/2011 Motion to Continue <i>Motion to Continue Calendar Call and Jury Trial</i>
08/24/2011	CANCELED Calendar Call (8:00 AM) (Judicial Officer: Smith, Douglas E.) <i>Vacated and RESET</i>
08/29/2011	CANCELED Jury Trial (9:30 AM) (Judicial Officer: Smith, Douglas E.) <i>Vacated and RESET</i>
11/02/2011	 Calendar Call (8:00 AM) (Judicial Officer: Thompson, Charles)
11/07/2011	CANCELED Jury Trial (10:30 AM) (Judicial Officer: Smith, Douglas E.) <i>Vacated</i>
11/16/2011	 Status Check (8:00 AM) (Judicial Officer: Smith, Douglas E.) 11/16/2011, 12/14/2011, 01/11/2012, 01/25/2012, 02/22/2012, 03/07/2012 <i>Status Check: Negotiations/Resetting of Trial</i>
10/05/2012	

DEPARTMENT 8
CASE SUMMARY
CASE NO. C-10-269095-1











	 Motion to Continue <i>Motion to Continue Calendar Call and Jury Trial</i>
10/10/2012	 Calendar Call (8:00 AM) (Judicial Officer: Smith, Douglas E.)
10/15/2012	CANCELED Motion to Continue Trial (8:00 AM) (Judicial Officer: Smith, Douglas E.) <i>Vacated - per Judge</i> <i>Defendant's Motion to Continue Calendar Call and Jury Trial</i>
10/15/2012	CANCELED Jury Trial (9:30 AM) (Judicial Officer: Smith, Douglas E.) <i>Vacated - per Judge</i>
02/27/2013	 Supplemental Witness List <i>Supplemental Notice of Witnesses and/or Expert Witnesses</i>
03/11/2013	 Supplemental Witness List <i>Second Supplemental Notice of Witnesses and/or Expert Witnesses</i>
03/13/2013	 Calendar Call (8:00 AM) (Judicial Officer: Smith, Douglas E.)
03/18/2013	CANCELED Jury Trial (9:30 AM) (Judicial Officer: Smith, Douglas E.) <i>Vacated</i>
04/03/2013	 Calendar Call (8:00 AM) (Judicial Officer: Smith, Douglas E.)
04/08/2013	Jury Trial (1:00 PM) (Judicial Officer: Smith, Douglas E.)
04/10/2013	 Status Check (8:00 AM) (Judicial Officer: Smith, Douglas E.) <i>STATUS CHECK: RESETTING OF TRIAL</i>
05/22/2013	 Calendar Call (8:00 AM) (Judicial Officer: Smith, Douglas E.)
05/24/2013	 Status Check (8:00 AM) (Judicial Officer: Smith, Douglas E.) <i>STATUS CHECK: TRIAL SETTING</i>
05/24/2013	 Overflow (8:45 AM) (Judicial Officer: Villani, Michael) <i>OVERFLOW (8) - E. LUZAICH/M. BECKER/5 DAYS/11-13 WITNESSES/NO OUT OF STATE WITNESSES</i>
05/28/2013	 Jury Trial - FIRM (9:30 AM) (Judicial Officer: Smith, Douglas E.) 05/28/2013-05/30/2013
05/28/2013	 Request <i>Request for Admissibility of Prior Sexual Conduct Pursuant to NRS 48.069</i>
05/28/2013	 Jury List <i>Jury List</i>
05/29/2013	CANCELED Status Check (8:00 AM) (Judicial Officer: Smith, Douglas E.) <i>Vacated - Moot</i> <i>Status Check: Reset Trial Date</i>
05/29/2013	 Opposition

DEPARTMENT 8
CASE SUMMARY
CASE NO. C-10-269095-1
















State's Opposition to Defendant's Request for Admissibility of Prior Sexual Conduct Pursuant to NRS 48.069

05/30/2013	 Amended Information <i>Amended Information</i>
05/31/2013	 Jury Trial (9:00 AM) (Judicial Officer: Smith, Douglas E.)
05/31/2013	 Amended Jury List <i>Amended Jury List</i>
05/31/2013	 Instructions to the Jury <i>Instructions to the Jury</i>
05/31/2013	 Verdict <i>Verdict</i>
06/07/2013	 Motion <i>Motion for Acquittal or In the Alternative a New Trial</i>
06/17/2013	 Motion (8:00 AM) (Judicial Officer: Smith, Douglas E.) 06/17/2013, 07/08/2013 <i>Defendant's Motion for Acquittal or in the Alternative a New Trial</i>
06/20/2013	 Opposition to Motion <i>State's Opposition to Defendant Motion for Acquittal or in the Alternative a New Trial</i>
06/28/2013	 Reply to Opposition <i>Reply to State's Opposition to Defendant's Motion for Acquittal or In the Alternative a New Trial</i>
06/28/2013	 Order Denying <i>Order Denying Defendant's Request for Admissibility of Prior Sexual Conduct Pursuant to NRS 48.069</i>
07/19/2013	 Order Denying <i>Order Denying Defendant's Motion for Acquittal or in The Alternative a New Trial</i>
08/12/2013	 Sentencing (8:00 AM) (Judicial Officer: Smith, Douglas E.) 08/12/2013, 09/18/2013
09/05/2013	 PSI
09/18/2013	Disposition (Judicial Officer: Smith, Douglas E.) 1. SEXUAL ASSAULT VICTIM UNDER 14 Guilty PCN: Sequence: 2. SEXUAL ASSAULT VICTIM UNDER 14 Guilty PCN: Sequence:
09/18/2013	Sentence (Judicial Officer: Smith, Douglas E.)














DEPARTMENT 8
CASE SUMMARY
CASE NO. C-10-269095-1

	<div>1. SEXUAL ASSAULT VICTIM UNDER 14 Adult Adjudication Comment (Count 1 - 420 Months to Life) Sentenced to Nevada Dept. of Corrections Term: Life with the possibility of parole after:35 Years</div>
09/18/2013	<div>Sentence (Judicial Officer: Smith, Douglas E.) 2. SEXUAL ASSAULT VICTIM UNDER 14 Adult Adjudication Comment (Count 2 - 420 Months to Life.) Sentenced to Nevada Dept. of Corrections Term: Life with the possibility of parole after:35 Years Concurrent: Charge 1 Credit for Time Served: 111 Days Condition 1. Lifetime Supervision 2. Register As A Sex Offender Comment: A special SENTENCE OF LIFETIME SUPERVISION to commence upon release from any term of probation, parole, or imprisonment. Pursuant to NRS 179D.460, the Defendant shall register as a sex offender within 48 hours of sentencing or release from custody. Other Fees 1. , \$1,890.00 Comment (\$253. ADM \$150. DNAF)</div>
09/23/2013	<div> Criminal Order to Statistically Close Case <i>Criminal Order to Statistically Close Case</i></div>
09/23/2013	<div> Judgment of Conviction <i>JUDGMENT OF CONVICTION (JURY TRIAL)</i></div>
09/27/2013	<div> Notice of Appeal (criminal) <i>Notice of Appeal</i></div>
09/27/2013	<div> Case Appeal Statement <i>Case Appeal Statement</i></div>
09/27/2013	<div> Request <i>Request for Rough Draft Transcript</i></div>
11/20/2013	<div> Recorders Transcript of Hearing <i>Transcript of Proceedings Jury Trial Day 1 - Volume I May 28, 2013</i></div>
11/20/2013	<div> Recorders Transcript of Hearing <i>Transcript of Proceedings Jury Trial Day 2 - Volume II May 29, 2013</i></div>
11/20/2013	<div> Recorders Transcript of Hearing <i>Transcript of Proceedings Jury Trial Day 3 - Volume III May 30, 2013</i></div>
11/20/2013	<div> Recorders Transcript of Hearing <i>Transcript of Proceedings Jury Trial Day 4, Volume IV May 31, 2013</i></div>
11/20/2013	<div> Recorders Transcript of Hearing <i>Transcript of Proceedings Defendant's Motion for Acquittal or in the Alternative a New Trial July 8, 2013</i></div>
02/27/2014	

DEPARTMENT 8
CASE SUMMARY
CASE NO. C-10-269095-1

	 Recorders Transcript of Hearing <i>Transcript of Proceedings NRS 51.385 Hearing, heard on May 29, 2013</i>
02/27/2014	 Recorders Transcript of Hearing <i>Transcript of Proceedings NRS 51.385 Hearing, heard on May 30, 2013</i>
12/30/2015	 NV Supreme Court Clerks Certificate/Judgment -Remanded <i>Nevada Supreme Court Clerk's Certificate Judgment - Reversed and Remand; Rehearing Denied; Petition Denied</i>
07/12/2016	 NV Supreme Court Clerks Certificate/Judgment -Remanded <i>Nevada Supreme Court Clerk's Certificate Judgment - Reversed and Remand; Rehearing Denied; Petition Denied</i>
08/17/2016	 Notice <i>Notice to Place on Calendar</i>
08/25/2016	 Order for Production of Inmate <i>Order for Production of Inmate</i>
09/14/2016	 Motion (8:00 AM) (Judicial Officer: Smith, Douglas E.) <i>State's Notice to Place on Calendar for the Purpose of Setting a Trial Date</i>
09/20/2016	 Motion <i>Defendant's Motion for Own recognizance Release or in the Alternative Reasonable Bail and/or House Arrest</i>
09/23/2016	 Opposition to Motion <i>State's Opposition to Defendant's Motion for Own Recognizance Release or in the Alternative Reasonable Bail and/or House Arrest</i>
09/26/2016	 Motion (8:00 AM) (Judicial Officer: Smith, Douglas E.) 09/26/2016, 10/17/2016 <i>Deft.'s Motion for Own recognizance Release or, in the Alternative, Reasonable Bail and/or House Arrest</i>
10/26/2016	 Decision (8:00 AM) (Judicial Officer: Smith, Douglas E.) <i>Decision: Remanding Deft. to the Clark County Detention Center (CCDC)</i>
05/01/2017	 Recorders Transcript of Hearing <i>Transcript of Proceedings State's Notice to Place on Calendar of the Purpose of Setting Trial Date. Heard on September 14, 2016</i>
05/01/2017	 Recorders Transcript of Hearing <i>Transcript of Proceedings Defendant's Motion For Own Recognizance Release or In The Alternative Reasonable Bail and/or House Arrest. Heard on October 17, 2016.</i>
05/01/2017	 Recorders Transcript of Hearing <i>Transcript of Proceedings Defendant's Motion for Own Recognizance Release or in The Alternative Reasonable Bail and/or House Arrest. Heard on September 26, 2016.</i>
05/22/2017	 Request (8:00 AM) (Judicial Officer: Smith, Douglas E.) <i>State's Request for Entry of Plea</i>

DEPARTMENT 8
CASE SUMMARY
CASE NO. C-10-269095-1

05/22/2017	 Amended Information <i>Second Amended Information</i>
05/22/2017	 Guilty Plea Agreement
05/31/2017	CANCELED Calendar Call (8:00 AM) (Judicial Officer: Smith, Douglas E.) <i>Vacated - per Judge</i>
06/05/2017	CANCELED Jury Trial (9:30 AM) (Judicial Officer: Smith, Douglas E.) <i>Vacated - per Judge</i>
08/02/2017	 Recorders Transcript of Hearing <i>TRANSCRIPT OF PROCEEDINGS STATE S REQUEST ENTRY OF PLEA. HEARD ON MAY 22, 2017</i>
08/25/2017	 PSI
08/25/2017	 PSI - Psychosexual Evaluation
08/30/2017	 Order <i>Order to File Exhibit(s) Under Seal</i>
09/06/2017	 Filed Under Seal <i>Notice of Manual Filling of Exhibit "I" of the State's Sentencing Memorandum to be Filed Under Seal</i>
09/06/2017	 Memorandum <i>State's Sentencing Memorandum</i>
09/15/2017	 Memorandum Filed By: Defendant Barral, Dustin James <i>Defendant's Sentencing Memorandum</i>
09/18/2017	 Sentencing (8:00 AM) (Judicial Officer: Smith, Douglas E.)
09/18/2017	 Exhibits <i>Exhibits in Support of Sentencing for Dustin James Barral</i>
09/29/2017	 Judgment of Conviction <i>JUDGMENT OF CONVICTION (PLEA OF GUILTY-ALFORD)</i>
10/13/2017	 Notice of Appeal (criminal) Party: Defendant Barral, Dustin James <i>Notice of Appeal</i>

DATE	FINANCIAL INFORMATION
	Defendant Barral, Dustin James
	Total Charges 175.00
	Total Payments and Credits 175.00
	Balance Due as of 10/18/2017 0.00

Steven D. Grierson

JOCP

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

CASE NO. C-10-269095-1

-vs-

DEPT. NO. VIII

DUSTIN JAMES BARRAL

#2755494

Defendant.

JUDGMENT OF CONVICTION

(PLEA OF GUILTY- ALFORD)

The Defendant previously appeared before the Court with counsel and entered a plea of guilty pursuant to Alford Decision to the crimes of COUNT 1 – ATTEMPT SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (Category B Felony) in violation of NRS 200.364, 200.366, 193.330; and COUNT 2 – CHILD ABUSE, NEGLECT OR ENDANGERMENT (Category B Felony) in violation of NRS 200.508(1); thereafter, on the 18th day of September, 2017, the Defendant was present in court for sentencing with counsel Michael Castillo, Esq., and good cause appearing,

THE DEFENDANT IS HEREBY ADJUDGED guilty of said offenses and, in addition to the \$25.00 Administrative Assessment Fee and \$150.00 DNA Analysis Fee including testing to determine genetic markers plus \$3.00 DNA Collection Fee, the

<input type="checkbox"/> Not a Prosecution (before trial)	<input type="checkbox"/> Bench (Non-Jury) Trial
<input type="checkbox"/> Dismissed (after diversion)	<input type="checkbox"/> Dismissed (during trial)
<input type="checkbox"/> Dismissed (before trial)	<input type="checkbox"/> Acquittal
<input checked="" type="checkbox"/> Guilty Plea with Sent. (before trial)	<input type="checkbox"/> Guilty Plea with Sent. (during trial)
<input type="checkbox"/> Transferred (before/during trial)	<input type="checkbox"/> Conviction
<input type="checkbox"/> Other Manner of Disposition	

[Signature]

1 Defendant is sentenced to the Nevada Department of Corrections as follows: COUNT
2 1 - a MAXIMUM of TWO HUNDRED AND FORTY (240) MONTHS with a MINIMUM
3 parole eligibility of NINETY-SIX (96) MONTHS; and COUNT 2 - a MAXIMUM of
4 SEVENTY-TWO (72) MONTHS with a MINIMUM parole eligibility of TWENTY-EIGHT
5 (28) MONTHS, CONSECUTIVE to COUNT 1; with ONE THOUSAND AND FIVE
6 HUNDRED SEVENTY-FOUR (1,574) DAYS credit for time served. The
7 AGGREGATE TOTAL sentence is THREE HUNDRED AND TWELVE (312) MONTHS
8 MAXIMUM with a MINIMUM of ONE HUNDRED AND TWENTY-FOUR (124)
9 MONTHS.
10
11

12 FURTHER ORDERED, a SPECIAL SENTENCE of LIFETIME SUPERVISION
13 is imposed to commence upon release from any term of imprisonment, probation or
14 parole. In addition, before the Defendant is eligible for parole, a panel consisting of
15 the Administrator of the Mental Health and Development Services of the Department
16 of Human Resources or his designee; the Director of the Department of corrections or
17 his designee; and a psychologist licensed to practice in this state; or a psychiatrist
18 licensed to practice medicine in Nevada must certify that the Defendant does not
19 represent a high risk to re-offend based on current accepted standards of assessment.
20
21

22 ADDITIONALLY, the Defendant is ORDERED to REGISTER as a sex offender
23 in accordance with NRS 179D.460 within FORTY-EIGHT (48) HOURS after any
24 release from custody.

25 DATED this 28 day of September, 2017

26
27
28
DOUGLAS E. SMITH
DISTRICT COURT JUDGE

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 01, 2010

C-10-269095-1 State of Nevada
 vs
 Dustin Barral

December 01, 2010 10:30 AM Initial Arraignment

HEARD BY: De La Garza, Melisa

COURTROOM: RJC Lower Level Arraignment

COURT CLERK: Nicole McDevitt
 Kristen Brown

RECORDER: Kiara Schmidt

REPORTER:

PARTIES

PRESENT:	Barral, Dustin James	Defendant
	Langford, Robert L	Attorney
	Robinson, Lynn M.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- DEFT. BARRAL ARRAIGNED, PLED NOT GUILTY, and WAIVED the 60-DAY RULE. COURT ORDERED, matter set for trial.

BOND

5/18/11 8:30 AM CALENDAR CALL (DEPT. 8)

5/23/11 10:30 AM JURY TRIAL (DEPT. 8)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 25, 2011

C-10-269095-1 State of Nevada
vs
Dustin Barral

April 25, 2011

8:00 AM

Motion to Continue Trial

**Notice of Motion and
Motion to Continue
Trial**

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 16D

COURT CLERK: Katherine Streuber

RECORDER: Jill Jacoby

REPORTER:

PARTIES

PRESENT: Langford, Robert L Attorney
State of Nevada Plaintiff
Wong, Hetty O. Attorney

JOURNAL ENTRIES

- Counsel requested a two day continuance as Ms. Luzaich with the State is unavailable. Court advised it will be out of the jurisdiction as that time and ORDERED, matter CONTINUED.

BOND

05-02-11 8:00 AM DEFT'S MOTION TO CONTINUE TRIAL

May 02, 2011

Minutes Date: December 01, 2010

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 18, 2011

C-10-269095-1 State of Nevada
 vs
 Dustin Barral

July 18, 2011

8:00 AM

Motion to Continue

**Motion to Continue
Calendar Call and
Jury Trial**

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 16D

COURT CLERK: Katherine Streuber

RECORDER: Jill Jacoby

REPORTER:

PARTIES

PRESENT:	Barral, Dustin James	Defendant
	Castillo, Michael V	Attorney
	Luzaich, Elissa	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- State advised of non-opposition and noted trial length of 3-4 days. COURT ORDERED, motion GRANTED. Trial date VACATED and RESET.

BOND

11-02-11 8:00 AM CALENDAR CALL

11-07-11 10:30 AM TRIAL BY JURY (FIRM SETTING)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 02, 2011

C-10-269095-1 State of Nevada
 vs
 Dustin Barral

November 02, 2011 8:00 AM Calendar Call

HEARD BY: Thompson, Charles

COURTROOM: RJC Courtroom 16D

COURT CLERK: Katherine Streuber

RECORDER: Jill Jacoby

REPORTER:

PARTIES

PRESENT:	Barral, Dustin James	Defendant
	Becker, Michael L, ESQ	Attorney
	Luzaich, Elissa	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- State advised case is close to negotiations and noted evaluation needed to be completed prior to change of plea. COURT ORDERED, trial date VACATED and matter SET for status check regarding possible negotiations.

BOND

11-16-11 8:00 AM STATUS CHECK: NEGOTIATIONS/RESETTING OF TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 16, 2011

C-10-269095-1 State of Nevada
 vs
 Dustin Barral

**November 16, 2011 8:00 AM Status Check Status Check:
Negotiations/Resetting of Trial**

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 16D

COURT CLERK: Katherine Streuber
Nancy Tibbetts

RECORDER: Jill Jacoby

REPORTER:

PARTIES

PRESENT:	Castillo, Michael V	Attorney
	Luzaich, Elissa	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Matter recalled. State advised an evaluation is needed and requested a continuance. Matter recalled. Counsel present and stated no opposition. COURT ORDERED, matter CONTINUED.

BOND

12-14-11 8:00 AM Status Check: Negotiations/Resetting of Trial

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 14, 2011

C-10-269095-1 State of Nevada
 vs
 Dustin Barral

**December 14, 2011 8:00 AM Status Check Status Check:
Negotiations/Resetting of Trial**

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 16D

COURT CLERK: Katherine Streuber

RECORDER: Jill Jacoby

REPORTER:

PARTIES

PRESENT: Castillo, Michael V Attorney
 Luzaich, Elissa Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- Parties advised Deft. is scheduled for evaluation on December 31, 2011 for purpose of negotiations and requested continuance.

BOND

01-11-12 8:00 AM Status Check: Negotiations/Resetting of Trial

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 11, 2012

C-10-269095-1 State of Nevada
vs
Dustin Barral

January 11, 2012

8:00 AM

Status Check

**Status Check:
Negotiations/Resettin
g of Trial**

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 16D

COURT CLERK: Katherine Streuber
Nancy Tibbetts

RECORDER: Jill Jacoby

REPORTER:

PARTIES

PRESENT:	Becker, Michael L, ESQ	Attorney
	Herbert, Jennifer M.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Counsel advised doctor would not release report until Deft. had paid and requested a continuance.
COURT ORDERED, matter CONTINUED and Deft. to be present or bench warrant will be issued.

BOND

1/25/12 8:00 AM STATUS CHECK: NEGOTIATIONS/ RESETTING OF TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 25, 2012

C-10-269095-1 State of Nevada
vs
Dustin Barral

January 25, 2012

8:00 AM

Status Check

**Status Check:
Negotiations/Resettin
g of Trial**

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 16D

COURT CLERK: Katherine Streuber

RECORDER: Jill Jacoby

REPORTER:

PARTIES

PRESENT:	Barral, Dustin James	Defendant
	Becker, Michael L, ESQ	Attorney
	State of Nevada	Plaintiff
	Wong, Hetty O.	Attorney

JOURNAL ENTRIES

- Counsel requested continuance as evaluation was received yesterday and time is needed to review.
COURT ORDERED, matter CONTINUED. Parties to provide the Court with copy of evaluation.

BOND

02-22-12 8:00 AM Status Check: Negotiations/Resetting of Trial

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 22, 2012

C-10-269095-1 State of Nevada
vs
Dustin Barral

February 22, 2012

8:00 AM

Status Check

**Status Check:
Negotiations/Resettin
g of Trial**

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 16D

COURT CLERK: Katherine Streuber

RECORDER: Jill Jacoby

REPORTER:

PARTIES

PRESENT:	Barral, Dustin James	Defendant
	Clowers, Shanon	Attorney
	State of Nevada	Plaintiff
	Young, Daniel Thomas	Attorney

JOURNAL ENTRIES

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

BOND

03-07-12 8:00 AM Status Check: Negotiations/Resetting of Trial

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 07, 2012

C-10-269095-1 State of Nevada
 vs
 Dustin Barral

**March 07, 2012 8:00 AM Status Check Status Check:
Negotiations/Resettin
g of Trial**

HEARD BY: Smith, Douglas E. **COURTROOM:** RJC Courtroom 16D

COURT CLERK: Katherine Streuber

RECORDER: Jill Jacoby

REPORTER:

PARTIES

PRESENT:	Barral, Dustin James	Defendant
	Castillo, Michael V	Attorney
	Luzach, Elissa	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- State advised matter had not resolved. COURT ORDERED, matter SET for trial.

BOND

10-10-12 8:00 AM CALENDAR CALL

10-15-12 10:30 AM TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 10, 2012

C-10-269095-1 State of Nevada
vs
Dustin Barral

October 10, 2012 8:00 AM Calendar Call

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 16D

COURT CLERK: Tia Everett

RECORDER: Jill Jacoby

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Lisa Luzaich, Deputy District Attorney, present on behalf of Defendant. Defendant present out of custody and represented by Michael Castillo Esq. on behalf of Michael Becker Esq.

Ms. Luzaich advised defense filed a motion to continue the trial as they will be in trial in California. MATTER TRAILED for defense counsel. RECALLED. Mr. Castillo advised he will submit on Mr. Becker's declaration. Upon Court's inquiry, Ms. Luzaich advised she objects to the continuance, however, she understands the continuance as Mr. Becker will be in California. COURT ORDERED, Defendant's Motion to Continue Trial GRANTED; trial date VACATED and RESET. FURTHER ORDERED, 10/15/2012 date for motion to continue VACATED.

BOND

3/13/2013 8:00 AM CALENDAR CALL

3/18/2013 9:30 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 13, 2013

C-10-269095-1 State of Nevada
 vs
 Dustin Barral

March 13, 2013 8:00 AM Calendar Call

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 16D

COURT CLERK: Katherine Streuber

RECORDER: Jill Jacoby

REPORTER:

PARTIES

PRESENT:	Barral, Dustin James	Defendant
	Castillo, Michael V	Attorney
	Luzaich, Elissa	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Matter recalled. State advised ready. Counsel advised not ready as Mr. Becker is currently in trial and requested continuance to the following week of this stack. State advised their witness officer is not available that week. COURT ORDERED, trial date VACATED and RESET. Parties advised trial length of one week. COURT SO NOTED.

BOND

04-03-13 8:00 AM CALENDAR CALL

04-08-13 9:30 AM TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 03, 2013

C-10-269095-1 State of Nevada
 vs
 Dustin Barral

April 03, 2013 8:00 AM Calendar Call

HEARD BY: Smith, Douglas E. **COURTROOM:** RJC Courtroom 16D

COURT CLERK: Katherine Streuber

RECORDER: Jill Jacoby

REPORTER:

PARTIES

PRESENT:	Barral, Dustin James	Defendant
	Becker, Michael L, ESQ	Attorney
	Castillo, Michael V	Attorney
	Luzaich, Elissa	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- State advised ready with approximately 9 witnesses and trial length of 4 days. Defense advised ready with 1-2 witnesses. Colloquy regarding trial start time. COURT ORDERED, trial date STANDS.

BOND

04-08-13 1:00 PM TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****April 10, 2013**

C-10-269095-1 State of Nevada
vs
Dustin Barral

April 10, 2013**8:00 AM****Status Check**

**STATUS CHECK:
RESETTING OF
TRIAL**

HEARD BY: Smith, Douglas E.**COURTROOM:** RJC Courtroom 16D**COURT CLERK:** Katherine Streuber**RECORDER:** Jill Jacoby**REPORTER:****PARTIES**

PRESENT:	Barral, Dustin James	Defendant
	Becker, Michael L, ESQ	Attorney
	Castillo, Michael V	Attorney
	Edwards, Michelle	Attorney
	Luzaich, Elissa	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Court advised the trial had to be continued as Ms. Luzaich's other trial ran longer than expected, pointed out no Senior Judge was available to hear the trial and noted it would be out of the country. Court inquired whether parties wanted case to be sent to Overflow. State advised they had called off their out of state witnesses. CONFERENCE AT THE BENCH. Court instructed counsel to contact witnesses regarding their availability for new trial setting and if they are unavailable, parties to place matter on the calendar of Judge Adair for new trial setting. Ms. Luzaich stated if there was a problem with the trial date, counsel will advise the hearing judge of the next trial date of July 29th. COURT SO NOTED and ORDERED, trial date SET.

BOND

C-10-269095-1

05-22-13 8:00 AM CALENDAR CALL

05-28-13 9:30 AM TRIAL BY JURY (FIRM SETTING)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 22, 2013

C-10-269095-1 State of Nevada
 vs
 Dustin Barral

May 22, 2013 8:00 AM Calendar Call

HEARD BY: Smith, Douglas E. **COURTROOM:** RJC Courtroom 16D

COURT CLERK: Katherine Streuber

RECORDER: Jill Jacoby

REPORTER:

PARTIES

PRESENT:	Barral, Dustin James	Defendant
	Becker, Michael L, ESQ	Attorney
	Castillo, Michael V	Attorney
	Luzaich, Elissa	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Court advised it had a murder trial and ORDERED, matter REFFERRED to Overflow with the caveat, if the murder trial is continued, this case will return to this department for trial. Trial date VACATED.

BOND

05-24-13 8:45 AM OVERFLOW(8) - E. LUZAICH/M. BECKER/5 DAYS/11-13 WITNESSES/NO OUT OF STATE WITNESSES

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 24, 2013**

C-10-269095-1 State of Nevada
vs
Dustin Barral

May 24, 2013**8:00 AM****Status Check****STATUS CHECK:
TRIAL SETTING****HEARD BY:** Smith, Douglas E.**COURTROOM:** RJC Courtroom 16D**COURT CLERK:** Katherine Streuber**RECORDER:** Jill Jacoby**REPORTER:****PARTIES**

PRESENT:	Barral, Dustin James	Defendant
	Becker, Michael L, ESQ	Attorney
	Castillo, Michael V	Attorney
	Edwards, Michelle	Attorney
	Fleck, Michelle	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Mr. Becker stated this reeks of forum shopping by the State. Court advised it is not forum shopping as all are trying to find someone/anyone to hear the trial. Ms. Fleck advised they did not care who hear the trial. Mr. Becker requested this Court find another court to hear the trial not the State. Statement by Ms. Fleck regarding medical records. Matter recalled. Court advised it would hear the trial as its murder trial will trail this case and ORDERED, medical information is to be provided. Parties advised trial length of 3 days. FURTHER, trial date SET.

BOND

05-28-13 9:30 AM TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 24, 2013

C-10-269095-1 State of Nevada
vs
Dustin Barral

May 24, 2013

8:45 AM

Overflow

HEARD BY: Villani, Michael

COURTROOM: RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Patti Slattery

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Michelle Edwards, Dep DA, present on behalf of the State; Michael Becker, Esq., and Michael Castillo, Esq., present on behalf of Deft. Barral, who is also present.

State and Defense announced ready; however, the Court advised there is no Department available to hear the trial in this matter and, therefore, ORDERED, matter REFERRED back to the originating Department for status check.

Additionally, Court directed counsel to contact Department VIII later today as there is a chance the trial could go forward in that Department as scheduled.

BOND

05/29/13 8:00 AM STATUS CHECK: RESET TRIAL DATE

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 28, 2013**

C-10-269095-1 State of Nevada
vs
Dustin Barral

May 28, 2013**9:30 AM****Jury Trial - FIRM****HEARD BY:** Smith, Douglas E.**COURTROOM:** RJC Courtroom 16D**COURT CLERK:** Katherine Streuber**RECORDER:** Jill Jacoby**REPORTER:****PARTIES**

PRESENT:	Barral, Dustin James	Defendant
	Becker, Michael L, ESQ	Attorney
	Castillo, Michael V	Attorney
	Edwards, Michelle	Attorney
	Fleck, Michelle	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Deft's Request Admissibility of Prior Sexual Conduct Pursuant to NRS 48.069. State placed offer given to Deft. on the record. Statement by Mr. Becker. Colloquy regarding 385 Hearings. Jury Alternates selected. POTENTIAL JURY PANEL PRESENT. Voir Dire begins. CONFERENCE AT THE BENCH. Voir Dire continues. CONFERENCE AT THE BENCH. Voir Dire continues. CONFERENCE AT THE BENCH. Voir Dire continues. OUTSIDE THE PRESENCE OF POTENTIAL JURY PANEL. POTENTIAL JURY PANEL PRESENT. Voir Dire continues. CONFERENCE AT THE BENCH. Voir Dire continues. OUTSIDE THE PRESENCE OF POTENTIAL JURY PANEL. POTENTIAL JURY PANEL PRESENT. Voir Dire continues. CONFERENCE AT THE BENCH. OUTSIDE THE PRESENCE OF THE JURY. Defense's Batson Challenge. Argument by the State noting Deft's S.C.O.P.E. reflects Deft's race as being White not Latino. Further arguments by counsel. Court stated its findings and ORDERED, challenge DENIED as no racial basis was found. POTENTIAL JURY PRESENT. Voir Dire continues. JURY SELECTED. OUTSIDE THE PRESENCE OF THE JURY. Evening recess.

C-10-269095-1

05-29-13 10:00 AM TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 29, 2013**

C-10-269095-1 State of Nevada
vs
Dustin Barral

May 29, 2013**10:00 AM****Jury Trial - FIRM****HEARD BY:** Smith, Douglas E.**COURTROOM:** RJC Courtroom 16D**COURT CLERK:** Katherine Streuber**RECORDER:** Jill Jacoby**REPORTER:****PARTIES**

PRESENT:	Barral, Dustin James	Defendant
	Becker, Michael L, ESQ	Attorney
	Castillo, Michael V	Attorney
	Edwards, Michelle	Attorney
	Fleck, Michelle	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE JURY. State's Opposition to Defendant's Request for Admissibility of Prior Sexual Conduct Pursuant to NRS 48.069 FILED IN OPEN COURT. Argument by the State. Argument by counsel. 51.385 Hearing held and testimony presented. Court stated its findings and advised child will be allowed to testify before the jury. JURY PRESENT and SWORN. Clerk read the information to the Jury. Opening statements by counsel. Testimony and exhibits presented. (See worksheets) CONFERENCE AT THE BENCH. Testimony and exhibits presented. (See worksheets) OUTSIDE THE PRESENCE OF THE JURY. Arguments by counsel. Colloquy regarding scheduling, jury instructions and next 51.385 hearing. JURY PRESENT. Testimony and exhibits presented. (See worksheets) CONFERENCE AT THE BENCH. Testimony and exhibits presented. (See worksheets) OUTSIDE THE PRESENCE OF THE JURY. JURY PRESENT. Testimony and exhibits presented. (See worksheets) CONFERENCE AT THE BENCH. Testimony and exhibits presented. (See worksheets) CONFERENCE AT THE BENCH. Testimony and exhibits presented. (See worksheets) CONFERENCE AT THE BENCH. Evening recess. OUTSIDE THE

PRESENCE OF THE JURY.

05-30-13 9:00 AM TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 30, 2013**

C-10-269095-1 State of Nevada
vs
Dustin Barral

May 30, 2013**9:00 AM****Jury Trial - FIRM****HEARD BY:** Smith, Douglas E.**COURTROOM:** RJC Courtroom 16D**COURT CLERK:** Katherine Streuber**RECORDER:** Jill Jacoby**REPORTER:****PARTIES**

PRESENT:	Barral, Dustin James	Defendant
	Becker, Michael L, ESQ	Attorney
	Castillo, Michael V	Attorney
	Edwards, Michelle	Attorney
	Fleck, Michelle	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Amended Information FILED IN OPEN COURT. OUTSIDE THE PRESENCE OF THE JURY. 51.385 Hearing held and testimony presented. Court stated its findings and advised detective's testimony will be presented to the jury. Argument/objection by counsel. Argument by the State. Court advised once more, the detective s testimony and the cd interview will be allowed. 51.385 Hearing held and testimony presented. Statement by the parties. Court stated its findings and advised statements made to Megan will be allowed. JURY PRESENT. Testimony and exhibits presented. (See worksheets) CONFERENCE AT THE BENCH. Testimony and exhibits presented. (See worksheets) OUTSIDE THE PRESENCE OF THE JURY. Court advised the Deft. of his right to testify or not to testify. JURY PRESENT. Testimony and exhibits presented. (See worksheets) CONFERENCE AT THE BENCH. Testimony and exhibits presented. (See worksheets) OUTSIDE THE PRESENCE OF THE JURY. JURY PRESENT. Testimony and exhibits presented. (See worksheets) CONFERENCE AT THE BENCH. OUTSIDE THE PRESENCE OF THE JURY. Arguments by counsel regarding. Partial playback of testimony and questions proffered. Further

arguments by counsel. JURY PRESENT. Testimony and exhibits presented. (See worksheets)
OUTSIDE THE PRESENCE OF THE JURY. Argument by the State. Evening recess.

05-31-13 9:00 AM TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 31, 2013**

C-10-269095-1 State of Nevada
vs
Dustin Barral

May 31, 2013**9:00 AM****Jury Trial****HEARD BY:** Smith, Douglas E.**COURTROOM:** RJC Courtroom 16D**COURT CLERK:** Billie Jo Craig**RECORDER:** Jill Jacoby**REPORTER:****PARTIES**

PRESENT:	Barral, Dustin James	Defendant
	Becker, Michael L, ESQ	Attorney
	Castillo, Michael V	Attorney
	Edwards, Michelle	Attorney
	State of Nevada	Plaintiff
	Wolfson, Steven B	Attorney

JOURNAL ENTRIES

- Deputy District Attorney Michelle Fleck present.

OUTSIDE THE PRESENCE OF THE JURY: Jury Instructions and Verdict form SETTLED IN OPEN COURT. The Court advised Defendant of his right to testify on his own behalf. Defendant stated he understood. JURY PRESENT: Counsel stipulated to the presence of the Jury. At the hour of 9:44 AM, the State RESTED. At the hour of 9:44 AM, defense RESTED. The Court instructed the Jury on the laws which applied to the case. Closing Arguments by Ms. Fleck. Closing Arguments by Mr. Becker. Rebuttal Arguments by Ms. Edwards. Bailiff and Matron sworn to keep the Jury. At the hour of 12:00 PM the Jury retired to deliberate. At the hour of 3:00 PM, the Jury returned with a verdict of GUILTY OF CTS. 1 AND 2 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (F) . Jury polled. Court thanked and excused the Jury.

COURT ORDERED, defendant REMANDED WITHOUT BAIL. Matter referred to P & P and set for

sentencing.

CUSTODY

8/12/13 8:00 AM SENTENCING

CLERK'S NOTE: The Minutes corrected to reflect a correct Sentencing date of 8/12/13 at 8:00 AM. The date given in Court was an incorrect date and the Judge was unavailable. Counsel notified by phone and by a copy of the Minutes. BJC

CLERK'S NOTE: A copy of this minute order was placed in the attorney folder(s) of:
Deputy District Attorneys Michelle Fleck and Michelle Edwards (District Attorney's Office); Michael Becker and Michael Castillo, Esq. (702 Defense).

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 17, 2013

C-10-269095-1 State of Nevada
 vs
 Dustin Barral

June 17, 2013

8:00 AM

Motion

**Defendant's Motion
for Acquittal or in the
Alternative a New
Trial**

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 16D

COURT CLERK: Katherine Streuber

RECORDER: Jill Jacoby

REPORTER:

PARTIES

PRESENT:	Barral, Dustin James	Defendant
	Castillo, Michael V	Attorney
	Fleck, Michelle	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- State requested continuance in order to file a response. COURT ORDERED, matter CONTINUED.

CUSTODY

07-08-13 8:00 AM Defendant's Motion for Acquittal or in the Alternative a New Trial

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****July 08, 2013**

C-10-269095-1 State of Nevada
vs
Dustin Barral

July 08, 2013**8:00 AM****Motion****HEARD BY:** Smith, Douglas E.**COURTROOM:** RJC Courtroom 16D**COURT CLERK:** Shelly Landwehr**RECORDER:** Jill Jacoby**REPORTER:****PARTIES**

PRESENT:	Barral, Dustin James	Defendant
	Becker, Michael L, ESQ	Attorney
	Castillo, Michael V	Attorney
	Edwards, Michelle	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Mr. Castillo argued regarding grounds #1 and #2, arguing the State was required to prove penetration in that the case hinged on Jocelyn's testimony using the words dig or dug and that alone is not-sufficient as to penetration. Further, there was conflicting evidence presented between Meagan, in terms of the baby monitor, and Jocelyn's testimony.

Mr. Becker argued regarding ground #3 stating that the NRS regarding oaths to jury venires; that was not done and it was brought to the attention of the Court and it preserved the issue as an objection.

Ms. Edwards argued as to conflicting evidence stating counsel is only relying on testimony regarding the monitor, there is no testimony that she didn't fall asleep or otherwise. As to the oath issue, there are two oaths in a trial, this relies and centers upon whether it was given before voir dire started there was a bench bar about that and the site they referenced addresses the actual jury panel, not the jury venire. The jury is the finder of fact and they found her words to constitute penetration.

Court stated it does not swear a jury in until after they come back and evidence starts in case somebody doesn't show up we can we do not then have to declare a mistrial but we can call other potential jurors up and finish the voir dire process. Court stated it had analyzed the cases presented and does not find a reason to override the jury decision. Defendant got a fair trial and was represented zealously by two attorneys. COURT ORDERED, motion DENIED. State to prepare findings of facts and conclusions of law consistent with their opposition.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 12, 2013

C-10-269095-1 State of Nevada
 vs
 Dustin Barral

August 12, 2013 8:00 AM Sentencing

HEARD BY: Smith, Douglas E. **COURTROOM:** RJC Courtroom 16D

COURT CLERK: Louisa Garcia
 Katrina Hernandez

RECORDER: Jill Jacoby

REPORTER:

PARTIES

PRESENT:	Barral, Dustin James	Defendant
	Castillo, Michael V	Attorney
	Lavell, Maria	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Mr. Castillo noted the Pre-Sentence Investigation Report is not ready yet, informed he spoke to Deputy D.A. Michelle Fleck, and requested a Sentencing date in September prior to the 20th. COURT ORDERED, Sentencing CONTINUED.

CUSTODY

9/18/13 8:00 AM SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 18, 2013

C-10-269095-1 State of Nevada
 vs
 Dustin Barral

September 18, 2013 8:00 AM Sentencing

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 16D

COURT CLERK: Louisa Garcia
 Katrina Hernandez

RECORDER: Jill Jacoby

REPORTER:

PARTIES

PRESENT:	Barral, Dustin James	Defendant
	Becker, Michael L, ESQ	Attorney
	Castillo, Michael V	Attorney
	Edwards, Michelle	Attorney
	Fleck, Michelle	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- By virtue of Jury Verdict, DEFENDANT BARRAL ADJUDGED GUILTY of COUNTS 1 & 2 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (F). Arguments by Counsel. Victim Impact Statements given. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, a \$150.00 DNA Analysis fee including testing to determine genetic markers, and Restitution in the amount of \$1,890.00, Deft. SENTENCED on Count 1, to a MAXIMUM of LIFE IMPRISONMENT with MINIMUM PAROLE ELIGIBILITY after FOUR HUNDRED TWENTY (420) MONTHS, and on Count 2, to a MAXIMUM of LIFE IMPRISONMENT with MINIMUM PAROLE ELIGIBILITY after FOUR HUNDRED TWENTY (420) MONTHS in the Nevada Department of Corrections (NDC), CONCURRENT with Count 1, with ONE HUNDRED ELEVEN (111) DAYS credit for time served.

COURT FURTHER ORDERED, a special SENTENCE OF LIFETIME SUPERVISION to commence

upon release from any term of probation, parole, or imprisonment. Pursuant to NRS 179D.460, the Defendant shall register as a sex offender within 48 hours of sentencing or release from custody.

BOND, if any, EXONERATED.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 14, 2016

C-10-269095-1 State of Nevada
 vs
 Dustin Barral

September 14, 2016	8:00 AM	Motion	State's Notice to Place on Calendar for the Purpose of Setting a Trial Date
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HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 11B

COURT CLERK: Carol Donahoo

RECORDER: Jill Jacoby

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Michelle, Jobe, Chf Dep DA, present on behalf of the State; Michael Castillo, Esq., and Adam Solinger, Esq., present on behalf of Deft. Barral, who is also present.

The State placed this matter on calendar for the purpose of setting a trial date. Additionally, Ms. Jobe advised that Deft.'s bail also needs to be addressed. Court advised that it did not receive a bail motion; colloquy. If the Deft. wants his bail addressed, he must file a motion and then the State may respond.

Mr. Castillo requested that the Deft. be REMANDED to the Clark County Detention Center (CCDC). COURT SO ORDERED; FURTHER, matter set for trial.

NDC

05/31/17 8:00 AM CALENDAR CALL

C-10-269095-1

06/05/17 9:30 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****September 26, 2016**

C-10-269095-1 State of Nevada
vs
Dustin Barral

September 26, 2016	8:00 AM	Motion	Deft.'s Motion for Own recognizance Release or, in the Alternative, Reasonable Bail and/or House Arrest
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HEARD BY: Smith, Douglas E.**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** Carol Donahoo**RECORDER:** Jill Jacoby**REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- Michelle Jobe, Chf Dep DA, present on behalf of the State; Michael Becker, Esq., and Michael Castillo, Esq., present on behalf of Deft. Barral, who is not present. Deft. is incarcerated in the Nevada Department of Corrections (NDC).

This is the time set for hearing on Deft.'s Motion for Own recognizance Release or, in the Alternative, Reasonable Bail and/or House Arrest. On July 23, 2015, the Nevada Supreme Court reversed Mr. Barral's convictions and granted him a new trial due to the Court committing structural error by failing to administer the oath to the potential jury panel.

Court noted that at the prior hearing back on September 14, 2016, the Court ORDERED, Deft. to be REMANDED to the Clark County Detention Center (CCDC) but apparently he was transported back to High Desert prison. Colloquy; Court advised that it would not GRANT an O.R. Release based on the pleadings but would ORDER that the Deft. be returned to CCDC. The Deft. was convicted by an

impartial jury but the Judgment of Conviction, pursuant to a Jury Verdict, was reversed by the Supreme Court based on a technicality so the Court will not release the Deft. at this time but will hear argument on the Motion. Mr. Castillo advised that the Defense would prefer to reserve argument on the Motion until such time as the Deft. can be present. COURT ORDERED, matter CONTINUED; State to prepare a transport order.

NDC

CONTINUED TO: 10/17/16 8:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****October 17, 2016**

C-10-269095-1 State of Nevada
vs
Dustin Barral

October 17, 2016	7:30 AM	Motion	Deft.'s Motion for Own recognizance Release or, in the Alternative, Reasonable Bail and/or House Arrest
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HEARD BY: Smith, Douglas E.**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** Carol Donahoo**RECORDER:** Debbie Winn**REPORTER:**

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Michelle Jobe, Chf Dep DA, present on behalf of the State and Michael Castillo, Esq., appearing on behalf of Michael Becker, Esq., for Deft. Barral, who is also present.

This is the time set for hearing on Deft.'s Motion for Own Recognizance Release or, in the Alternative, Reasonable Bail and/or House Arrest. Mr. Castillo advised that the Deft. is requesting that bail be set at \$50,000 with the added condition of House Arrest. Mr. Castillo believes the Deft. meets the statutory conditions for setting of reasonable bail based upon the factors set forth on pages 8 and 9 of their motion; Deft. has no prior criminal record, he is not a flight risk, he has family in the community who would attest to his character, he would reside with his mother in her home, and there would be no minors or anyone else present in the home. Additionally, the Deft. has a good prior employment history and has a job waiting for him upon setting of bail, he made all of his required court appearances, and there were no violations of the terms and conditions of his release. Deft. is constitutionally entitled to a bail setting; therefore, under the circumstances, \$50,000 with House

Arrest is appropriate.

Court noted that, unlike most cases, it has seen the evidence; colloquy. Ms. Jobe advised that the Deft.'s position has substantially changed since he was previously out of custody. There was a trial and the Jury found the Deft. guilty of two Counts of Sexual Assault with a Minor under Fourteen Years of Age. The most compelling piece of evidence was the video of the forensic interview with the 4-year-old child describing what the Deft. did to her. There is a substantial likelihood of another guilty verdict and the Deft. is facing thirty-five (35) years to Life. Since the Deft. has now had a taste of prison, Ms. Jobe believes he is a greater flight risk than before. Therefore, the State would request that bail be set in the amount of \$500,000, with House Arrest and a no-contact order with any minors, including his own children. COURT ORDERED, BAIL shall be set at \$125,000 EACH Count for a TOTAL of \$250,000, with House Arrest and no contact with minor children.

Ms. Castillo requested that the Deft. be REMANDED to the Clark County Detention Center (CCC) if he does not make bail. The Deft. is under the presumption of innocence, the conviction was overturned, and given that presumption if he is not able to make the bail, CCDC is the only appropriate place for him. COURT FURTHER ORDERED, decision DEFERRED, the Court will review this matter and prepare a formal written minute order.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****October 26, 2016**

C-10-269095-1 State of Nevada
vs
Dustin Barral

October 26, 2016	8:00 AM	Decision	Remanding Deft. to the Clark County Detention Center (CCDC)
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HEARD BY: Smith, Douglas E.**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** Carol Donahoo**RECORDER:****REPORTER:**

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- The Deft.'s Motion for Own Recognizance Release or, in the Alternative, reasonable Bail and/or House Arrest came before this Court on the October 17, 2016, oral calendar. The Court heard argument from Defense Counsel as well as the State. The Court DENIED Deft.'s request for an Own Recognizance Release but in the Alternative set bail at \$250,000 with House Arrest. In light of the Supreme Court's recent Order to Reverse and Remand the case, this Court hereby ORDERS the Defendant, Dustin Barral, be REMANDED to custody at the Clark County Detention Center (CCDC) so as to more easily facilitate his appearance at future court dates. Furthermore, in light of the Supreme Court's Reversal, the Deft. is once again cloaked in the shroud of innocence and CCDC is the only appropriate place for him.

CUSTODY

CLERK'S NOTE: A copy of this minute order was placed in the attorney folder of Michael Castillo, Esq., (Las Vegas Defense Group, LLC).

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 22, 2017**

C-10-269095-1 State of Nevada
vs
Dustin Barral

May 22, 2017**8:00 AM****Request****State's Request for
Entry of Plea****HEARD BY:** Smith, Douglas E.**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** Carol Donahoo**RECORDER:** Gina Villani**REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- Kelsey Einhorn, Dep DA, and Michelle Jobe, Chf Dep DA, present on behalf of the State; Michael Castillo, Esq., present on behalf of Deft. Barral, who is also present.

This matter was placed on calendar at the Request of the State for Entry of Plea. Conference at the Bench; Court trailed matter for Mr. Jobe to appear.

MATTER RECALLED: Ms. Jobe, Mr. Castillo, and Deft. are present. Second Amended Information and Guilty Plea Agreement FILED IN OPEN COURT. Negotiations: the Deft. will plead guilty to one Count of Attempt Sexual Assault with a Minor under Fourteen Years of Age (F) and one Count of Child Abuse, Neglect, or Endangerment (F) pursuant to Alford. The State will retain the right to argue including for consecutive time between Counts.

DEFT. BARRAL ARRAIGNED and PLED GUILTY PURSUANT TO ALFORD to COUNT 1 - ATTEMPT SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (F) and COUNT 2 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT (F). Offer of proof provided by the State. Court ACCEPTED Deft.'s plea and ORDERED, matter referred to the Division of Parole and Probation (P&P) and SET for sentencing. COURT FURTHER ORDERED, trial dates VACATED.

C-10-269095-1

CUSTODY

09/18/17 8:00 AM SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 18, 2017

C-10-269095-1 State of Nevada
 vs
 Dustin Barral

September 18, 2017 8:00 AM Sentencing

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 11B

COURT CLERK: Carol Donahoo

RECORDER: Gina Villani

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Michelle Jobe, Chf Dep DA, present on behalf of the State and Michael Castillo, Esq., present on behalf of Deft. Barral, who is also present.

Mr. Castillo advised that he provided several character letters for the Deft. as well as a Sentencing Memorandum for the Court's consideration. The Court reviewed same. Exhibits in Support of Sentencing for Dustin James Barral FILED IN OPEN COURT. Ms. Jobe advised that the State provided a Sentencing Memorandum as well as a video of the forensic interview of the 4-year-old.

DEFT. BARRAL ADJUDGED GUILTY of COUNT 1 - ATTEMPT SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (F) and COUNT 2 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT (F). Matter argued and submitted by Ms. Jobe; the State is requesting that the Court max the Deft. out on both Counts. Argument by Mr. Castillo; the Deft. entered an Alford plea and Mr. Castillo would request that the Court follow the recommendation of Parole and Probation (P&P) for the reasons stated on the record. Mr. Castillo advised that two (2) evaluations were completed; one by JoAnn Lujan and the other by John Pacult, he discussed the conclusions of said evaluations. Sworn Victim Impact statements given.

COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, the \$150.00 DNA

Analysis fee including testing to determine genetic markers, and the \$3.00 DNA Collection fee. as to COUNT 1, Deft. SENTENCED to a MAXIMUM of TWO HUNDRED FORTY (240) MONTHS and a MINIMUM of NINETY-SIX (96) MONTHS in the Nevada Department of Corrections (NDC) and as to COUNT 2, Deft. SENTENCED to a MAXIMUM of SEVENTY-TWO (72) MONTHS and a MINIMUM of TWENTY-EIGHT (28) MONTHS in NDC, CONSECUTIVE to COUNT 1, for an AGGREGATE TERM is a MAXIMUM of THREE HUNDRED TWELVE (312) MONTHS and a MINIMUM of ONE HUNDRED TWENTY-FOUR (124) MONTHS. Deft. has ONE THOUSAND FIVE HUNDRED SEVENTY-FOUR (1,574) DAYS credit for time served. COURT FURTHER ORDERED in accordance with NRS 179D.460, Deft. to register as a sex offender within FORTY-EIGHT (48) HOURS after sentencing or release from custody and a SPECIAL SENTENCE of LIFETIME SUPERVISION is imposed to commence upon release from any term of probation, parole, or imprisonment.

BOND, if any, EXONERATED

STATE'S EXHIBITS

CASE NO. C 269095

[illegible]

DEFENDANT'S EXHIBITS

CASE NO. C 269095

[illegible]

COURT'S EXHIBITS

CASE NO. C269095

[illegible]



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

MICHAEL L. BECKER, ESQ.
2970 W. SAHARA AVE.
LAS VEGAS, NV 89102

DATE: October 18, 2017
CASE: C-10-269095-1

RE CASE: STATE OF NEVADA vs. DUSTIN JAMES BARRAL

NOTICE OF APPEAL FILED: October 13, 2017

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; DISTRICT COURT DOCKET ENTRIES; JUDGMENT OF CONVICTION (PLEA OF GUILTY- ALFORD); DISTRICT COURT MINUTES; EXHIBITS LIST; NOTICE OF DEFICIENCY

STATE OF NEVADA,

Plaintiff(s),

vs.

DUSTIN JAMES BARRAL,

Defendant(s).

Case No: C-10-269095-1

Dept No: VIII

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 18 day of October 2017.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk