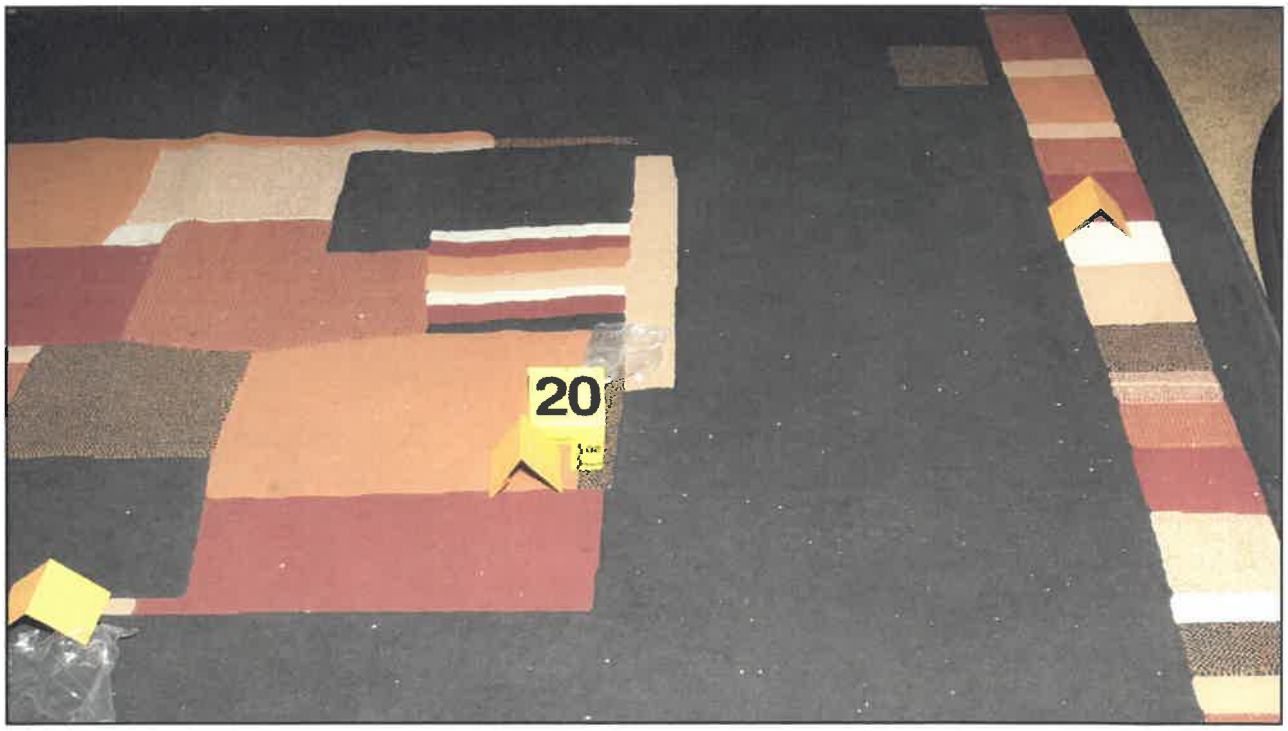
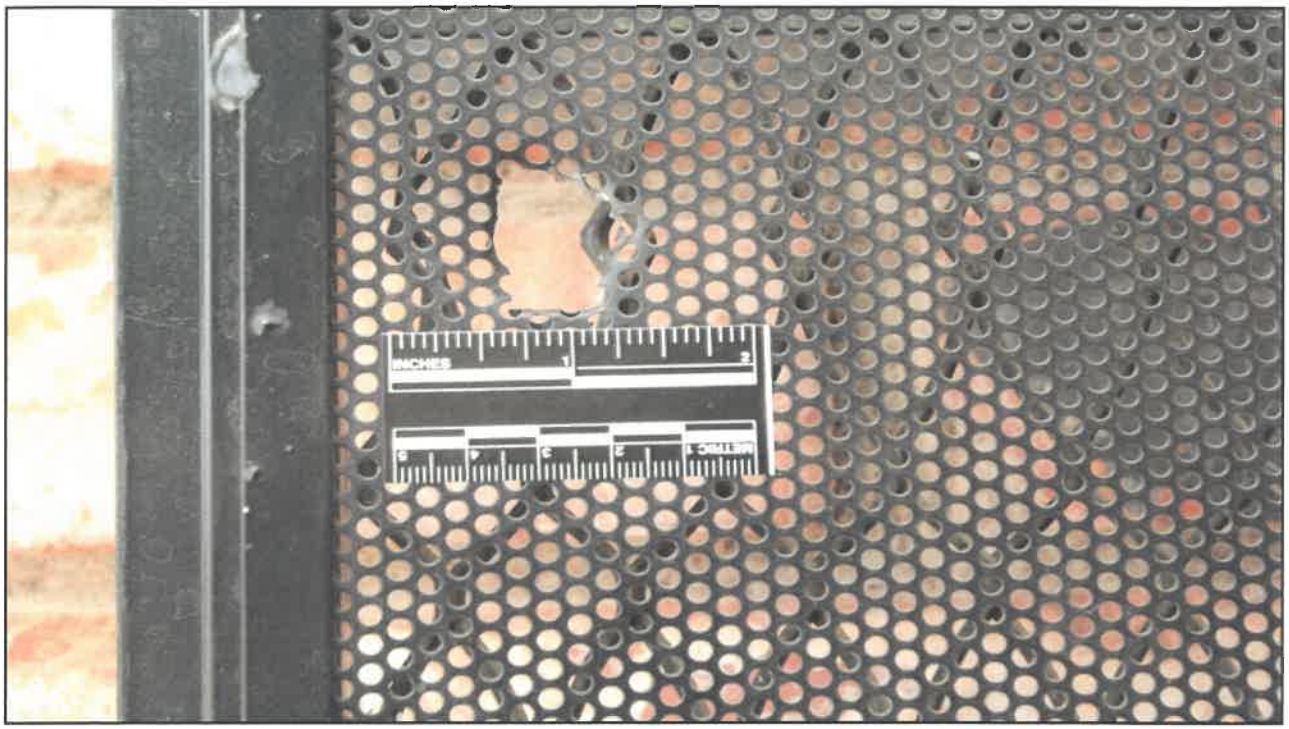
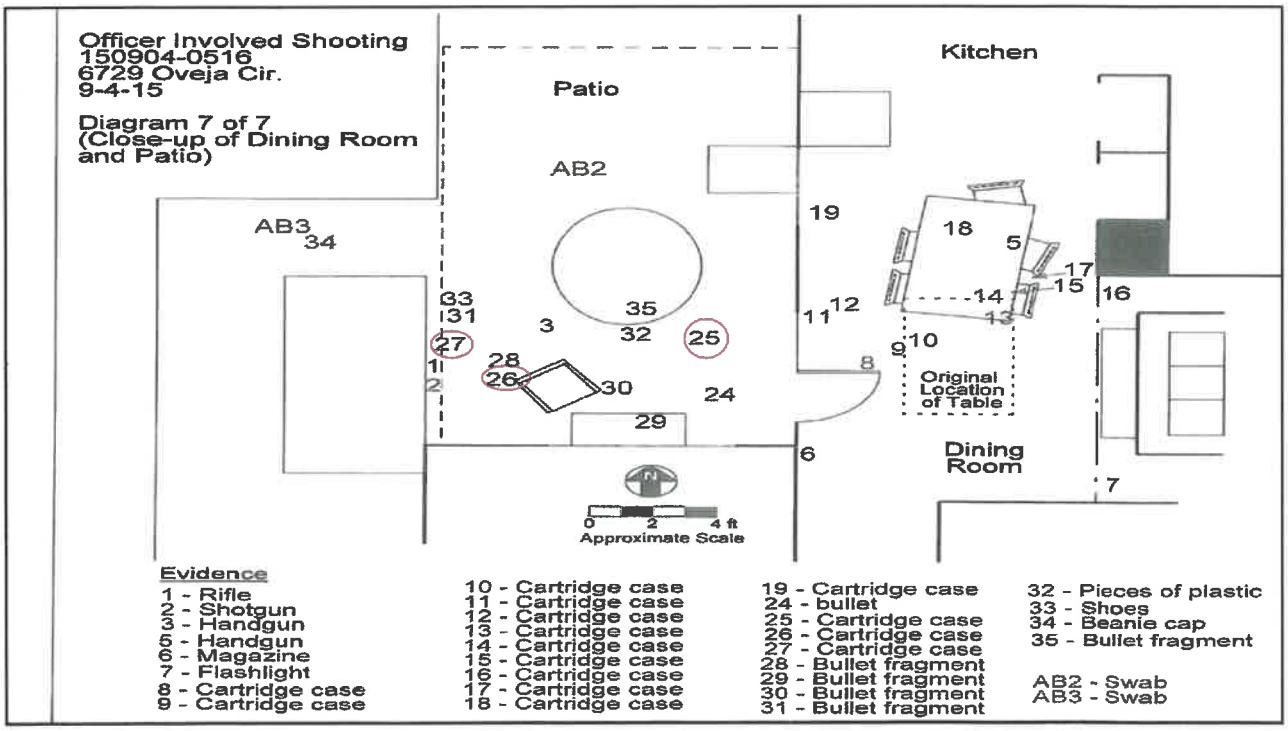
Shotgun and SKS are fired AT THE EXACT SAME TIME AS SOON AS THE DOOR OPENS


20


INCHES

SHOOTING STAR

FIREWORKS EXPLODING



25
25

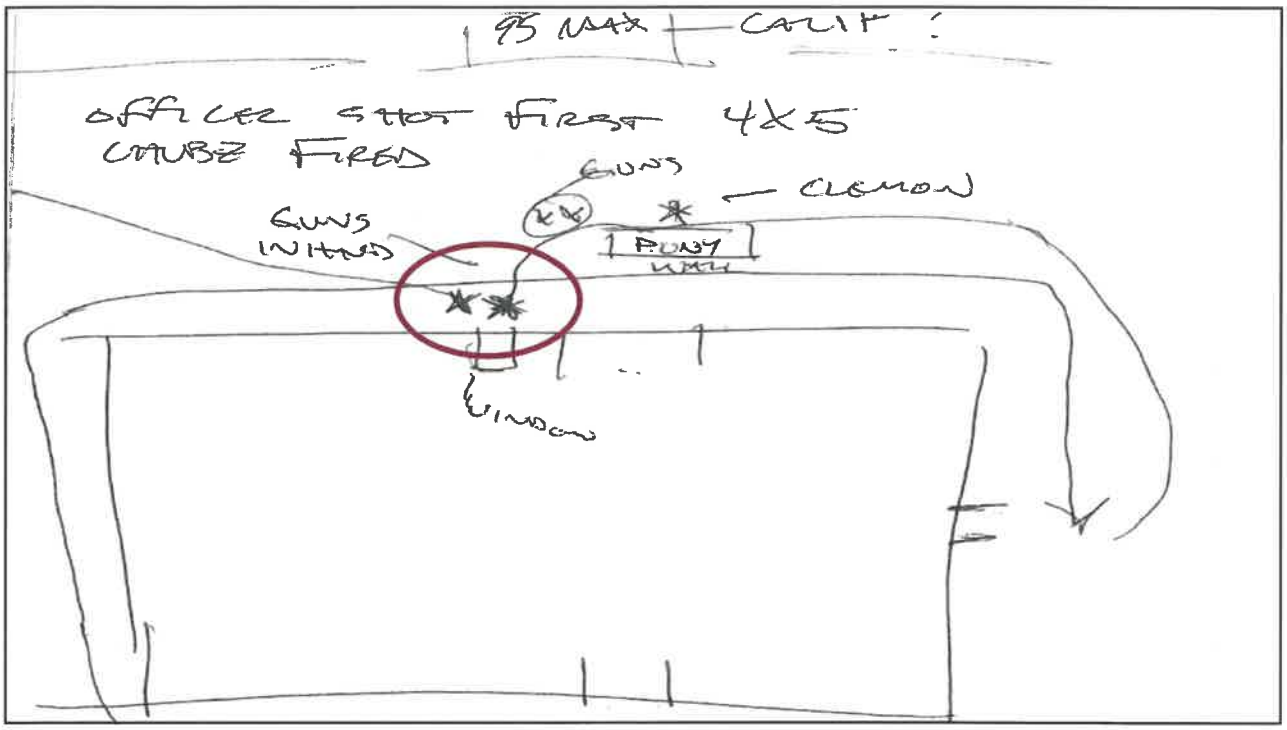
29

3:30 am

PEOPLE ARE HOME

CAR IN THE DRIVEWAY

Turner and Hudson know someone is home


95 MAX — CALIF !
OFFICER SHOT FIRST 4X5
CAUBE FIRED
GUNS
CLEMON
GUNS
INTERED
PONY
WALL
WINDOW

TURNER: "when I got to the point where patio and TV is…shots started"

HUDSON: "both standing by the window" when shots started

TURNER AND HUDSON:

Adamantly deny any 3rd person involved and in the backyard

HUDSON:

- Fired one shot
- Fingerprints are on the gun
- Shotgun is fired before Greco-Smith returns fire
- Had a beanie on
- Person with beanie was cocking a shotgun

TURNER:

- Gun belongs to his uncle
- Described the gun

TURNER:

- Gunshot wound to left calf
- Fragment in his leg that came from the SKS round exploding on the patio

Greco-Smith and Robertson survived because of a miracle- not because of a lack of trying to kill by Turner and Hudson

BATTERY WITH DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM:

Battery means any willful and unlawful use of force or violence upon another person. As used in this instruction, the word "willfully", when applied to the intent with which an act is done or omitted, implies simply a purpose or mere willingness to commit the act or to make the omission in question. The word does not require in its meaning any intent to violate law, or to injure another, or to acquire any advantage.

BATTERY WITH DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM:

Substantial bodily harm means:

1. Bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ; or
2. Prolonged physical pain.

"Prolonged physical pain" encompasses some physical suffering or injury that lasts longer than the pain immediately resulting from the wrongful act.

INTENT TO KILL AND INTENT TO USE FORCE AND VIOLENCE

A conspirator is also legally responsible for a general intent crime that follows as one of the probable and natural consequence of the object of the conspiracy even if it was not intended as part of the original plan

If more than one person commits a crime, and one of them uses a deadly weapon in the commission of that crime, each may be convicted of using the deadly weapon even though he did not personally himself use the weapon if you find that he aided and abetted or conspired to commit the offense.

An unarmed offender "uses" a deadly weapon when the unarmed offender is liable for the offense under aiding and abetting or conspirator liability, another person liable for the offense is armed with and uses a deadly weapon in the commission of the offense, and the unarmed offender had knowledge of the use of the deadly weapon.

GUILTY OF ALL 5 CHARGES

IN THE SUPREME COURT OF THE STATE OF NEVADA

STEVEN TURNER,	)	No. 76465
	)	
	)	
Appellant,	)	
	)	
vi.	)	
	)	
THE STATE OF NEVADA,	)	
	)	
Respondent.	)	
	)	

APPELLANT'S APPENDIX VOLUME XI PAGES 2193-2402

DARIN F. IMLAY
Clark County Public Defender
309 South Third Street
Las Vegas, Nevada 89155-2610

Attorney for Appellant

STEVE WOLFSON
Clark County District Attorney
200 Lewis Avenue, 3rd Floor
Las Vegas, Nevada 89155

AARON FORD
Attorney General
100 North Carson Street
Carson City, Nevada 89701-4717
(702) 687-3538

Counsel for Respondent

CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 4 day of February, 2019. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

AARON FORD
STEVEN S. OWENS
DEBORAH L. WESTBROOK
HOWARD S. BROOKS

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage pre-paid, addressed to:

STEVEN TURNER, #1200863
HIGH DESERT STATE PRISON
P.O. BOX 650
INDIAN SPRINGS, NV 89070

BY *_____/s/ Carrie M. Connolly_____*
Employee, Clark County Public Defender's Office

UMC

* I N M R C D *

ACCT: 8931196912 DOB: 12/23/1990
TURNER
STEVEN 24Y M
MR# 0001636685 ADM: 09/04/16

WEB-IZ DATA COLLECTION TOOL

MRU02211 (01/13/15) Page 1 of 1

VACCINE:	☐ Td ☑ Tdap ☐ Pneumococcal ☐ Meningococcal ☐ Haemophilus ☐ Other (specify):
ROUTE:	☒ IM ☐ Other (specify):
SITE:	☐ Left Deltoid ☑ Right Deltoid ☐ Other (specify):
MANUFACTURER:	☐ Sanofi Pasteur (Td) ☒ Glaxo Smith Kline (Tdap) ☐ Other (specify):
LOT #:	X4J7D 09/16/17
EXPIRATION DATE:	

Time: 0836 Date: 9/4/15 Nurse Signature: Mall

PART OF THE PERMANENT MEDICAL RECORD – DO NOT THIN

TURNER, STEVEN Opt Out: No
University Medical Center
Nutritional Services Report
From: 09/04/2015 08:28 To: 09/04/2015 10:06
Rm-Bed: Admit Dt: 09/04/2015 08:28
Age: 24 Gender: M MD: Urban, Amy , MD
DOB: \ Acct: 9931195912
MRN: 0001636685
Requested: 09/04/2015 20:07 Page 1 of 1

Dietary- New

09/04/2015 00:00 TO 09/04/2015 23:59

Legend Charting

09/04/2015 08:40

Anthropometric Measures- Dietary

HT & WT INFO - Admit Weight = 63.6kg

Osborne, Paula , RN
09/04/2015 09:10

HT & WT INFO - HEIGHT/LENGTH = 180cm

Osborne, Paula , RN
09/04/2015 09:10

TURNER, STEVEN Opt Out: No
University Medical Center
Speech Therapy Report
From: 09/04/2015 08:28 To: 09/04/2015 10:06
Rm-Bed: Admit Dt: 09/04/2015 08:28
Age: 24 yr Gender: M MD: Urban, Amy , MD
DOB: Acct: 9931195912
MRN: 0001636685
Requested: 09/04/2015 20:08 Page 1 of 1

narrative

09/04/2015 00:00 TO 09/04/2015 23:59

Legend Charting

09/04/2015 08:40

Passy Muir Valve Assessment

PULSE #1 = 103 — Osborne, Paula , RN 09/04/2015 09:10

RESPIRATIONS = 19 per minute — Osborne, Paula , RN 09/04/2015 09:10

09/04/2015 08:45

Passy Muir Valve Assessment

PULSE #1 = 104 — Osborne, Paula , RN 09/04/2015 09:11

RESPIRATIONS = 18 per minute — Osborne, Paula , RN 09/04/2015 09:11

09/04/2015 10:04

Passy Muir Valve Assessment

PULSE #1 = 59 — Hall, Lindsey , RN 09/04/2015 10:04

RESPIRATIONS = 17 per minute — Hall, Lindsey , RN 09/04/2015 10:04

TURNER, STEVEN Opt Out: No
University Medical Center
Vital Signs/Intake and Output Report
From: 09/04/2015 08:28 To: 09/04/2015 10:08
Rm-Bed: Admit Dt: 09/04/2015 08:28
Age: 24 Gender: M MD: Urban, Amy , MD
DOB: Acct: 9931195912
MRN: 0001636685
Requested: 09/04/2015 20:07 Page 1 of 2

Vitals/Intake and Output

HEIGHT/WEIGHT

	09/04/2015		
	00:00 07:59	08:00 15:59	16:00 23:59
Admit Weight		83.6kg *08:40 PO3*	
HEIGHT/LENGTH		180cm *08:40 PO3*	

Vital Signs

	09/04/2015		
	00:00 07:59	08:00 15:59	16:00 23:59
Temp/DAS in C		98.2F *08:40 PO3*	
		99.8F *08:45 PO3*	
PULSE (H		103 *08:40 PO3*	
		104 *08:45 PO3*	
		58 *10:04 LH11*	
RESPIRATIONS		18 per minute *08:40 PO3*	
		18 per minute *08:45 PO3*	
		17 per minute *10:04 LH11*	
O2 SAT %		99% Room air *08:40 PO3*	
		100% Room air *08:45 PO3*	
BP (NIBP)		131/80 mmHg *08:40 PO3*	
		132/75 mmHg *08:45 PO3*	
		125/77 mmHg *10:04 LH11*	

TURNER, STEVEN Opt Out: No
University Medical Center
Vital Signs/Intake and Output Report
From: 09/04/2015 08:28 To: 09/04/2015 10:06
Rm-Bed: Admit Dt: 09/04/2015 08:28
Age: 24 yr Gender: M MD: Urban, Amy , MD
DOB: , Acct: 9931195912
MRN: 0001636685
Requested: 09/04/2015 20:07 Page 2 of 2

Staff Legend	
LH11	*Hall, Lindsey , RN*
PO3	*Osborne, Paula , RN*

TURNER, STEVEN Opt Out: No
University Medical Center
Adult Nursing Report
From: 09/04/2015 08:28 To: 09/04/2015 10:08
Rm-Bed: Admit Dt: 09/04/2015 08:28
Age: 24 Gender: M MD: Urban, Amy , MD
DOB: Acct: 9931195912
MRN: 0001636685
Requested: 09/04/2015 20:08 Page 1 of 1

narrative

09/04/2015 00:00 TO 09/04/2015 23:59

Legend Charting

09/04/2015 08:40

Respiratory (19166)

OXYGEN - O2 SAT % = 99% Room air — Osborne, Paula , RN 09/04/2015 09:10

09/04/2015 08:45

Respiratory (19166)

OXYGEN - O2 SAT % = 100% Room air — Osborne, Paula , RN 09/04/2015 09:11

NO DATA FOUND FOR MODULE: 2. PolicyResult

TURNER, STEVEN Opt Out: No
University Medical Center
HHS Adm History DC Report
From: 09/04/2015 08:28 To: 09/04/2015 10:08
Rm-Bed: Admit Dt: 09/04/2015 08:28
Age: 24 yr Gender: M MD: Urban, Amy , MD
DOB: 1 Acct: 9931195912
MRN: 0001636685
Requested: 09/04/2015 20:08 Page 1 of 2

Allergy Detail

Allergen	Reaction	Severity	Comment
Active - Miscellaneous			
[NS] *NO KNOWN ALLERGIES*			

Onset Date:
Reported By:
Rel. to Patient:
Comments:
Entered: 09/04/2015 09:07 Osborne, Paula , RN
Confirmed: 09/04/2015 09:08 Osborne, Paula , RN
Verified: 09/04/2015 09:09 Auto,

Medication Detail

Status - Type	Description	Dose	Route	Freq Rate	Form	Strength
Active - Unknown						
	Keflex Oral (cephalexin 500 mg capsule)	1 capsule(s)	By Mouth	Every 6 hours	Capsule	500 mg

PRN: No
AKA:
Indication:
Type:
Info Source:
Int Comm:
Entered: 09/04/2015 09:12 Turner, John R., MD
Confirmed: 09/04/2015 09:12 Turner, John R., MD
Modified: 09/04/2015 09:12 Turner, John R., MD

Problem Detail

Description (Snomed code)	Chronicity / Severity	Modification Info
Active - Medical Diagnosis		
Foreign body of skin of lower leg (298098002) [1]		

Problem Priority:
Problem Onset: 09/04/2015 09:09:06 PDT
Current Occurrence: 09/04/2015
Comment:
Entered: 09/04/2015 09:09 Turner, John R., MD
Last Confirmed: 09/04/2015 09:09 Turner, John R., MD
Last Modified: 09/04/2015 09:09 Turner, John R., MD

Immunization Detail

Description	Dose	Route	Site	Type of Vaccine and Dose #	Adverse Reaction		
					Reaction	Severity	Comments

TURNER, STEVEN Opt Out: No
University Medical Center
HHS Adm History DC Report
From: 09/04/2015 08:28 To: 09/04/2015 10:06
Rm-Bed: Admit Dt: 09/04/2015 08:28
Age: 24 yr Gender: M MD: Urban, Amy , MD
DOB: Acct: 9931195912
MRN: 0001636685
Requested: 09/04/2015 20:08 Page 2 of 2

Immunization Detail (continued)

Description	Dose	Route	Site	Expiration Date	Administered By	Reaction	Reminder
tetanus toxoid, reduced diphtheria toxoid, and acellular pertussis vaccine, adsorbed (Tdap) Manufacture: GlaxoSmithKline Lot#: x4j7d Exp. Date: 09/16/2017 Status: Given Consent Dt: 09/04/2015 09:15 Consent By: patient Relationship: Self VIS Name: Tdap VIS Published Date: 02/24/2015 00:00 VIS Date: 09/04/2015 00:00 Comments: Administered on: Hall, Lindsey , RN 09/04/2015 10:01 Last Modified: Hall, Lindsey , RN 09/04/2015 10:03 Adverse Reaction Occurred: N Reported to CDC: N Reminder:	0.5 ml	Intramuscular	Right Deltoid	Single dose			

Procedure Detail

Procedure/ Body Site Order and Modifiers	Performer	Ordered	Entered	Modified	Reason	Source
No Known Procedures		09/04/2015 09:08 PDT Osborne, Paula , RN	09/04/2015 09:08 PDT Osborne, Paula , RN	09/04/2015 09:08 PDT Osborne, Paula , RN		HHS

NO DATA FOUND FOR MODULE: 6. Admission History

TURNER, STEVEN Opt Out: No
University Medical Center
HPFPolicy
From: 09/04/2015 08:28 To: 09/04/2015 10:06
Rm-Bed: Admit Dt: 09/04/2015 08:28
Age: 24 yr Gender: M MD: Urban, Amy , MD
DOB:/ Acct: 9931195912
MRN: 0001636685
Requested: 09/04/2015 20:07 Page 1 of 4

Neurological Adult Neuro Assess - Policy wdl =
* Speech: clear
Lvl of conscious: alert
Orientation: oriented X 4
Pupil Reaction, Both Pupils: PERRLA
Sensory, All extremities: intact
Sensory, Facial: intact
Memory, Remote/Recent: intact

Cardiovascular Adult Cardio Assess - Policy wdl =
Cap refill: brisk 1 - 2 sec
Edema, Generalized: none
Pulses, All Pulses: palpable, regular
Pulses, Apical: regular

Respiratory Adult Resp Assess - Policy wdl =
Breath sound ant, All Lobes: equal, clear
Breath Sound post, All Lobes: clear, equal
Resp pattern: unlabored, even

Gastrointestinal Adult Gastrointestinal Assess - Policy wdl =
Abdomen: soft, nontender
Bowel Sounds: All Quads: active
Pt indicates: no vomiting, no nausea
Oral Cavity: moist/pink

Renal/Urinary Adult Renal / Urinary Assess - Policy wdl =
Urine Appearance: yellow, clear
Continent

Musculoskeletal Adult Assess - Policy wdl =
In all extremities: Muscle strength full ROM against gravity, full resistance.
Tone and sensation normal, no gait abnormalities, nail beds pink, all pulses regular, capillary refill <3 seconds, temperature warm.
Tolerates activity

Skin Adult Skin Assess - Policy wdl =
Mucous Membranes: moist, pink
Skin Color: approp for race
Skin Condition: warm, dry, intact
Turgor: good elasticity

Postpartum Incision/Wound Policy wdl =
Dressing clean, dry, intact.

Psychosocial Adult Psychosocial Assess - Policy wdl =
Affect: appropriate, for situation
Behavior: cooperative
Mood: appropriate, for situation

Postpartum Reproductive Assess - Policy wdl =
Breasts: Smooth, Nipple: Intact

Fundus: Firm, midline @ umbilicus delivery day, 1 finger below umbilicus per day post delivery
Lochia: Scant to moderate with no clots, normal odor
Lochia color: Rubra (day 1-3), serosa (days 3+)
Episiotomy: No redness, ecchymosis, or discharge; edges well approximated
Perineum: Mild to moderate edema (no hematoma)

Newborn Nerological Assessment wdl - :

Head and Neck : Head rounded with mild to moderate molding. Fontanelles soft and flat. Sutures slightly separated, may be overlapping due to molding. Absence of scalp electrode site or caput. Nose is midline, not protruding. Nares patent. Symmetrical movement of mouth and face. Neck short and midline; full range of motion present. Lips and palate intact.

Eyes and Ears:

Eyes - Eyes symmetrically placed, clear. Sclera white. Eyelids close completely. Absence of sclera hemmoraghe; absence of drainage from eyes.
Ears - Normally placed with pinna at or above level of outer canthus of eye; pinna well formed and has good recoil. Absence of abrasions or lacerations behind the ear.

Clavicles/Thorax:
Clavicles intact. Thorax symmetrical and rounded. Breast tissue symmetrical with raised areola.

Musculoskeletal:
Ten fingers and ten toes; absence of webbing. Full range of motion in all four extremities; good recoil when extremities extended. Sole creases over anterior two-thirds of each foot.

Hips:
Symmetrical buttocks and thigh folds.

Spine:
Spine straight and intact.

Neurological:
Muscle tone strong. Quiet alert, active sleep. Cry is loud and lusty; absence of shrill, high pitch. Alert, responds to stimuli. Posture flexed. Moro, grasp and rooting reflexes present and symmetrical.

Respiratory: Respirations 30-60 per minute, unlabored and quiet. Chest symmetric. Nares patent. Breath sounds equal and clear bilaterally, audible in all lung fields.

Cardiovascular:
Normal heart rate, rhythm, and tone. Central color pink and well perfused. Capillary refill brisk. Acrocyanosis may be present. Palpable femoral and peripheral pulses. Mean Arterial Pressure (MAP) should be equal to or greater than gestational age.

G.I. Abdominal:
Abdomen rounded and soft without distention; bowel sounds present. Umbilical cord clamped, dried, or off. Two arteries and one vein present on initial assessment. Anus patent. Stools appropriate for age and feeding status. If stoma is present, site is pink and healthy.

Genitalia:

Female - Labia majora larger than labia minora and may be slightly edematous. Transient mucoid vaginal discharge or pseudo menses may be present.

Male - Foreskin intact and covers glans of penis. Urinary meatus midline at tip. Scrotum with presence of rugae and may be

edematous. Testes palpable bilaterally.

IV's: IV site prepped prior to insertion. IV site intact, without redness or edema. If Art line is present -waveform good, related extremities pink. NG/OG tube is patent and placement was verified.

Integumentary:
Color within normal limits for ethnic background. Absence of meconium staining, edema, peeling or bruising. No evidence of jaundice. Mongolian spots may be present in certain ethnic groups. Skin warm, dry, and intact, good turgor. Vernix in creases only. Nails soft and well formed.

Psycosocial - Family Behavior: Family smiles at baby, talks to and touches baby appropriately, aware of infant cues, holds or cuddles. Positive remarks about the baby.

University Medical Center of Southern Nevada

Compehensive Orders Report
From 09/04/2015 08:28 To 09/04/2015 10:06

INDEX SECTION:

Name	Order#	Original Entry DT	Start DT/TM	End DT/TM
ED Medications				
ED: Tdap diphth - acell pertussis - tetanus vaccine [BOOSTRIX]	2	09/04/2015 08:34	09/04/2015 08:34	09/04/2015 08:34
Radiology				
TR TIBIA + FIBULA (LEFT)	1	09/04/2015 08:30	09/04/2015 08:30	09/04/2015 08:30

BODY SECTION:

ED Medications

Order 2 - Version 1

ED: Tdap diphth - acell pertussis - tetanus vaccine [BOOSTRIX] 0.5 ML IM ONCE NOW 1Times

Start: 09/04/2015 08:34 **End:** 09/04/2015 08:34 **Originally Entered:** 09/04/2015 08:34 **Last Modified:** 09/04/2015 08:34	**Ordered By:** URBAN, AMY MD **Entered By:** URBAN, AMY MD **Modified By:** URBAN, AMY MD **Source:** Direct	**Action:** Ordered
Signed Action: Sign New	**By:** URBAN, AMY MD	**Date:** 09/04/2015 08:34
Signed Action: Acknowledge New	**By:** OSBORNE, PAULA RN	**Date:** 09/04/2015 08:59
		Application Source: HEO-MD **Performing Dept:** Medications **Order Group:** ED Medications **Placer Number:** 78229580

Order 2 - Version 2

ED: Tdap diphth - acell pertussis - tetanus vaccine [BOOSTRIX] 0.5 ML IM ONCE NOW 1 Times

Start: 09/04/2015 08:34 **End:** 09/04/2015 08:34 **Originally Entered:** 09/04/2015 08:34 **Last Modified:** 09/04/2015 10:04	**Ordered By:** URBAN, AMY MD **Entered By:** URBAN, AMY MD **Modified By:** HALL, LINDSEY RN **Source:** Direct	**Action:** Completed
		Application Source: HEO **Performing Dept:** Medications **Order Group:** ED Medications **Placer Number:** 78229580

Radiology

Order 1 - Version 1

TR TIBIA + FIBULA (LEFT) ONCE STAT 1Times tr 6

Start: 09/04/2015 08:30 **End:** 09/04/2015 08:30 **Originally Entered:** 09/04/2015 08:30 **Last Modified:** 09/04/2015 08:30	**Ordered By:** URBAN, AMY MD **Entered By:** PACHECO, CHARNETTE UNIT CLERK **Modified By:** PACHECO, CHARNETTE UNIT CLERK **Source:** Written	**Action:** Ordered
Reason for Exam: gsw		

Name:	TURNER, STEVEN	Age: 24 yr	Acct:	9931195912	
Opt Out:	No	Gender: M	MRN:	0001636685	
Physician:	Urban, Amy , MD	Rm-Bed:	Admit Dt:	09/04/2015 08:28	DOB:

University Medical Center of Southern Nevada

Compehensive Orders Report
From 09/04/2015 08:28 To 09/04/2015 10:06

Radiology (Continued)

Order 1 - Version 1 (Continued)

	Application Source: HEO **Performing Dept:** Radiology **Order Group:** Radiology **Placer Number:** 78229223

Order 1 - Version 2

TR TIBIA + FIBULA (LEFT) ONCE STAT 1 Times tr 6		
Start: 09/04/2015 08:30 **End:** 09/04/2015 08:30 **Originally Entered:** 09/04/2015 08:30 **Last Modified:** 09/04/2015 08:45	**Ordered By:** URBAN, AMY MD **Entered By:** PACHECO, CHARNETTE UNIT CLERK **Modified By:** STAFFID, NSCLAB **Source:** Written	**Action:** Completed
Reason for Exam: gsw		
		Application Source: RAD **Performing Dept:** Radiology **Order Group:** Radiology **Placer Number:** 78229223

Name: TURNER, STEVEN	Age: 24 yr	Acct: 9931195912	
Opt Out: No	Gender: M	MRN: 0001636685	
Physician: Urban, Amy , MD	Rm-Bed:	Admit Dt: 09/04/2015 08:28	DOB:

TURNER, STEVEN
University Medical Center of Southern Nevada
Order Summary Report
FROM: 09/04/15 08:28 TO: 09/04/15 10:06
ROOM: *-* ADM: 09/04/15 08:28
AGE: 24Y SEX: M MD: URBAN, AMY
DOB: ID: 9931195912 MR: 0001636685
REQUESTED: 09/04/15 20:07
OPT OUT:
Page: 1

Order#	Status	Order Name / Occurrence / Completed Dt/Tm	Frequency / Status	Duration / Completed by	Prty	Start Dt/Tm	End Dt/Tm
0001	Comp	TR TIBIA + FIBULA (LEFT) Ordered: URBAN, AMY Entered: PACHECO, CHARNETTE Entered Time: 09/04/15 08:30 09/04/15 08:45	ONCE 1. Reason for Exam: gsw Comment: tr 6 Complete	STAFFID, NSCLAB	0	09/04/15 08:30	09/04/15 08:30
0002	Comp	ED: Tdap diphth - acell pertussis - tetanus vaccine [BOOSTRIX] Ordered: URBAN, AMY Entered: URBAN, AMY Entered Time: 09/04/15 08:34	ONCE 1. Dose: 0.5 ML 2. Route: IM		HE000	09/04/15 08:34	09/04/15 08:34

LAST PAGE

TURNER, STEVEN Opt Out: No
University Medical Center
Prescreening
From: 09/04/2015 08:28 To: 09/04/2015 10:06
Rm-Bed: Admit Dt: 09/04/2015 08:28
Age: 24 yr Gender: M MD: Urban, Amy , MD
DOB: Acct: 9931195912
MRN: 0001636685
Requested: 09/04/2015 20:08 Page 1 of 1

narrative

09/04/2015 00:00 TO 09/04/2015 23:59

Legend Charting

09/04/2015 08:40

Radiology screening questions

Weight for Radiology - Admit Weight = 63.6kg — Osborne, Paula , RN 09/04/2015 09:10

Weight for Radiology - HEIGHT/LENGTH = 180cm — Osborne, Paula , RN 09/04/2015 09:10

UNIVERSITY MEDICAL CENTER OF SOUTHERN NEVADA
DEPARTMENT OF RADIOLOGY
1800 W. CHARLESTON BLVD. LAS VEGAS, NV. 89102
(702) 383-2241

Patient Name: TURNER, STEVEN
Sex: M
Location:
Encounter: 9931195912

Date of Birth:
MRN: 0001636685

Ordering Physician: URBAN, AMY
Order Number: 7028926

Order Date: 09/04/2015

Interpreting Radiologist: BOMSZTYK, ELAN
Dictated on: 09/04/2015 at 08:45
Signed and Finalized by: BOMSZTYK, ELAN on 09/04/2015

Exam Charge Date: Sep 4 2015 8:45AM
PROCEDURE: TRD 0141 - TR TIBIA FIBULA (LEFT) -- 7028926

XR TIBIA FIBULA 2 VIEWS

HISTORY: Gunshot wound

COMPARISON: None.

TECHNIQUE: Left tibia and fibula, 2 views.

FINDINGS AND

IMPRESSION:

There is a curvilinear foreign body within the posterior medial subcutaneous tissues. There is a
tract of subcutaneous air extending to this foreign body.

There is no left tibia or fibula fracture. Left knee and ankle alignment are grossly normal.

TURNER, STEVEN Opt Out: No
University Medical Center
Respiratory Therapy Report
From: 09/04/2015 08:28 To: 09/04/2015 10:08
Rm-Bed: Admit Dt: 09/04/2015 08:28
Age: 24 yr Gender: M MD: Urban, Amy , MD
DOB: Acct: 9931195912
MR... 0001636685
Requested: 09/04/2015 20:07 Page 1 of 1

narrative

09/04/2015 00:00 TO 09/04/2015 23:59

Legend Charting

09/04/2015 08:40

RT Equipment (80528)

O2 SAT % = 99% Room air — Osborne, Paula , RN 09/04/2015 09:10

Vent / DAS PB (80533)

PULSE #1 = 103 — Osborne, Paula , RN 09/04/2015 09:10

BP (NIBP) = 131/80 mmHg — Osborne, Paula , RN 09/04/2015 09:10

09/04/2015 08:45

RT Equipment (80528)

O2 SAT % = 100% Room air — Osborne, Paula , RN 09/04/2015 09:11

Vent / DAS PB (80533)

PULSE #1 = 104 — Osborne, Paula , RN 09/04/2015 09:11

BP (NIBP) = 132/75 mmHg — Osborne, Paula , RN 09/04/2015 09:11

09/04/2015 10:04

Vent / DAS PB (80533)

PULSE #1 = 59 — Hall, Lindsey , RN 09/04/2015 10:04

BP (NIBP) = 125/77 mmHg — Hall, Lindsey , RN 09/04/2015 10:04

UNIVERSITY MEDICAL CENTER
1800 West Charleston Boulevard
Las Vegas, Nevada 89102

CHIEF COMPLAINT: Possible gunshot wound to the left shin.

HISTORY OF PRESENT ILLNESS: This is a 24-year-old gentleman who comes in today in police custody. At about 2:30 or so this morning something happened and he thinks he might have been shot in the leg. Will not really give any more history than that. He has some pain in this area. Tetanus is not up to date. No numbness or tingling. He has been ambulatory. There was no other trauma. He has no other pain. Pain is 3/10, dull, aching, throbbing.

REVIEW OF SYSTEMS:
A total of 10 systems reviewed and negative.

PAST MEDICAL HISTORY: None.

SOCIAL HISTORY: Positive tobacco use. Positive alcohol use. Positive for marijuana use.

ALLERGIES: NONE.

MEDICATIONS: None.

VACCINATIONS: Tetanus not up to date.

FAMILY HISTORY: Noncontributory.

PHYSICAL EXAMINATION:
VITAL SIGNS: On entry to the emergency room, pulse slightly tachycardic at 104, respiratory rate of 18, temperature is normal 99.8, blood pressure is normal at 132/75, pulse oximetry 100% room air.
GENERAL: Well-nourished, well-developed, young male, awake, alert, and oriented to person, place and time. Responds to questions in full sentences without dyspnea.
HEENT: Pupils equal, round, to light. Moist mucous membranes.
NECK: Supple.
LUNGS: Clear.
CARDIOVASCULAR: Regular rate and rhythm.
ABDOMEN: Soft, nontender.
LOWER EXTREMITIES: Right lower extremity unremarkable. Left lower extremity on the medial aspect of the calf there is a puncture wound on one side. There is a little bit of underlying swelling. There is no knee tenderness. There is no fluctuance. There is dried blood in the area, but no active extravasation. There is no tenderness palpation over the tibia or the fibula. There is no tenderness palpation over the knee and there is no ballottement of the patella. There is no ligamentous laxity or instability. He has 2+ dorsalis pedis and posterior tibialis pulses bilaterally. First dorsal web sensation is intact. He can wiggle his toes without difficulty. Extremity examination was otherwise unremarkable.

SKIN: Unremarkable .

DIAGNOSTIC STUDIES: X-ray of the left tib-fib, per my review and the attending radiologist's dictation, demonstrated a curvilinear foreign body within the posterior medial subcutaneous tissues, trace subcutaneous air extending to the foreign body. No fracture.

MEDICAL DECISION MAKING AND COURSE: This gentleman comes in today in police custody after possibly sustaining a gunshot wound to the left lower extremity. The medial aspect of the tib-fib he has good peripheral pulses and sensation. This is not an area that should be disruptive to any vasculature or neurovascular bundles. At this point in time, the patient had the area irrigated. The tetanus was updated. He will be discharged on Keflex.

IMPRESSION:
1. Possible gunshot wound to the left lower extremity.
2. Retained foreign body.
3. Tetanus updated.

DISPOSITION: The patient is discharged in stable condition into police custody.

AU/MedQ
DD: 09/04/2015 09:42:10
DT: 09/04/2015 12:00:56

AMY URBAN, MD

PATIENT: TURNER, STEVEN ACCOUNT#: 9931195912
MR#: 0001636685
ADM DATE: 09/04/2015
JOB#: 809230/668869871

DICTATED BY: AMY URBAN, MD

TRAUMA CENTER REPORT
Electronically Authenticated by:
AMY URBAN, MD On 09/04/2015 03:25 PM PDT

UMC UNIVERSITY MEDICAL CENTER

* 1 T R H R C D *

ACCT: 9931195912 DOB: 12/23/1990
TURNER
STEVEN 24Y M
MR# 0001636685 ADM: 09/04/15

TRAUMA TELEMETRY RECORD

MRU01253 (07/31/14) Page 1 of 1

1. DOES PATIENT MEET TRAUMA FIELD TRIAGE CRITERIA? ☐ Yes ☒ No
2. CHOOSE ONE: ☐ Full ☐ Intermediate ☐ Burn Activation ☐ CD Eval
3. INTER-FACILITY TRANSFER? ☐ Yes ☐ No
4. BEDSIDE ACTIVATION? ☐ Yes ☐ No

DATE: 9/4 TIME: 0811 ETA: 10:12
UNIT: Rural 44
Arrived via: ☐ AMR ☐ MW ☒ LVFR ☐ HFD ☐ CCFD ☐ NLVFD ☐ Mercy Air ☐ Guardian Air ☐ Other:
AGE: 23 SEX: ☒ Male ☐ Female

PRE-HOSPITAL CARE

☐ C Spine ☐ Back Board
☐ O_2 via: @ L/min
☒ IV:
☐ Medication(s):
☐ Other:

VITAL SIGNS

BP: 72/40 P: 117 R: O_2Sat: 96 GCS: 15

MECHANISM OF INJURY

☐ MVC - Versus: / mph
☐ Ext Damage > 18 inches PCI & Location:
Apparatus: ☐ Restrained ☐ Unrestrained ☐ Air Bag deployed ☐ Car Seat
Victim Location: ☐ Driver ☐ Passenger → ☐ Front ☐ Back
Impact Type: ☐ Rear-ended ☐ Rollover ☐ T-Boned *(driver side)* ☐ Front End ☐ Head On ☐ T-Boned *(passenger side)*
☐ AUTO vs. PEDESTRIAN - mph → ☐ at least 20 mph
☐ MOTORCYCLE ☐ ATV ☐ BICYCLE ☐ WATERCRAFT
☐ Versus: @ mph ☐ Separation ☐ Helmet
☐ FALL - Distance: On to:
☒ PENETRATING INJURY - ☒ GSW ☐ Stab Wound ☐ Other:
☐ ASSAULTED - With / By:
☐ AMPUTATION: ☐ CRUSH:
☐ INHALATION INJURY: ☐ BURN: %
☐ OTHER: LOC +

CHIEF COMPLAINT

☐ Head ☐ Abdominal ☐ Neck ☒ Back ☐ Chest ☐ Extremities ☐ *Anticoagulants*

Medial (L) Calf

BURN ACTIVATION CRITERIA

☐ Patient 15 years of age or older - 2nd DEGREE BURNS OR GREATER WITH AT LEAST 20% TBSA

FULL ACTIVATION CRITERIA

PHYSIOLOGICAL CRITERIA *(Attributable to Trauma)*

- ☐ Glasgow Coma Score is 12 or less
- ☐ Confirmed Systolic BP is 90 mmHg or less at any time in adults and age specific for children
- ☐ Respiratory Rate is < 10 or > 29 breaths/minute with respiratory compromise, obstruction and/or intubation
- ☐ Children < 12 years old with uncertain physiologic condition

ANATOMIC CRITERIA

- ☐ Flail Chest
- ☐ Penetrating injury to head, neck, chest, abdomen or pelvis
- ☐ Traumatic paralysis
- ☐ Obvious skull or pelvic fracture *(due to blunt trauma)*
- ☐ Amputated, crushed, de-gloved or mangled extremity proximal to wrist or ankle

INTERMEDIATE CRITERIA

- ☐ Ejection of patient from motor vehicle
- ☐ Passenger compartment intrusion *(12 inches on patient side OR 18 inches any other area within the passenger compartment)*
- ☐ Pedestrian or cyclist hit by vehicle traveling greater than 20 mph
- ☐ Fall of greater than 20 feet
- ☐ Fall of > 3 times a child's height *(age < 14 years)*
- ☐ Rollover, patient unrestrained
- ☐ Motor vehicle crash with death of same vehicle occupant
- ☐ Motorcycle or personal watercraft crash greater than 20 mph
- ☐ Combination trauma with burns greater than 10% or inhalation injuries
- ☐ Prolonged extrication *(20 minutes or longer)*
- ☐ Penetrating injuries to the extremities, proximal to the knee or elbow

Additional Information:

ER Physician Name: URBAN Physician / RN Signature:
↳ ☐ *Conferred with Dr.* *regarding Activation Status*

ORIGINAL: Chart COPY: Registrar

Turner, Steven, A
1636685
C: 511.0, W: 1023.0
L
9/4/2015, 8:42:55 AM
A1

Certification of Medical Records

I, the undersigned, being the duly authorized medical records custodian or other qualified witness declare the following:

The copies for which this certification is made are true and complete reproductions of the original, microfilmed or electronic health records that were kept in the regular course of business of *University Medical Center of Southern Nevada* and it was in the regular course of business to make said records.

These medical records were made at the time of the condition and/or occurrences reported therein or within a reasonable time thereafter and accurately reflect the condition and/or occurrence.

I certify that the foregoing statements made by me are true.

Patient Name: Steven Turner

Date of Birth: [redacted]

Total Pages: 40

Certified by: Shakeirra Freeman

Name: Shakeirra Freeman - ROI Specialist, MRO Corp.

Date: 4/13/2018

University Medical Center of Southern Nevada
1800 W. Charleston Blvd.
Las Vegas, NV 89102

ase No.

MARKED FOR IDENTIFICATION
PROPOSED EXHIBIT

DEFENDANT'S
EXHIBIT
A
C309578-1/2
4-18-18
PENGAD 800-631-6989

IDENTIFICATION
XHIBIT
A
Case No. C-15-309578-1/2

DEFENDANT'S
EXHIBIT
B
C309578-1/2
4-18-19

IDENTIFICATION
XHIBIT

B

Case No. C-15-309578-1/2

FILED

JAN 30 2019

CLERK OF COURT

PHILIP J. KOHN, PUBLIC DEFENDER
Nevada Bar No. 0556
DEBORAH L. WESTBROOK,
Chief Deputy Public Defender
Nevada Bar No. 9285
PUBLIC DEFENDERS OFFICE
309 South Third Street, Suite 226
Las Vegas, Nevada 89155
Telephone: (702) 455-4685
Facsimile: (702) 455-5112
Attorneys for Defendant

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA, Plaintiff, v. STEVEN TURNER, Defendant,	CASE NO. C-15-309578-1 DEPT. NO. XXIX

STIPULATION AND ORDER TO RECONSTRUCT THE RECORD

Based on the stipulation and agreement by and between Chief Deputy Public Defender, Deborah L. Westbrook and Chief Deputy District Attorney, Leah Beverly, it is hereby agreed as follows:

(1) On November 30, 2017, Judge Mark Bailus provided the State with copies of Clemon Hudson's statements to police containing the State's proposed redactions (in gray), Steven Turner's proposed redactions (in green), and the court's redactions (in yellow).

(2) That same day, Ms. Beverly e-mailed color copies of those statements to Steven Turner's trial attorney, Tegan Machnich. A CD containing those e-mails forwarding the redacted statements is attached hereto as **Exhibit A**

(3) Although these redacted statements were supposed to be made Court Exhibits, they have not yet been lodged as Exhibits with the Evidence Vault.

(4) Therefore, pursuant to NRAP 10(c), in order to facilitate appellate review in this case, the parties stipulate that **Exhibit A** will be made a part of the official court record in this

case and be lodged as Court's Exhibits in the Evidence Vault, under the court date November 30, 2017.

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

By: _____
DEBORAH L. WESTBROOK, #9285
Chief Deputy Public Defender

STEVE WOLFSON
CLARK COUNTY DISTRICT ATTORNEY

By: _____
LEAH BEVERLY, #12556
Chief Deputy District Attorney

IT IS SO ORDERED.

DATED 28 day of January, 2019.

_____
DISTRICT COURT JUDGE

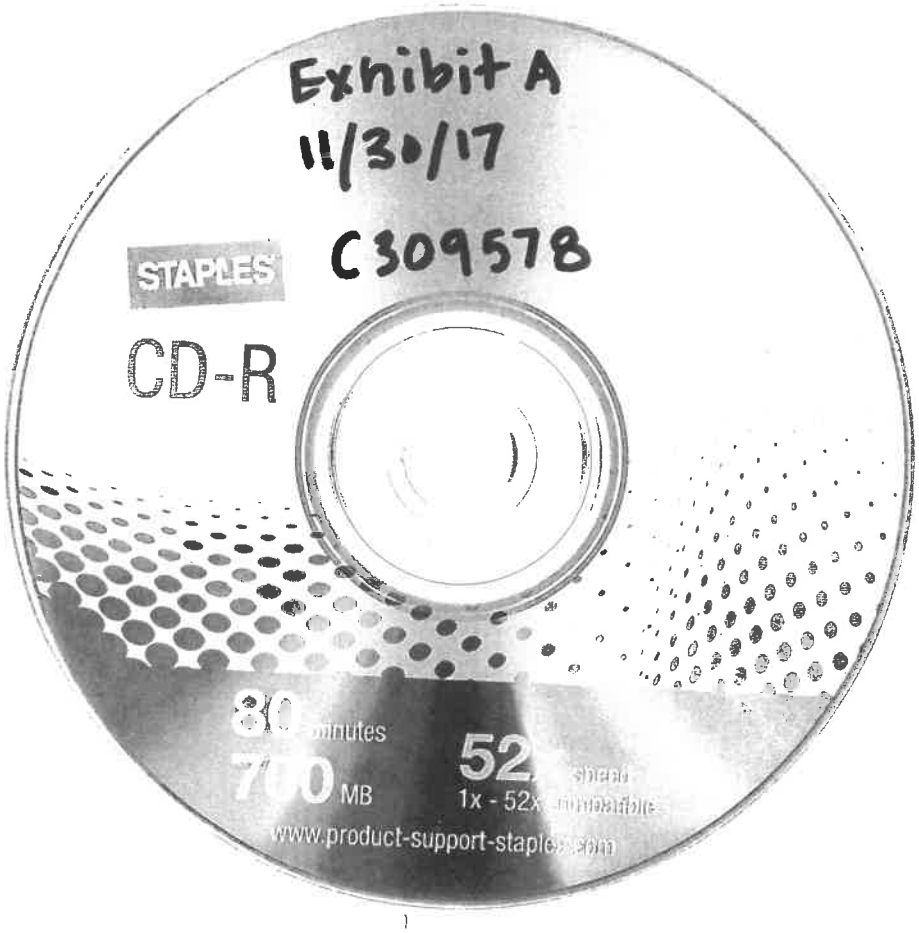


Exhibit A
11/30/17
C309578
STAPLES
CD-R
80 minutes
700 MB
52x speed
1x - 52x compatible
www.product-support-staples.com

Electronically Filed
1/31/2019 4:10 PM
Steven D. Grierson
CLERK OF THE COURT

DARIN IMLAY, PUBLIC DEFENDER
Nevada Bar No. 5674
DEBORAH L. WESTBROOK,
Chief Deputy Public Defender
Nevada Bar No. 9285
PUBLIC DEFENDERS OFFICE
309 South Third Street, Suite 226
Las Vegas, Nevada 89155
Telephone: (702) 455-4685
Facsimile: (702) 455-5112
Attorneys for Defendant

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA, Plaintiff, v. STEVEN TURNER, Defendant,	CASE NO. C-15-309578-1 DEPT. NO. XXIX

STIPULATION AND ORDER TO RECONSTRUCT THE RECORD

Based on the stipulation and agreement by and between Chief Deputy Public Defender, Deborah L. Westbrook and Chief Deputy District Attorney, Leah Beverly, it is hereby agreed as follows:

Attached hereto as **Exhibit A**, is a true and correct copy of the State's Closing Power Point presentation in the above-referenced trial.

/ / /

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/ / /

Pursuant to NRAP 10(c), in order to facilitate appellate review in this case, the parties stipulate that **Exhibit A** is to be made part of the official court record in this case.

DARIN IMLAY
CLARK COUNTY PUBLIC DEFENDER

By: _____
DEBORAH L. WESTBROOK, #9285
Chief Deputy Public Defender

STEVE WOLFSON
CLARK COUNTY DISTRICT ATTORNEY

By: _____
LEAH BEVERLY, #12556
Chief Deputy District Attorney

IT IS SO ORDERED.

DATED 30 day of January, 2019.

_____
DISTRICT COURT JUDGE
JS

STATE OF NEVADA VS. STEVEN TURNER AND CLEMON HUDSON

CLEMON HUDSON

STEVEN TURNER

STATE MUST PROVE 2 THINGS:

1. A CRIME WAS COMMITTED

2. THESE DEFENDANTS COMMITTED THE CRIME

CHARGES:

Count 1-Conspiracy to Commit Burglary

Count 2-Attempt Burglary While in Possession of Firearm

Count 3 & 4- Attempt Murder with Deadly Weapon

Count 5- Battery with Deadly Weapon Resulting in Substantial Bodily Harm

THEORIES OF LIABILITY:

1. Directly Committed the Crime
2. Conspiracy Theory
3. Aid and Abet in the Crime

SPECIFIC AND GENERAL INTENT

Specific intent is the intent to accomplish the precise act which the law prohibits.

General intent is the intent to do that which the law prohibits. It is not necessary for the prosecution to prove that the defendant intended the precise harm or the precise result which eventuated if a crime is a general intent crime.

Counts 1-4 of the Indictment are specific intent crimes. Count 5 is a general intent crime

Conspiracy Theory:

A Conspiracy is defined as an **agreement between two or more persons for an unlawful purpose**. A person who knowingly does any act to further the object of a conspiracy, or otherwise participates therein, is criminally liable as a conspirator.

Conspiracy Theory:

It is **not necessary** in proving a conspiracy to show a meeting of the alleged conspirators or the **making of an express or formal agreement**. The **formation and existence of a conspiracy may be inferred from all circumstances** tending to show the common intent

Conspiracy Theory:

Mere knowledge or approval of, or acquiescence in, the object and purpose of a conspiracy without an agreement to cooperate in achieving such object or purpose does not make one a party to conspiracy. Conspiracy is seldom susceptible of direct proof and is usually **established by inference from the conduct of the parties. In particular, a conspiracy may be supported by a coordinated series of acts, in furtherance of the underlying offense, sufficient to infer the existence of an agreement.**

Conspiracy Theory:

Every conspirator is legally responsible for a specific intent crime of a co-conspirator so long as the specific intent crime was intended by the defendant. A conspirator is also legally responsible for a general intent crime that follows as one of the probable and natural consequence of the object of the conspiracy even if it was not intended as part of the original plan and even if he was not present at the time of the commission of such act.

AID AND ABET:

A defendant aids and abets the commission of a crime if he knowingly and with **criminal intent aids, promotes, encourages or instigates by act or advice, or by act and advice, the commission of such crime with the intention that the crime be committed**.

AID AND ABET:

Every person concerned in the commission of a crime, whether he directly commits the act constituting the offense or aids or abets in its commission is guilty as a principal. **Nevada law does not distinguish between an aider or abettor to a crime and an actual perpetrator of a crime; both are equally culpable**.

The State is not required to prove precisely which defendant actually committed the crime and which defendant aided and abetted.

AID AND ABET:

Mere presence at the scene of a crime or knowledge that a crime is being committed is not sufficient to establish that a defendant is guilty of an offense, unless you find beyond reasonable doubt that the defendant was a participant and not **merely a knowing spectator.**

However, **the presence of a person at the scene of a crime and companionship with another person engaged in the commission of the crime and a course of conduct before and after the offense are circumstances which may be considered in determining whether such person aided and abetted** the commission of that crime.

TRANSFERRED INTENT:

If you believe that at the time of the shooting in this case that the defendant intended to kill any person, or to aid and abet one of his co-defendants to kill any person, it is of no legal consequence that he or one of his co-defendants mistakenly injured a different person. His intent to kill transfers to the person actually harmed

You do not have to all agree on the same theory of liability

CONSPIRACY TO COMMIT BURGLARY:

Testimony of Homeowners:

- 3:30 in the morning
- More than one person casing this house and trying to get in
- Noise on the back patio
- 911 call

CONSPIRACY TO COMMIT BURGLARY:

Testimony of Homeowners:

- Jumping over walls in the middle of the night with high powered weapons

CONSPIRACY TO COMMIT BURGLARY:

Defendant Hudson:

- Plan was to go to this house to steal some weed
- Meets with someone, they go to the house together after previously checking out the house the week before

CONSPIRACY TO COMMIT BURGLARY:

Defendant Turner:

- **Went to the house to do a dope rip**
- **Knows the homeowner has weed**
- **he was with one other person riding together**
- **Hops into the backyard to join**

ATTEMPT BURGLARY WHILE IN POSSESSION OF A FIREARM:

The elements of an attempt to commit a crime are:

1. the intent to commit the crime;
2. performance of some act towards it commission; and
3. failure to consummate its commission.

ATTEMPT BURGLARY WHILE IN POSSESSION OF A FIREARM:

Every person who, by day or night, **enters** any shop, warehouse, store or other building, with the **intent to commit Larceny, and/or Robbery**, therein is guilty of Burglary.

Force or a "breaking" is not a necessary element of the crime.

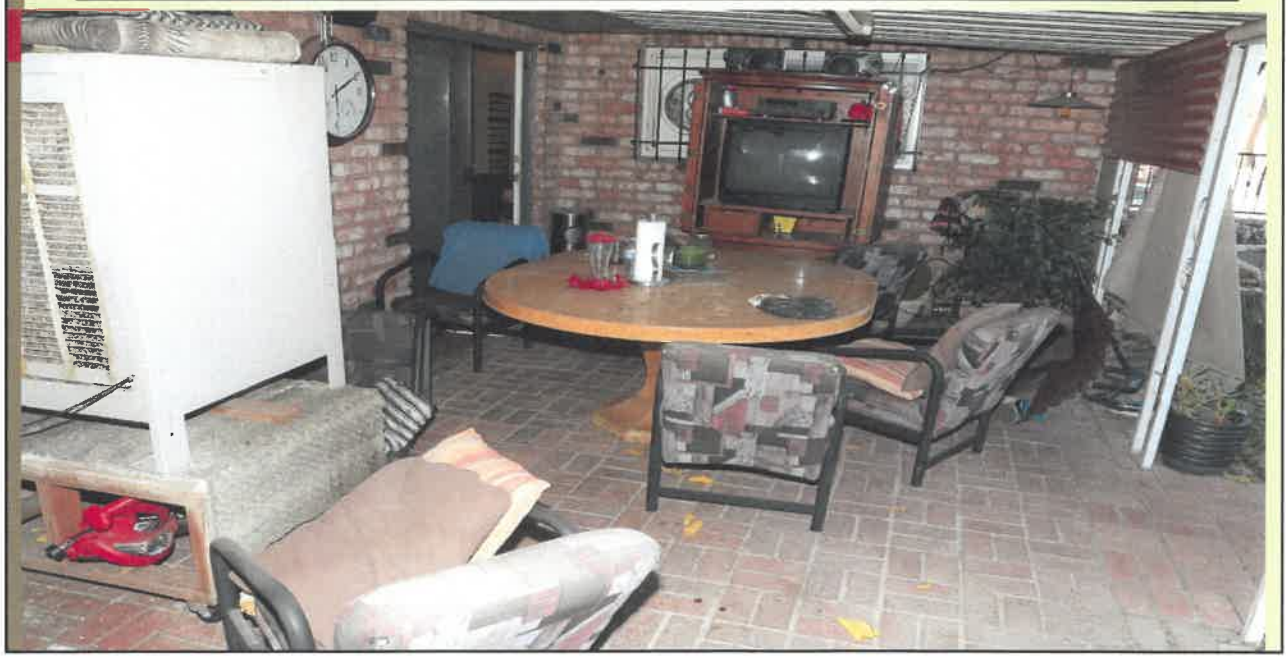
ATTEMPT BURGLARY WHILE IN POSSESSION OF A FIREARM:

Every person who commits the crime of Burglary, who has in his possession or gains possession of any firearm at any time during the commission of the crime, at any time before leaving the structure, or upon leaving the structure, is guilty of Burglary While in Possession of a Firearm.

ATTEMPT BURGLARY WHILE IN POSSESSION OF A FIREARM:

"ATTEMPT TO ENTER to COMMIT LARCENY/ROBBERY"

ATTEMPT BURGLARY WHILE IN POSSESSION OF A FIREARM:



ATTEMPT BURGLARY WHILE IN POSSESSION OF A FIREARM:

- Metal chairs moving around on the patio
- Defendants are close to the back door when the back door opens
- 911 call- Defendant's are back there for a long time trying to figure out how to get in the house

ATTEMPT BURGLARY WHILE IN POSSESSION OF A FIREARM:

Both Defendants say the plan was to go to the house to take some marijuana

ATTEMPT BURGLARY WHILE IN POSSESSION OF A FIREARM:

Hudson:

Admits to trying the side door of the house to get in and twisting the door knob- but it was locked

Admits checking out this particular house prior to incident

ATTEMPT BURGLARY WHILE IN POSSESSION OF A FIREARM:

Turner:

Never called Clarkson, whom he knew, saying he was coming over

Never tried to get Clarkson to let him in the house

He was there to do a dope rip

ATTEMPT BURGLARY WHILE IN POSSESSION OF A FIREARM:

HOW DO WE KNOW TURNER AND HUDSON HAD A WEAPON DURING THE ATTEMPT BURGLARY?

ATTEMPT BURGLARY WHILE IN POSSESSION OF A FIREARM:

HUDSON:

- **He told you he had both guns**
- **His fingerprints are on the shot gun**
- **His DNA is on the hat and the person with the hat had the shogun**
- **He is found laying immediately next to the shotgun**

ATTEMPT BURGLARY WHILE IN POSSESSION OF A FIREARM:

TURNER:

- **He told you the gun belonged to his uncle**
- **He knew the gun was in the car that night and taken from the car**
- **He's on the patio when the shots occurred- same place rifle casings found**
- **He has a gunshot wound to his left calf with a fragment**

ATTEMPT BURGLARY WHILE IN POSSESSION OF A FIREARM:

If more than one person commits a crime, and one of them uses a deadly weapon in the commission of that crime, **each may be convicted of using the deadly weapon even though he did not personally himself use the weapon if you find that he aided and abetted or conspired to commit the offense**.

An unarmed offender "**uses" a deadly weapon when the unarmed offender is liable for the offense under aiding and abetting or conspirator liability, another person liable for the offense is armed with and uses a deadly weapon in the commission of the offense, and the unarmed offender had knowledge of the use of the deadly weapon.**

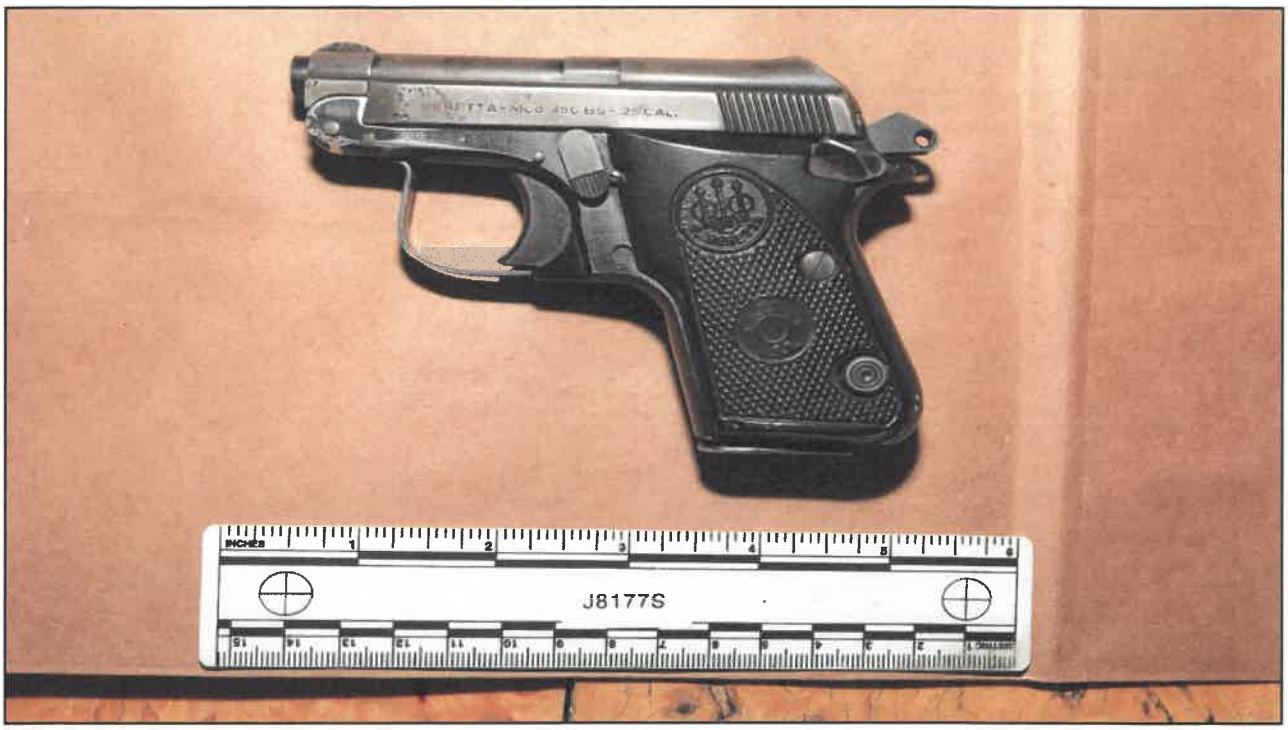
ATTEMPT MURDER WITH DEADLY WEAPON:

Attempt murder is the performance of an act or acts which tend, but fail, to kill a human being, when such acts are done with express malice, namely, with the deliberate intention unlawfully to kill.

Express malice is that deliberate intention unlawfully to take away the life of a human being, which is **manifested by external circumstances capable of proof.**

The intention to kill may be ascertained or deduced from the facts and circumstances of the attempted killing, such as the use of a weapon calculated to produce death, the manner of its use, and the attendant circumstances characterizing the act.

A defendant's state of mind does not require the presentation of direct evidence as it existed during the commission of a crime. The jury may infer the existence of a particular state of mind of a party from the circumstances disclosed by the evidence.


INCHES
J8177S

Edward & JoAnn Merritt
19174 Mendota St.
Detroit, MI 48221
313-342-6765

To Whom It May Concern,

My name is JoAnn Merritt one of ten aunts to **Clemon Lamar Hudson,** on his father's side, who is Clemon Hudson jr. I retired from Gale Research as an Associate Editor for 15 years. I truly love this young man. He is the only young man who has demonstrated at a young age his desire to take care of me. That was truly amazing since he was only ten years old at that time, for a young man to make a vow of that magnitude to me his aunt. I am now 70 plus years young, and I believed that he would, if he could, in his own loving way.

We were pleased and honored when asked to write a character reference for Lamar. We are aware of the serious infractions he is faced with. Yet, we feel compelled to offer our opinion and observation of **Clemon Lamar Hudson**. My Husband Edward Merritt now retired from Ford Motor Co in 2007 as a Service Engineer for 30 years and I have known him every since he was born to Karen and Clemon Hudson jr. Both of Lamar's parents were raised to teach children to honor and respect to others and their property. I know because of his up-bringing that he is truly remorseful of his actions.

Overall and in conclusion, we respectfully request that this character reference be considered in your decision regarding an appropriate sentence in this chase.

Sincerely yours,
Edward and JoAnn Merritt

Gmail

Karen Hudson <kcaregiver77@gmail.com>

Character letter

1 message

joyce tipke <joycetipke3@gmail.com> Fri, Jun 8, 2018 at 12:19 AM
To: kcaregiver77@gmail.com

June 07, 2018
From: Joyce Ann Tipke
Career: Caregiver
State: Spokane WA

Ch: letter Judge Mark Bailus
In Connection with
Clemon Lamar Hudson
C-15-3095782

I Joyce Tipke, The Oldest Aunt on his mother side of the family.
I have Known Clemon Lamar Hudson all his life, he is the second born of the family.
I baby set him on many occasions, he grew up in a very loving family and strong supported family, we are godly family,
The nephew I know is a sweet and caring person that has Respect man kind.
Our family is under a hardships at this moment, and our heart are burden, the young man we the family know is not a thug or a threat to anyone,and hope that you as a person of honest and moral will see our family member as human that made a poor decisions that deserves a fair chance in life,
I know without a doubt this has made a very wise person out of (Clemon Lamar Hudson).
Thank you for listening to my plee.

Joyce Ann Tipke.

Gmail

Karen Hudson <kcaregiver77@gmail.com>

(no subject)

1 message

adrian Elias <adriandawn23@yahoo.com>
To: "kcaregiver77@gmail.com" <kcaregiver77@gmail.com>

Thu, Jun 7, 2018 at 10:01 PM

Adrian D. Elias
1929 Merze Ave
Henderson, NV 89011
702-901-1956
Adriandawn23@yahoo.com

June 7,2018

The honorable Judge Mark Bailus
RE: Sentencing of Clemen Hudson
C-15-309578-2

I am Adrian Elias, Mr. Hudson's older cousin. I'm 28 years old, moved here from California in 2003. I attended Valley High School where I graduated in June of 2008. I proceeded my education as I attended College Of Southern Nevada while studying Criminal Justice. After a few semesters I placed my dreams on hold to start a family with my fiancé of 5 years. I'm well aware of the charges Mr. Hudson is facing. However, I'm more than happy to offer an endorsement of Mr. Hudson's good character.
I've been around around Mr. Hudson for all of his life. Even though we are cousins we grew up much more like siblings. Our parents raised us in church where we attended every Sunday. We're a very close family. Mr. Hudson have always been a positive and generous person. I remember one summer weekend I spent with his family, Mr. Hudson and his brothers had all got new toys and he got a new basketball and court. Me being a female I wasn't basketball savvy. However, Mr. Hudson would invite me outside to play basketball with him and friends. He would be eager to teach me how to do tricks and make different shots. Even when I become flustered and wanting to give up, he wouldn't let me. He would encourage me to keep trying! Told me it's ok to not make the basket but to keep trying. He's such an positive and light energy to be around! I can go on and on about the person Mr.Hudson is but this is just an small instance, along with many others giving an example of Mr. Hudson's reputation of love and generosity in our family.
Thank you for you're time your honor.

Sent from Yahoo Mail for iPhone

Cherise A. Merritt
4824 Capitol Ave
#2
Omaha, NE 68132

To whom it may concern.

I am one of Clemon Lamar Hudson's older cousin and pleased to have the opportunity to let you know of my personal experience with my cousin Lamar.

I am currently residing in Omaha Nebraska, and a few years ago I had the pleasure of living with my Uncle Clemon in Las Vegas Nevada. This encounter was the first time I was able to visit with my younger cousins for longer periods of time and was able to truly get to know my cousins heart and spirit.

Our parent raised us to do right, be honorable, decent and in order. This is not restricted to just inside the house but in this world as well. My Uncle Clemon Hudson raised his sons to walk in this exact light. I witnessed Lamar attending Sunday school every Sunday as well as working on the Church property Saturday mornings putting together "go" bags and handing them out to the homeless. He also displayed this kind of enthusiasm at home, I know this because I was his baby sitter sometimes.

This is Lamar, a kind, mindful, polite, young man

Cherise Merritt
Treasury Analysis, Corporate Finance

Gmail

Karen Hudson <kcaregiver77@gmail.com>

Clemon Lamar Hudson

1 message

Renee Hazziez <hazziezrenee@yahoo.com> Wed, Jun 6, 2018 at 7:40 PM
Reply-To: "hazziezrenee@yahoo.com" <hazziezrenee@yahoo.com>
To: "Kcaregiver77@gmail.com" <Kcaregiver77@gmail.com>

Greetings addressing the court respectfully,
I'm writing this letter in regards to Clemon Lamar Hudson. I've known this young man and his family for many years since he was a child. He comes from a very blessed beautiful family, salt of the earth. He has always been a respectful young man with a good heart. I'm sure you see letters of this sort alot. Truly this is not a hard hearted young man. He is a young man who always was close to family and doing honorable things. It saddens my heart that he has found himself in this predicament. He comes from a very solid foundation and loving wonderful family. Truly I love this young man dearly and am praying God's best for him. I love him dearly and his family. He has never been anything but a kind respectful young man. My prayers and heart are definitely with him. Thank you for taking time to read this letter. Very Sincerely, Renee Hazziez

Renee Hazziez
Employed Las Vegas Conventions

Sent from Yahoo Mail on Android

June 6, 2018

The Honorable Mark B. Bailus
Department XVIII
Eighth Judicial District Court
330 S. 3rd St.
Las Vegas, NV 89101

Dear Judge Bailus:

My name is Juanita Watson, and I am writing a letter on behalf of my cousin, Clemon Lamar Hudson. I am the mother of one daughter and a son-in-law, grandmother of seven and great-grandmother of three. I am a Contracts Administrator for a commercial real estate company based in Santa Monica, CA.

Lamar, as he is affectionately called by his family, is my first cousin, my uncle's son. I have known him his entire life. This young man grew up in a two-parent Christian home, and has been sheltered, shielded and protected by his loving family who have surrounded and supported him his entire life.

Lamar is a very kind, gentle young man and it is always a pleasure visiting his home in Las Vegas, NV. The whole family is very loving, warm and welcoming and we always have a wonderful time together whether during holidays or summer vacations, since Lamar was born. I miss him very much and I pray he comes home soon.

Thank you.

Juanita Watson

Juanita Watson

June 5, 2018

To Whom It May Concern:

My name is Evelyn Williams and I am the younger sister of Karen Hudson and the youngest of Clemon Jr's aunts. The purpose of this letter is to bare witness to the positive character of Clemon Lamar Hudson Jr. I have a son very close in age to Clemon, who we affectionately refer to by his middle name "Lamar", and my son and the rest of his cousins grew up together in Vegas like brothers. Ever since Lamar was a kid he has always been a mild mannered, calm and even-tempered individual. I can honestly not remember a time when I saw him angry. Lamar grew up in a devout Christian household with two loving entrepreneurial parents and a very intelligent older brother who set a great example for both of his younger brothers. Prior to this incident Lamar never had any problems with the law or any other area.

From as far back as I can remember Lamar has always been a smart brave young man and a leader of his younger cousins. As a child he taught himself and the rest of the boys how to skateboard, mastering many difficult tricks. He also taught himself how to do all types of flips on and off the trampoline. I always admired that he had such a bright and determined mind. Lamar was obedient, never disrespectful, and very helpful around the house. Our family has always been very close; growing up Lamar never missed a family gathering. He was always there to make us smile.

Lamar is an important part of this family and we miss him terribly. While I can't explain this situation, I know Lamar is remorseful for the decisions he made.

Since he's been away, he's been blessed with a beautiful daughter who will suffer without a father as she grows older. I know Lamar would do anything to care and be a good example for her and if given the opportunity I truly do not believe he would make the same mistakes ever again. If given the opportunity I know Lamar would be an outstanding citizen positively to society and taking care of his beautiful baby girl. Please consider this letter from someone who has been able to watch Lamar grow from an infant as you make any further decisions about his life.

Respectfully,

Evelyn Williams

June 8, 2018

Judge Mark Bailus,

Regarding: Clemon Hudson - C-15-309578-

He is a well-mannered and very respectful young man. He was brought up in a home with love, sound teaching, and strong morals. He also attended sunday school and church services every sunday.

At the mercy of the court, I'm asking that Clemon be given the lightest sentence possible, because he has no criminal record beside this, and I personally believe that he would do better if he is given the opportunity. I've known him for almost twenty years, and I have known him to be a mild-mannered person. I feel this was an awakening moment for him.

Please consider this character letter on his behalf.

Edna Samuel
family friend

To Whom This May Concern,

This letter is a character reference of Clemon Lamar Hudson. Clemon Lamar has been a shy young man. He was always willing to learn and very attentive in attending Believers in Christ Ministries. Lamar has always been positive in working with others, but has a reserve attitude of being often to himself, not normally being with a crowd or group. He mostly stay close to home, strength, always fair, honest, kind appreciation for family and caring for others. He has respect for the authority and reference for faith in God.

I am Pastor Tapplin, whom which has served him and his family while being a part of Believers in Christ Ministries. He has helped feed the Homeless, Cleaned the church and participated in helping with the Children's Ministry. I think his character, respect, attitude and behavior was always good and well to be around. His family has always taught and showed Lamar the best way to handle himself in crisis and difficult situations. I believe he has the right upbringing and manners to make positive decisions. I would rule in favor of Clemon Lamar being a positive child and adult in his community. I believe his fear and respect for authority have a heart as a believer to conduct himself in a community to be positive and honorable. His behavior and judgement receive favorable results in what he say or do.

Sincerely

Michael Tapplin

Senior Pastor Michael Tapplin

Contessa Handy
5609 Deodar Dr.
Las Vegas, NV 89108

June 2, 2018

The Honorable Judge Mark Bailus
Clark County Regional Justice Center
200 Lewis St.
Las Vegas, Nevada 89101

Re: Sentencing of Clemon Lamar Hudson, III, Case No. C-15-309578-2

Dear Judge Mark Bailus,

My name is Contessa Handy, a dearest and close aunt of Clemon Lamar Hudson, III. I have been in his life all his earthly beings. I know Clemon to be a young man of strong moral character who treats others with courtesy and respect. I admire that in him! He joined church and was baptized at an early age. His upbringing involved his Christian parents, relatives, and family friends. The parents, being very protective and close-knit to their children, instilled Christian and Family values at a very early age, taking them to Church; Sunday school; Bible study; hosting weekly Prayer meetings in their home where other families and neighbors were invited to attend; family gatherings; feeding and clothing the homeless; and, by parents interpretation, a part of God's plan of action ("A family that pray together, stay together"). We will never want him to think that the family will stop loving him and God want forgive him because that will be ludicrous!

Clemon attended Western high school in Las Vegas, Nevada. Some of his greatest high school sports attributes were playing varsity football and baseball. He really excelled in those two varsity levels. In his pastime, he enjoys playing video games, champion of "All."

Just seeing Clemon in jail attire, the battered look on his face, scared and confused, brought tears to our eyes, especially his parents. He's trying to be strong for the family but found it very hard to look our way. We believe he realizes that he made a grave mistake and being incarcerated is a reality. We love him and will always be there for him.

I would like to thank you for your time in reading family and friends character reference letters about my nephew. I hope they have provided helpful context for understanding the type of person Clemon truly is.

Your Honor, please take under consideration this is his first offence. He has never been in trouble before.

Thanking you in advance!

Sincerely,

Contessa Handy

EXHIBIT B

2298

Certificate of Appreciation

This certificate is awarded to

Clemon Hudson

From The

Believers In Christ Ministries

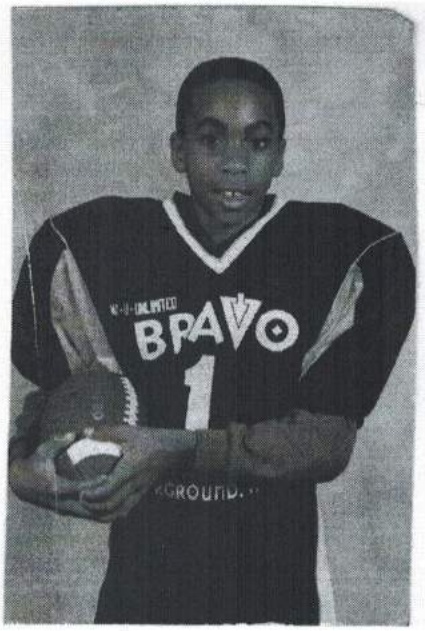
Michael A. Tapplin — 21 Sept. 2008

Signature of Senior Pastor — Date

BELIEVERS IN CHRIST

Ministries

EXHIBIT C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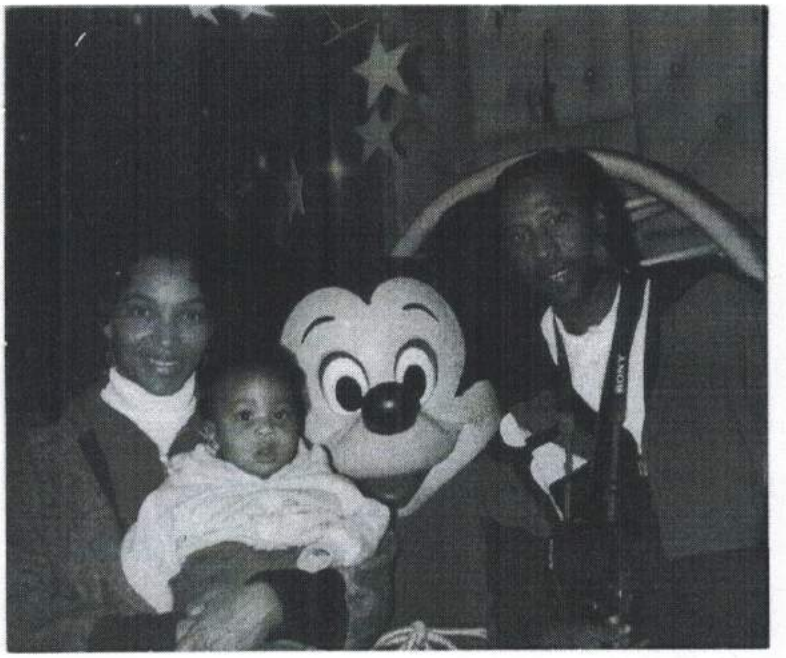

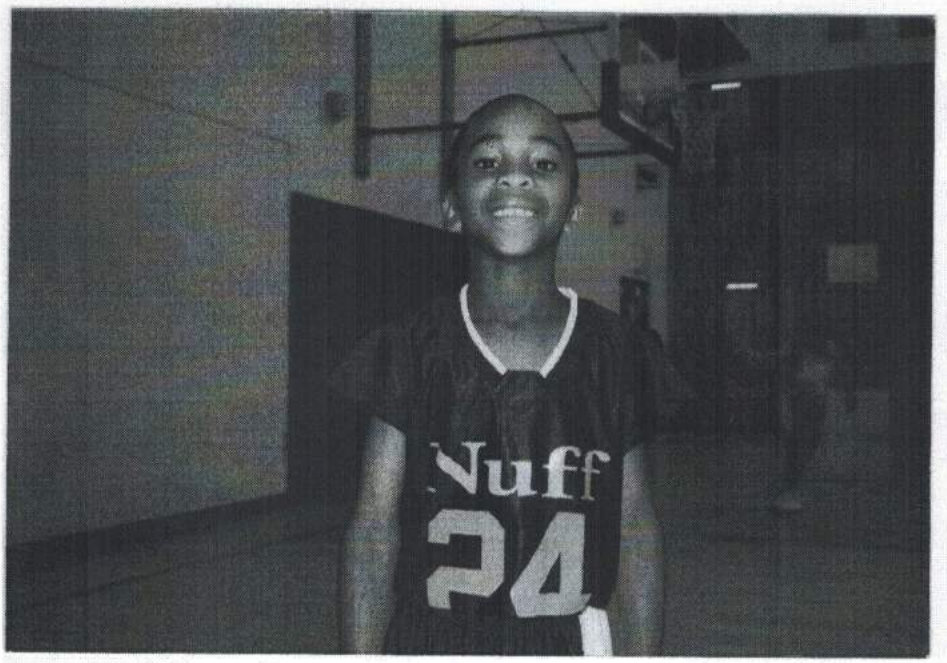
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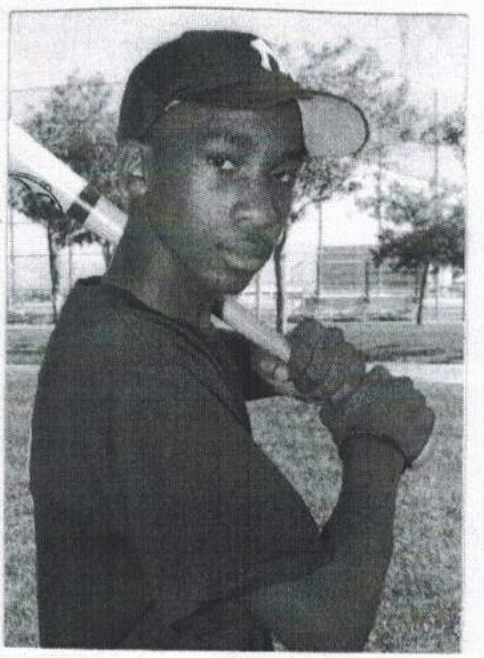


DISTRICT COURT
CLARK COUNTY, NEVADA

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

C-15-309578-2 State of Nevada
vs
Clemon Hudson

May 17, 2016 **9:00 AM** **Defendant's Motion For Bail Reduction**

HEARD BY: Scotti, Richard F. **COURTROOM:** RJC Courtroom 11D

COURT CLERK: Shelly Landwehr

RECORDER: Elsa Amoroso

REPORTER:

PARTIES PRESENT:	Beverly, Leah C.	Attorney
	Hudson, Clemon	Defendant
	Marchese, Jess R.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Mr. Marchese argued in support of his motion. Representations by Mr. Marchese as to the shots fired and defendant's role. Arguments by Ms. Beverly. Following further arguments, COURT ORDERED, motion DENIED without prejudice. Court invited Mr. Marchese to refile the motion with more information such as defendant's background, character and reputations in the community.

CUSTODY

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **June 16, 2016**

C-15-309578-2 State of Nevada
vs
Clemon Hudson

June 16, 2016 **9:00 AM** **Defendant's Motion For Bail Reduction**

HEARD BY: Scotti, Richard F. **COURTROOM:** RJC Courtroom 11D

COURT CLERK: Shelly Landwehr

RECORDER: Patti Slattery

REPORTER:

PARTIES PRESENT:	Beverly, Leah C.	Attorney
	Coumou, Frank J.	Attorney
	Hudson, Clemon	Defendant
	Marchese, Jess R.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Mr. Marchese argued in support of his motion. Arguments by Ms. Beverly and Mr. Coumou. COURT ORDERED, BAIL MODIFIED. BAIL SET AT $200,000.00

CUSTODY

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **January 24, 2017**

C-15-309578-2 State of Nevada
vs
Clemon Hudson

January 24, 2017 **9:00 AM** **Defendant's Motion For Bail Reduction**

HEARD BY: Scotti, Richard F. **COURTROOM:** RJC Courtroom 11D

COURT CLERK: Shelly Landwehr/STL
Aja Brown

RECORDER: Dalyne Easley

REPORTER:

PARTIES PRESENT:

Hudson, Clemon	Defendant
Marchese, Jeff	Attorney
Beverly, Leah	Attorney

JOURNAL ENTRIES

- Mr. Marchese argued in support of his motion regarding defendant's criminal history, employment and gang affiliation. Arguments by Ms. Beverly regarding a previous reduction in bail and noted the State was ready for trial and it was continued at the request of defendant.

Following conference at the bench, COURT ORDERED, motion DENIED. Court stated it considered the NRS factors; however, gave more weight to the seriousness of the crime.

CUSTODY

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **May 11, 2017**

C-15-309578-2 State of Nevada
vs
Clemon Hudson

May 11, 2017 **3:00 PM** **Minute Order**

HEARD BY: Scotti, Richard F. **COURTROOM:**

COURT CLERK: Natalie Ortega

RECORDER:

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

Defendant's Motion for Discovery fails to present any factual or legal entitlement to relief. The Defendant is directed to refer to the Court's discovery protocol entitled "Defendant's Pre-Trial, Due-Process, Right to Obtain "Brady" Information/Documents," which is below. The Defendant is ordered to provide Supplemental Points and Authorities by May 18, 2017; the State should respond by May 25, 2017. The Hearing on this matter is continued to May 30, 2017.

Defendant's Pre-Trial, Due-Process, Right To Obtain "Brady" Information/Documents[1]

A. "General request" for favorable material under Brady.

The Defendant may submit to the State a written request for production of documents. *Penn. v. Ritchie,* 480 U.S. 39 (1987). The State must produce all information that has a "reasonable probability" of affecting the outcome of the case. *Id.* The State decides which information to disclose. *Id.* "Defense counsel has no constitutional right to conduct his own search of the State's files to argue relevance." *Id.* "Unless defense counsel becomes aware that other exculpatory evidence was withheld and brings it to the court's attention, **the prosecutor's decision on disclosure is**

[1]This memo does not address the defendant's rights under NRS 174.235.

final." *Id.* at 59 (emphasis added).

B. "Specific request" for favorable material under Brady:

1. Written Discovery Request To State

The Defendant should submit to the State a written request for specific information/documents which the Defendant claims to be material. *U.S. v. Agurs,* 427 U.S. 97 (1976).

Upon receipt of such request, the "prosecutor must decide what, if anything, it should voluntarily submit to defense counsel." *U.S. v. Agurs,* 427 U.S. 97 (1976). *Mazzan v. Warden,* 116 Nev. 48 (2000) ("The prosecutor is responsible for determining whether evidence is material and should be disclosed."). The Prosecutor should produce any evidence that is favorable to the defendant. *Mazzan v. Warden,* 116 Nev. 48 (2000) (exculpatory evidence, evidence to attack the police investigation, and impeachment evidence).

Evidence is material if there is a "reasonable possibility" that the evidence "would [] affect[]" "the outcome of trial." *Robert v. State,* 110 Nev. 1121 (1994). "A 'reasonable probability' is a probability sufficient to undermine the confidence in the outcome." *Penn v. Ritchie,* 480 U.S. 39 (1987).

Upon request for specific information/documents that may be material, the State has a duty to examine the information/documents and determine whether it should be disclosed. *Lay v. State,* 116 Nev. 1185, 1194 (2000). "The prudent prosecutor will resolve doubtful questions in favor of disclosure." *U.S. v. Agurs,* 427 U.S. 97, 108 (1976).

If necessary, the Court may order the State to respond in writing to the Defendant's request.

2. Motion To Compel

The Defendant may file a motion to compel the State to either (a) produce the information/documents, or (b) submit the material to the Court for in camera review. *Penn. v. Ritchie,* 480 U.S. 39 (1987) ("If a defendant is aware of specific information contained in the file . . . he is free to request it directly from the court, and argue in favor of its materiality."); *U.S. v. Agurs,* 427 U.S. 97 (1976).

Requirements to prevail on a motion to compel:

a. The Defendant must present **facts tending to prove the State possesses** the specific information/documents.

The Defendant must demonstrate that it is "aware" that the State possesses "specific information" (*Penn. v. Ritchie,* 480 U.S. 39 (1987)). This "requires a presentation of 'facts which would tend to show that the Government is in possession of information helpful to the defense." *U.S. v. Santiago,* 46 F.3d 885 894 (9th Cir. 1995). *See Roberts v. State,* 110 Nev. 1121 (1994) (defendant presented affidavit with evidentiary support for the claim that the State possesses the information).

"Possession" includes actual or constructive possession, by anybody on the prosecution team, including (a) "others acting on the government's behalf in [the] case," and (b) any arm of the government where the prosecutor is in

the unique position to obtain information known to other agents of the government." *Kyles v. Whitley,* 514 U.S. 419, 437 (1995); *Banks v. Dretke,* 540 U.S. 668, 691 (2004); *Carriger v. Stewart,* 132 F.3d 463 (9th Cir. 1997),

If the State denies that it has possession of the requested information/documents, and the Defendant has no factual basis to rebut the denial, then that ends the inquiry, and the Defendant is not entitled to any order compelling disclosure, inspection, or in camera review by the Court.

b. The Defendant must assert a **claim of materiality**, and present a "**factual predicate**" with a "**substantial basis**" for claiming materiality.

The Defendant must **claim** that the requested information is material (*Penn. v. Ritchie,* 480 U.S. 39 (1987)).

"A defendant must advance some **factual predicate** which makes it reasonably likely the requested file will bear information material to his or her defense. A bare assertion that a document 'might" bear such fruit is insufficient." *Sonner v. State,* 112 Nev. 1328 (1996).

The Defendant must have a "**substantial basis**" for claiming materiality. *U.S. Agurs,* 427 U.S. 97 (1976); *Roberts v. State,* 110 Nev. 1121 (1994).

If the Defendant submits a motion to compel that fails to address each of the aforementioned requirements, then the Court will deny the motion without prejudice.

The Court will rule upon specific requests on an individual basis if the Defendant submits a motion to compel that addresses each of the aforementioned requirements.

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **May 25, 2017**

C-15-309578-2 State of Nevada
vs
Clemon Hudson

May 25, 2017 **3:00 PM** **Minute Order**

HEARD BY: Scotti, Richard F. **COURTROOM:** Chambers

COURT CLERK: Kory Schlitz

RECORDER:

REPORTER:

PARTIES PRESENT: None – Minute Order Issued from Chambers

JOURNAL ENTRIES

- On 5/11/17 the Court issued a minute order continuing Defendant s Discovery Motion to allow Mr. Mueller to file supplemental points and authorities in compliance with the Court's discovery protocol. That supplemental motion was due by 5/18/17. As of 5/24/17, the Court is still not in receipt of any supplemental motion. Accordingly, COURT ORDERED the 5/30/17 hearing is hereby VACATED.

CLERK'S NOTE: A copy of the foregoing minute order has been distributed through the Attorney Folders located at the Regional Justice Center of: Craig Mueller Esq. (Mueller Hinds & Associates) and the Clark County District Attorney. (5-25-17 ks)

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	COURT MINUTES	September 07, 2017

C-15-309578-2	State of Nevada vs Clemon Hudson

September 07, 2017	**9:00 AM**	**Motion to Sever**	**Defendan's Motion to Sever**

HEARD BY: Bailus, Mark B **COURTROOM:** RJC Courtroom 11D

COURT CLERK: Alan Castle

RECORDER: Robin Page

PARTIES PRESENT:

Mendoza, Erika	Attorney
Mueller, Craig A	Attorney
State of Nevada	Plaintiff

JOURNAL ENTRIES

- Ms. Mendoza present on behalf of Ms. Beverly. Upon Court's inquiry, State indicated they had not been served with this motion. COURT ORDERED, briefing schedule set: opposition DUE 9/28/17, reply DUE 10/05/17 and motion set for argument and decision.

CUSTODY

10/12/17 9:00 a.m. Defendant's Motion to Sever Co-Defendants

C-15-309578-2 State of Nevada
vs
Clemon Hudson

October 12, 2017 09:00 AM All Pending Motions

HEARD BY: Saitta, Nancy COURTROOM: RJC Courtroom 11D

COURT CLERK: Castle, Alan

RECORDER: Page, Robin

REPORTER:

PARTIES PRESENT:

Craig A Mueller	**Attorney for Defendant**
Giancarlo Pesci	**Attorney for Plaintiff**
Clemon Hudson	**Defendant**
State of Nevada	**Plaintiff**

JOURNAL ENTRIES

Defendant's Motion to Sever Co-Defendants ... Defendant's Joinder to Co-Defendant Clemon Hudson's Motion to Sever ... Pretrial Conference

Co-Defendant, Steven Turner present. Tegan Machnich, Esq. present on behalf of Co-Defendant.

Arguments by counsel. Co-Defendant cites the Chartier case and circumstances in their pleadings. Arguments by counsel regarding the allegations and Defense's position that each Defendant will have to defend two theories of liability. State's opposition that the record can be sanitize for the sake of each Defendant as to statements made by parties in contravention to a fair trial. Colloquy regarding alleged facts and circumstances. COURT does Find this case to be distinguishable from the Chartier case. Court has considered whether or not there is a substantial risk the Jury will use factually incriminating confession(s) of a non-testifying Defendant as evidence of guilt of his co-defendant; and, fundamental unfairness at trial. FURTHER, Court notes State's offer of cooperation, and DENIES Motion and Joinder to Sever WITHOUT PREJUDICE; State will offer both counsel the opportunity to see the redacted version the State intends to use at trial. IF after review, Defense determines their client cannot be adequately defended at trial, then Defense may renew its motion. State to prepare an order consistent with the Court's ruling that both Defendants will have the opportunity to renew their motions. Court directed State to provide its redacted version to Defense counsel NO LATER THAN 10/17/17 for review; and Defense to respond to State's redactions NO LATER THAN 10/20/17. THIS COURT gives parties permission to contact the Senior Judge Department for further consideration on these matters, if needed. Colloquy regarding discovery requests. Mr. Pesci advised he just picked up this matter for trial and has instructed his staff to provide requested discovery to both Defendants' counsel. Mr. Pesci clarified that the disk received has been copied and will be provided to opposing counsel. COURT ORDERED, oral request to compel discovery is GRANTED. Mr. Pesci acknowledged they State will comply. Court placed the burden on both counsel to ensure that discovery production is satisfactorily complied with.

Upon Court's inquiry, State advised the case has been subpoenaed and anticipates ready. Defense advised, they will have a better idea once redactions have been received, but otherwise anticipate ready. COURT ORDERED, proposed Jury Instruction be prepared and provided by calendar call date. Defense Proposed Jury Instructions to be submitted directly to chambers.

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **March 29, 2018**

C-15-309578-2 State of Nevada
vs
Clemon Hudson

March 29, 2018 09:00 AM Pre Trial Conference

HEARD BY: Bailus, Mark B COURTROOM: RJC Courtroom 11D

COURT CLERK: Castle, Alan

RECORDER: Page, Robin

REPORTER:

PARTIES PRESENT:

Clemon Hudson	**Defendant**
Craig A Mueller	**Attorney for Defendant**
Leah C Beverly	**Attorney for Plaintiff**
State of Nevada	**Plaintiff**

JOURNAL ENTRIES

Defendant's Motion for Additional Discovery FILED IN OPEN COURT. Co-Defendant and Defendant's counsel present. Court advised FIRM Setting on trial stack. Upon Court's inquiry regarding motion filed this morning, Parties announced ready for trial. Colloquy regarding essence of discovery motion. Court set briefing schedule on Defendant's discovery motion and set for argument and decision.

CUSTODY

04/05/18 9:00 a.m. Defendant's Motion for Additional Discovery

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor | **COURT MINUTES** | **April 05, 2018**

C-15-309578-2 State of Nevada
vs
Clemon Hudson

April 05, 2018 09:00 AM Defendant's Motion for Additional Discovery

HEARD BY: Bailus, Mark B COURTROOM: RJC Courtroom 11D

COURT CLERK: Castle, Alan

RECORDER: Page, Robin

REPORTER:

PARTIES PRESENT:

Clemon Hudson	**Defendant**
Craig A Mueller	**Attorney for Defendant**
Noreen C. Demonte	**Attorney for Plaintiff**
State of Nevada	**Plaintiff**

JOURNAL ENTRIES

Tegan Machnich, DPD and Ashley Sisolak, counsel for Co-Defendant also present. Matter submitted on the pleadings. COURT Finds there are no disciplinary records for any of the Las Vegas Metro officers involved in this matter. COURT ORDERED, Defendant's Motion for Additional Discovery is DENIED Without Prejudice.

Colloquy regarding scheduling. Objection by State and opposing counsel regarding Defendant Hudson's request and receipt of a Firm Set on the stack. State requested Defendant Hudson comply with the local rules and noted Mr. Mueller stated that if he was not able to sit lead in this trial, that Mr. Plummer be aptly able to proceed in this matter. Court so noted and finds that Defense may still call not ready at calendar call in compliance with the rules; and, admonished counsel that if there is a motion to continue the trial, it needs to be filed and set at calendar call next week.

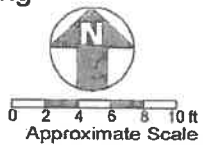
CUSTODY

04/10/18 9:00 a.m. Calendar Call - FIRM

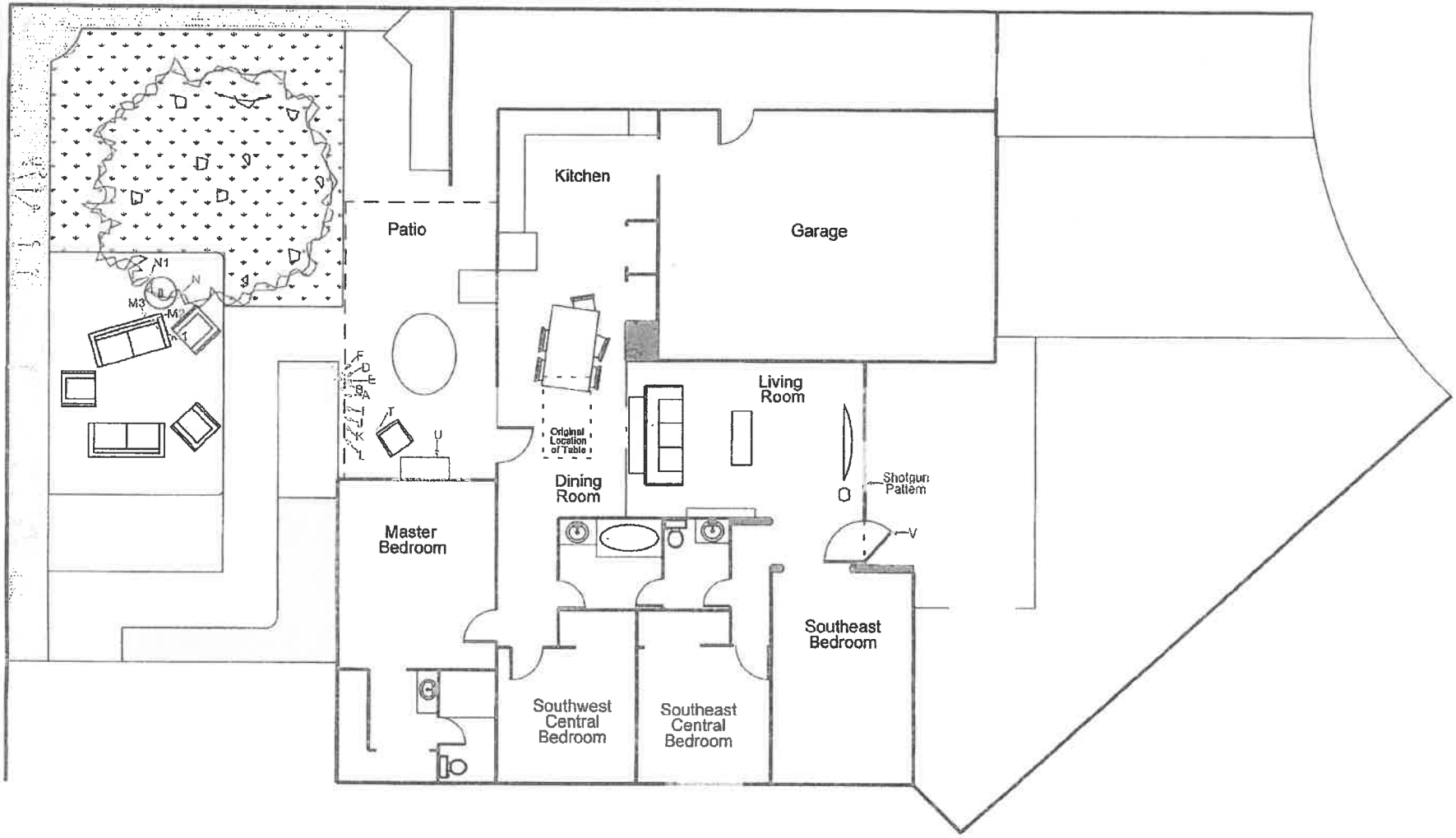
IDENTIFICATION
XHIBIT

Officer Involved Shooting
150904-0516
6729 Oveja Cir.
9-4-15

Diagram 6 of 7



Trajectories
A - V



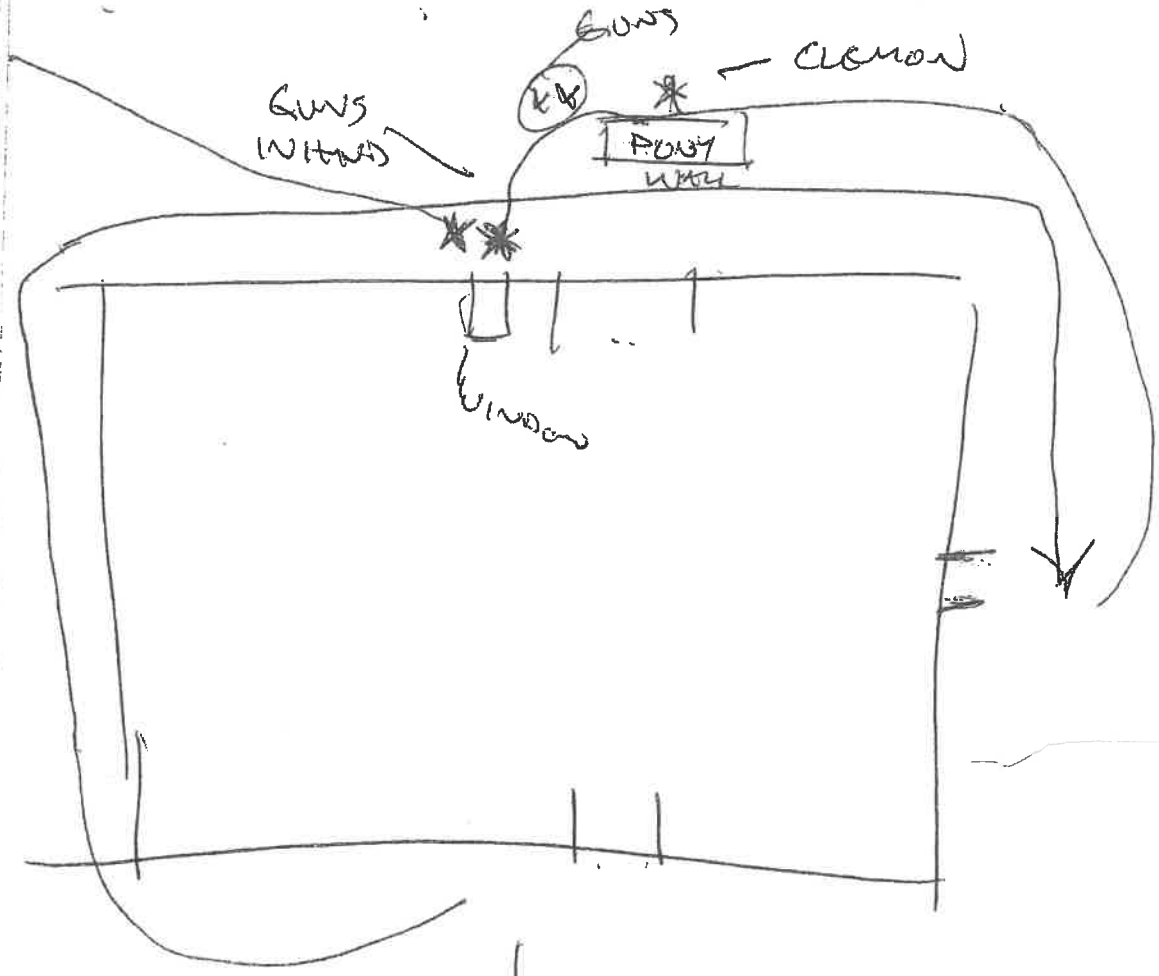
Crime Scene Analyst Supervisor	P#	Date Approved	Crime Scene Analyst	P#
	6556	9/30/15	K. Meckler	14402

NTIFICATION
BIT

9578-1/2

95 MAX — CALIF ?

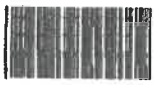
OFFICER SHOT FIRST 4X5



@ 2AM

LIVED IN SD

CLEMON HUDSON
FIRST INTERVIEW
— FIRST DIAGRAM
DESCRIBED IN
STATEMENT.



FACESHEET

ACCT: 9931195912 DOB: 12/23/1990
TURNER
STEVEN 24Y M
MR# 0001636685 ADM: 09/04/15

MRU00499 Page 1 of 1 (08/12)

ACCT # 9931195912 MR# EIN# 0001636685	PT TYPE EDS	SVC EMG	ADMIT DATE 09/04/15	ADMIT TIME 0828	ROOM/BED -

PATIENT NAME:	DOB	AGE SEX	M/S	RACE	REL	SS #
TURNER,STEVEN	[redacted]	24Y M	S	2		[redacted]

PATIENT INFORMATION

[redacted]

HM: (702)443-8350
WK:

COUNTY: CLARK
COUNTRY:

PLACE OF BIRTH:

EMPLOYMENT

OCCUP:

GUARANTOR

TURNER,STEVEN
[redacted]

DATE OF BIRTH:
SS #:
REL TO PT: SELF
HM:(702)443-8350
WK:

EMPLOYMENT

OCCUP:

SPOUSE/PARENT/OTHER

SS #:XXX-XX-
REL TO PT:
HM:
WK:

EMPLOYMENT

OCCUP:

RELATIVE/FRIEND

REL TO PT:

HOME #:
WORK PHONE #:

INSURANCE

INS:
REL:
POL:
GRP:

DATE OF BIRTH:
BENEFIT/ELIG PH:
NOTIFY PH:
AUTH #:

INSURANCE

INS:
REL:
POL:
GRP:

DATE OF BIRTH:
BENEFIT/ELIG PH:
NOTIFY PH:
AUTH #:

INSURANCE

INS:
POL:

DATE OF BIRTH:
BENEFIT/ELIG PH:
GRP:

OCCUR/DATE	OCCUR/DATE	OCCUR/DATE	CONDITION CODE(S)

ACCIDENT INFORMATION

DATE TIME CODE

ACC TYPE:
LOCATION:
DESC:

REASONS FOR VISIT / COMMENTS

GSW

PHYSICIANS

ADMITTING:
ATTENDING:

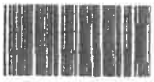
PCP:
CONSULT:

ADMISSION / REGISTRATION

ADM TYPE	POINT OF ORIGIN	FIN CLASS	DSCH DATE	DSCH TIME	REG ID
1	1				DB

ENTIFICATION
IBIT

09578-1/2



FACESHEET

ACCT: 9931195912 DOB: 12/23/1990
TURNER
STEVEN 24Y M
MR# 0001636685 ADM: 09/04/15

MRU00499 Page 1 of 1 (08/12)

ACCT # 9931195912 MR# EIN# 0001636685	PT TYPE TRC	SVC EMG	ADMIT DATE 09/04/15	ADMIT TIME 0828	ROOM/BED -

PATIENT NAME:	DOB	AGE SEX	M/S	RACE	REL	SS #
TURNER,STEVEN	[redacted]	24Y M	S	2	NON	35

PATIENT INFORMATION
[redacted]
COUNTY: CLARK
COUNTRY:
PLACE OF BIRTH: NV
HM:
WK:

EMPLOYMENT
OCCUP:

GUARANTOR
DATE OF BIRTH: [redacted]
SS #:
REL TO PT: SELF
HM:(702)927-1244
WK:
LAS VEGAS NV 89108

EMPLOYMENT
OCCUP:

SPOUSE/PARENT/OTHER
ROBINSON,STEPHANIE
[redacted]
SS #:XXX-XX-
REL TO PT: *PARENT
HM: [redacted]
WK:

EMPLOYMENT
OCCUP:

RELATIVE/FRIEND
REL TO PT:
HOME #:
WORK PHONE #:

INSURANCE
INS:
REL:
POL:
GRP:
DATE OF BIRTH:
BENEFIT/ELIG PH:
NOTIFY PH:
AUTH #:

INSURANCE
INS:
REL:
POL:
GRP:
DATE OF BIRTH:
BENEFIT/ELIG PH:
NOTIFY PH:
AUTH #:

INSURANCE
INS:
POL:
DATE OF BIRTH:
BENEFIT/ELIG PH:
GRP:

OCCUR/DATE	OCCUR/DATE	OCCUR/DATE	CONDITION CODE(S)
05 09/04/15			

ACCIDENT INFORMATION
DATE 09/04/15 TIME 0330 CODE O
ACC TYPE: THER ACCIDENT
LOCATION:6729 OVEJA CIR
DESC:

REASONS FOR VISIT / COMMENTS
GSW

PHYSICIANS
ADMITTING: 20109 URBAN,AMY
ATTENDING: 20109 URBAN,AMY
PCP:
CONSULT:

ADMISSION / REGISTRATION

ADM TYPE	POINT OF ORIGIN	FIN CLASS	DSCH DATE	DSCH TIME	REG ID
1	1				DB

University Medical Center
1800 W. Charleston Blvd.
702-383-2000
Las Vegas, NV 89102
EMERGENCY DEPARTMENT
Discharge Acknowledgement Statement

Patient Name: TURNER, STEVEN	Visit Date: 09/04/2015
Med Rec No: 0001636685	Acct No: 9931195912

I hereby acknowledge receipt and understanding of the instructions indicated above. I understand that I have had emergency treatment and that I may be released before all my medical problems are known, or treated. I will arrange for follow-up care as instructed.

Signed: Steven Turner Date: 9/4/15

Relationship: ☑ Self: ☐ Other: _____

Witness: A Mullen RN Date: 9/4/15

Patient Name TURNER, STEVEN

Med Rec No: 0001636685

Acct No: 9931195912

0921

185/77
89.

University Medical Center
1800 W Charleston Blvd
Las Vegas,NV 89102
702-383-2000

ED Chart View

UMC

Patient Name:	TURNER, STEVEN	**Sex:**	M
Birthdate:	[redacted]	**Age:**	25
Acct No:	9931195912	**Medical Rec No:**	0001636685
Arrival Dt.:	09/04/2015 08:28	**1st Chart Launch Dt.:**	09/04/2015 08:30
Primary MD:			
		Attending MD:	AMY URBAN MD
Chart Status:	Final		

[redacted]

NO KNOWN ALLERGIES [Confirmed by PAULA OSBORNE RN on 09/04/2015 09:08:01.] *(PAULA OSBORNE RN 09/04/2015 09:08:01)*

Reviewed: Allergies reviewed. [JOHN ROBERT TURNER MD: 09/04/2015 19:26] *(JOHN ROBERT TURNER MD 09/04/2015 19:26:39)*

[redacted]

1) Foreign body of skin of lower leg *(JOHN ROBERT TURNER MD 09/04/2015 09:09:06)*

[redacted]

1) Wound /laceration to left shin. *(PAULA OSBORNE RN 09/04/2015 09:03:41)*

[redacted]

Summary: 24 YO male brought in for possible gunshot wound to the L calf. Patient said this occured approximately 2-3 hours prior to presentation. He was brought in by law enforcement and does not know how this occurred, what type of gun/bullet caliber/object caused this wound. He has mild pain around the laceration site. Minimal bleeding on scene that resolved spontaneously. No other pain, injury, or trauma to the rest of his body. No CP, SOB, abdominal pain, leg pain, no paresthesias, no weakness. *(JOHN ROBERT TURNER MD 09/04/2015 09:39:00)*

Have reviewed and agree with RN note.

HPI: Exam started at 09:39 *(JOHN ROBERT TURNER MD 09/04/2015 09:39:00)* Presenting problem started 2 hour(s) ago. *(JOHN ROBERT TURNER MD 09/04/2015 09:39:00)* History comes from patient. *(JOHN ROBERT TURNER MD 09/04/2015 09:39:00)* Some of the history was obtained from the police. *(JOHN ROBERT TURNER MD 09/04/2015 09:39:00)* Source is a poor historian. *(JOHN ROBERT TURNER MD 09/04/2015 09:39:00)* No significant past medical history. *(JOHN ROBERT TURNER MD 09/04/2015 09:39:00)* No significant past surgical history. *(JOHN ROBERT TURNER MD 09/04/2015 09:39:00)* This laceration is the result of impact from direct trauma and not from a sharp implement causing break in skin. *(JOHN ROBERT TURNER MD 09/04/2015 09:39:39)* This is not a job related problem. *(JOHN ROBERT TURNER MD 09/04/2015 19:22:32)* No significant past medical history. *(JOHN ROBERT TURNER MD 09/04/2015 19:22:44)* No significant past surgical history. *(JOHN ROBERT TURNER MD 09/04/2015 19:22:44)*

[redacted]

Reviewed: Past Surgical History/Major Procedures reviewed. [JOHN ROBERT TURNER MD: 09/04/2015 19:26] *(JOHN ROBERT TURNER MD 09/04/2015 19:26:41)*

[redacted]

09/04 10:04	125/77 mm Hg. - LH11	59 /min - LH11		17 /min - LH11		
09/04 08:45	132/75 mm Hg. - PO3	104 /min - PO3	100 % Room air - PO3	18 /min - PO3	99.8 F Temporal - PO3	3/10 - PO3
09/04 08:40	131/80 mm Hg. - PO3	103 /min - PO3	99 % Room air - PO3	19 /min - PO3	98.2 F Temporal - PO3	

Height: 180 cm *(PAULA OSBORNE RN 09/04/2015 08:40:00)* **Weight:** 63.6 kg *(PAULA OSBORNE RN 09/04/2015 08:40:00)* **bmi:** 19.6 *(PAULA OSBORNE RN 09/04/2015 08:40:00)* **bsa:** 1.78 sq. m *(PAULA OSBORNE RN 09/04/2015 08:40:00)* **Glasgow Coma Scale:** Glasgow Coma Score 15. *(JOHN ROBERT TURNER MD 09/04/2015 19:23:09)*

Prescribed This Visit: 1) 09/04/2015 09:12:30 cephalexin By Mouth 500 mg Dose: 1 capsule(s) Every 6 hours [Confirmed by JOHN ROBERT TURNER MD on 09/04/2015 09:12:30.] *(JOHN ROBERT TURNER MD 09/04/2015 09:12:30)*

Reviewed: 1) Home Medications reviewed. [JOHN ROBERT TURNER MD: 09/04/2015 19:26] *(JOHN ROBERT TURNER MD 09/04/2015 19:26:38)*

ED: Tdap diphth - acell pertussis - tetanus vaccine [BOOSTRIX] 0.5 ML IM ONCE NOW	AU2 MD 09/04 08:34	AU2 MD 09/04 08:34	LH11 09/04 10:01	AU2 09/04 08:34	See Immunization Record	

TR TIBIA + FIBULA (LEFT) ONCE STAT gsw	CL11 UNIT CLERK 09/04 08:30	AU2 MD 09/04 08:30	09/04 08:45	09/04 08:45	AU2 09/04 08:30	09/04 08:45:Portable X-ray at bedside. (PO3)	Comment:tr 6

General Presentation: Fully exposed for exam. *(JOHN ROBERT TURNER MD 09/04/2015 19:23:09)* No apparent distress. *(JOHN ROBERT TURNER MD 09/04/2015 19:25:49)*

ENT: Ears atraumatic. *(JOHN ROBERT TURNER MD 09/04/2015 19:25:49)* Ear canals clear. No blood or CSF in canals. *(JOHN ROBERT TURNER MD 09/04/2015 19:25:49)* No hemotympanum or tympanic membrane rupture. *(JOHN ROBERT TURNER MD 09/04/2015 19:25:49)* Nose atraumatic/nontender. *(JOHN ROBERT TURNER MD 09/04/2015 19:25:49)* No septal hematoma. *(JOHN ROBERT TURNER MD 09/04/2015 19:25:49)* Face/mandible nontender. *(JOHN ROBERT TURNER MD 09/04/2015 19:25:49)*

Eye: Pupils equal round and react to light. *(JOHN ROBERT TURNER MD 09/04/2015 19:23:09)* Pupils equal, round and react to light. *(JOHN ROBERT TURNER MD 09/04/2015 19:25:49)* Extraocular movements intact. No diplopia. *(JOHN ROBERT TURNER MD 09/04/2015 19:25:49)* Eye lids normal. *(JOHN ROBERT TURNER MD 09/04/2015 19:25:49)*

Pulmonary: Airway patent. *(JOHN ROBERT TURNER MD 09/04/2015 19:23:09)* Speech is normal. *(JOHN ROBERT TURNER MD 09/04/2015 19:23:09)* No stridor. *(JOHN ROBERT TURNER MD 09/04/2015 19:23:09)* Oropharynx clear. No blood or vomit. *(JOHN ROBERT TURNER MD 09/04/2015 19:23:09)* Spontaneous respiration. *(JOHN ROBERT TURNER MD 09/04/2015 19:23:09)* No respiratory distress. *(JOHN ROBERT TURNER MD 09/04/2015 19:23:09)* Clear equal breath sounds. *(JOHN ROBERT TURNER MD 09/04/2015 19:23:09)* Grossly stable chest wall. *(JOHN ROBERT TURNER MD 09/04/2015 19:23:09)* No crepitus. *(JOHN ROBERT TURNER MD 09/04/2015 19:23:09)* Clear equal breath sounds. *(JOHN ROBERT TURNER MD 09/04/2015 19:25:49)* No respiratory distress. *(JOHN ROBERT TURNER MD 09/04/2015 19:25:49)* Chest nontender. *(JOHN ROBERT TURNER MD 09/04/2015 19:25:49)* Chest stable to compression. *(JOHN ROBERT TURNER MD 09/04/2015 19:25:49)*

Circulatory: Normal blood pressure. *(JOHN ROBERT TURNER MD 09/04/2015 19:23:09)* Normal pulse rate. *(JOHN ROBERT TURNER MD 09/04/2015 19:23:09)* Normal peripheral pulses. *(JOHN ROBERT TURNER MD 09/04/2015 19:23:09)* Normal capillary refill. *(JOHN ROBERT TURNER MD 09/04/2015 19:23:09)* No gross external bleeding. *(JOHN ROBERT TURNER MD 09/04/2015 19:23:09)* Regular rate and rhythm. *(JOHN ROBERT TURNER MD 09/04/2015 19:25:49)* Normal heart sounds. *(JOHN ROBERT TURNER MD 09/04/2015 19:25:49)* No jugular venous distention. *(JOHN ROBERT TURNER MD 09/04/2015 19:25:49)* Peripheral pulses normal. *(JOHN ROBERT TURNER MD 09/04/2015 19:25:49)*

Abdominal: Abdomen soft. *(JOHN ROBERT TURNER MD 09/04/2015 19:25:49)* Abdomen nontender and nondistended. *(JOHN ROBERT TURNER MD 09/04/2015 19:25:49)* No peritoneal signs. *(JOHN ROBERT TURNER MD 09/04/2015 19:25:49)* No flank tenderness. *(JOHN ROBERT TURNER MD 09/04/2015 19:25:49)* Pelvis stable/nontender. *(JOHN ROBERT TURNER MD 09/04/2015 19:25:49)*

Neurologic: Alert. *(JOHN ROBERT TURNER MD 09/04/2015 19:23:09)* No gross motor deficit. *(JOHN ROBERT TURNER MD 09/04/2015 19:23:09)* No gross sensory deficit. *(JOHN ROBERT TURNER MD 09/04/2015 19:23:09)* Awake and alert. *(JOHN ROBERT TURNER MD 09/04/2015 19:25:50)* Glasgow Coma Score 15. *(JOHN ROBERT TURNER MD 09/04/2015 19:25:50)* Cranial nerves grossly intact. *(JOHN ROBERT TURNER MD 09/04/2015 19:25:50)* Normal upper extremity and lower extremity strength. *(JOHN ROBERT TURNER MD 09/04/2015 19:25:50)* Grossly normal sensation. *(JOHN ROBERT TURNER MD 09/04/2015 19:25:50)*

Musculoskeletal: Upper extremities nontender. *(JOHN ROBERT TURNER MD 09/04/2015 19:25:49)* Upper extremities: Full range of motion. *(JOHN ROBERT TURNER MD 09/04/2015 19:25:49)* Upper extremities: Pulses/sensation normal. *(JOHN ROBERT TURNER MD 09/04/2015 19:25:49)* Lower extremities: Full range of motion. *(JOHN ROBERT TURNER MD 09/04/2015 19:25:49)* Lower extremities: Pulses/sensation normal. *(JOHN ROBERT TURNER MD 09/04/2015 19:25:49)* Lower extremity: subcentimeter laceration to the L medial/posterior calf. Some areas of stippling on the dorsal foot, ankle and distal L lower leg, non-tender without erythema or exudates.. *(JOHN ROBERT TURNER MD 09/04/2015 19:25:49)* C-spine - no bony tenderness. *(JOHN ROBERT TURNER MD 09/04/2015 19:25:49)* Meets NEXUS criteria. *(JOHN ROBERT TURNER MD 09/04/2015 19:25:50)* T-spine - No bony tenderness. *(JOHN ROBERT TURNER MD 09/04/2015 19:25:50)* LS spine - no bony tenderness. *(JOHN ROBERT TURNER MD 09/04/2015 19:25:50)* Normal extremity strength. *(JOHN ROBERT TURNER MD 09/04/2015 19:25:50)* Grossly normal sensation. *(JOHN ROBERT TURNER MD 09/04/2015 19:25:50)*

Skin: Head/scalp nontender. *(JOHN ROBERT TURNER MD 09/04/2015 19:25:49)* No wounds, lacerations or contusions on head/scalp. *(JOHN ROBERT TURNER MD 09/04/2015 19:25:49)* No wounds, lacerations or contusions on chest. *(JOHN ROBERT TURNER MD 09/04/2015 19:25:49)* No wounds, lacerations or contusions on abdomen, flank or pelvis. *(JOHN ROBERT TURNER MD 09/04/2015 19:25:49)* Upper extremities: No wounds lacerations or contusions. *(JOHN ROBERT TURNER MD 09/04/2015 19:25:49)*

Psychiatric: Mood/ affect normal. *(JOHN ROBERT TURNER MD 09/04/2015 19:25:50)* Cooperative. *(JOHN ROBERT TURNER MD 09/04/2015 19:25:50)*

1) Patient reports, "No Known Problems" [Confirmed by PAULA OSBORNE RN on 09/04/2015 09:07:39.] *(PAULA OSBORNE RN 09/04/2015 09:07:39)* 2) Foreign body of skin of lower leg [Confirmed by JOHN ROBERT TURNER MD on 09/04/2015 09:09:19.] *(JOHN ROBERT TURNER MD 09/04/2015 09:09:19)*

Reviewed: Problems reviewed. [JOHN ROBERT TURNER MD: 09/04/2015 19:26] *(JOHN ROBERT TURNER MD 09/04/2015 19:26:25)*

Except as noted, all other review of systems negative. *(JOHN ROBERT TURNER MD 09/04/2015 09:39:00)*
Except as noted, all other review of systems negative. *(JOHN ROBERT TURNER MD 09/04/2015 19:22:44)*

Tobacco
Smoking status:
current every day smoker [Confirmed by: PAULA OSBORNE RN on 09/04/2015 09:08:00]
Alcohol
Alcohol use:
yes [PAULA OSBORNE RN on 09/04/2015 09:08:00]

[illegible] PAULA OSBORNE RN on 09/04/2015 09:08:00]

[illegible]s [PAULA OSBORNE RN on 09/04/2015 09:08:00]
Reviewed: 09/04/2015 19:26:42 *(JOHN ROBERT TURNER MD 09/04/2015 19:26:42)*

Family history reviewed and not relevant to current problem. *(JOHN ROBERT TURNER MD 09/04/2015 09:39:00)* Family history reviewed and not relevant to current problem. *(JOHN ROBERT TURNER MD 09/04/2015 19:22:44)*

Last Tetanus Immunization: tetanus toxoid, reduced diphtheria toxoid, and acellular pertussis vaccine, adsorbed administered on 09/04/2015 10:01:00 [Confirmed by LINDSEY HALL RN on 09/04/2015 10:03:58.] Status: Given Imm. Type:Single dose; Route: Intramuscular; Site: Right Deltoids; Vaccine mfr: GlaxoSmithKline; Lot#: x4j7d; Vaccine exp. date: 09/16/2017 00:00:00; Administered on: 09/04/2015 10:01:00; Informed consent by: patient; Relationship to patient: Self; Date/Time of consent:09/04/2015 09:15:00; CDC VIS - Info given to patient/parent/guardian: No; CDC VIS: Tdap; Pub Date02/24/2015 00:00:00; Given Date09/04/2015 00:00:00; Adverse Reaction - Adverse reaction occurred: No; [LH11 RN 09/04/2015 10:03:58] *(LINDSEY HALL RN 09/04/2015 10:03:58)*

Administered This Visit: tetanus toxoid, reduced diphtheria toxoid, and acellular pertussis vaccine, adsorbed administered on 09/04/2015 10:01:00 [Confirmed by LINDSEY HALL RN on 09/04/2015 10:03:58.] Status: Given Imm. Type:Single dose; Route: Intramuscular; Site: Right Deltoids; Vaccine mfr: GlaxoSmithKline; Lot#: x4j7d; Vaccine exp. date: 09/16/2017 00:00:00; Administered on: 09/04/2015 10:01:00; Informed consent by: patient; Relationship to patient: Self; Date/Time of consent:09/04/2015 09:15:00; CDC VIS - Info given to patient/parent/guardian: No; CDC VIS: Tdap; Pub Date02/24/2015 00:00:00; Given Date09/04/2015 00:00:00; Adverse Reaction - Adverse reaction occurred: No; [LH11 RN 09/04/2015 10:03:58] *(LINDSEY HALL RN 09/04/2015 10:03:58)*

Immunization History: Immunizations are not up to date. *(PAULA OSBORNE RN 09/04/2015 08:40:00)*

Reviewed: Immunizations reviewed. [JOHN ROBERT TURNER MD: 09/04/2015 19:26] *(JOHN ROBERT TURNER MD 09/04/2015 19:26:40)*

Activation Level - ED. *(PAULA OSBORNE RN 09/04/2015 08:40:00)* 3 - Urgent *(PAULA OSBORNE RN 09/04/2015 08:40:00)*

09/04/2015 19:33:00 MDM and ED Course: 24 year old brought in by law enforcement for evaluation of a possible GSW to the calf. Exam revealed some stippling of the L lower extremity and a small laceration over the posteriolateral calf. Radiographic study revealed a small radiopaque object in the area of the laceration. Patient's pulses, motor and sensory function were intact distal to the wound. These findings were discussed with the patient. A tetanus booster was provided to the patient since he could not remember the last time that he had a tetanus shot. Discharge instructions were provided to the patient and the officers at bedside. A prescription for 5 days of Keflex was provided and the patient was counseled on spontaneous migration of the foreign body. Clinical impression: foreign body of the L calf, small laceration to the lower extremity, leg pain. Patient was independently seen and evaluated by my attending Dr. Amy Urban who agrees with my assessment and plan for this patient. Patient was discharged to the custody of law enforcement. *(JOHN ROBERT TURNER MD 09/04/2015 19:33:00)*

Bed Assignment: 09/04/2015 08:29:52 Assigned to bed TRM6 *(CHARNETTE PACHECO UNIT CLERK 09/04/2015 08:29:52)*

General Presentation: Alert, awake, GCS = 15. *(PAULA OSBORNE RN 09/04/2015 08:45:00)*

HEENT: Eyes, ears and nose without visible drainage. Swallowing without difficulty. *(PAULA OSBORNE RN 09/04/2015 08:45:00)*

Pulmonary: Airway patent. Respirations regular and non-labored. *(PAULA OSBORNE RN 09/04/2015 08:45:00)*

Circulatory/Cardiac: No complaint of chest pain. Peripheral pulses palpable and regular. *(PAULA OSBORNE RN 09/04/2015 08:45:00)*

Abdominal: No complaint of nausea, vomiting, diarrhea, constipation, or abdominal pain. *(PAULA OSBORNE RN 09/04/2015 08:45:00)*

GU: No complaint of frequency or urgency. *(PAULA OSBORNE RN 09/04/2015 08:45:00)*

Neurologic: Alert and oriented x 3. Pupils equal, round and reactive, Moves all extremities. Responds to commands. *(PAULA OSBORNE RN 09/04/2015 08:45:00)*

Musculoskeletal/Extremities: The patient can walk without assistance but with some difficulty. *(PAULA OSBORNE RN 09/04/2015 08:45:00)*

Skin/Soft Tissue: Normal skin color. *(PAULA OSBORNE RN 09/04/2015 08:45:00)* Skin is warm. *(PAULA OSBORNE RN 09/04/2015 08:45:00)* Normal skin moisture. *(PAULA OSBORNE RN 09/04/2015 08:45:00)* Active bleeding noted over left shin. *(PAULA OSBORNE RN 09/04/2015 08:45:00)* Neurovascular exam intact. *(PAULA OSBORNE RN 09/04/2015 08:45:00)* Has what appears to be a gun shot wound over the left shin with a total of 1 wound(s). *(PAULA OSBORNE RN 09/04/2015 08:45:00)* No evidence of upper extremity injury, deformity, or tenderness. *(PAULA OSBORNE RN 09/04/2015 08:45:00)* Normal upper extremity capillary refill (less than 2 seconds). *(PAULA OSBORNE RN 09/04/2015 08:45:00)* Normal radial pulse. *(PAULA OSBORNE RN 09/04/2015 08:45:00)* Normal pedal pulses. *(PAULA OSBORNE RN 09/04/2015 08:45:00)* Palpable pedal pulses. *(PAULA OSBORNE RN 09/04/2015 08:45:00)* No lower extremity edema noted. *(PAULA OSBORNE RN 09/04/2015 08:45:00)*

Acuity: 09/04/2015 08:40:00 Activation Level - ED. *(PAULA OSBORNE RN 09/04/2015 08:40:00)* 09/04/2015 08:40:00 3 - Urgent *(PAULA OSBORNE RN 09/04/2015 08:40:00)*

Triage: 09/04/2015 08:40:00 Patient is triaged to 6. *(PAULA OSBORNE RN 09/04/2015 08:40:00)*

Language: 09/04/2015 08:40:00 No language or communication barrier. *(PAULA OSBORNE RN 09/04/2015 08:40:00)*

RN History: 09/04/2015 08:40:00 Bullet wound to left calf *(PAULA OSBORNE RN 09/04/2015 08:40:00)* 09/04/2015 08:40:00 Mentation - Patient is alert, oriented x3. Score = 0 *(PAULA OSBORNE RN 09/04/2015 08:40:00)* 09/04/2015 08:40:00 Mobility - Patient is able to ambulate with no assistance. Score = 0 *(PAULA OSBORNE RN 09/04/2015 08:40:00)* 09/04/2015 08:40:00 Elimination - Patient has independent elimination. Score = 0 *(PAULA OSBORNE RN 09/04/2015 08:40:00)* 09/04/2015 08:40:00 No prior fall history. Score = 0. *(PAULA OSBORNE RN 09/04/2015 08:40:00)* 09/04/2015 08:40:00 Patient is not at risk for falls. *(PAULA OSBORNE RN 09/04/2015 08:40:00)* 09/04/2015 08:40:00 Patient has no thoughts of suicide. *(PAULA OSBORNE RN 09/04/2015 08:40:00)* 09/04/2015 08:40:00 INFECTIOUS DISEASE/ CDC SCREENING: Pt has not been outside the US nor lives with anyone that has been outside the US in the last 6 months. *(PAULA OSBORNE RN 09/04/2015 08:40:00)* 09/04/2015 08:40:00 INFECTIOUS DISEASE/ CDC SCREENING: No risk factors for infectious disease. *(PAULA OSBORNE RN 09/04/2015 08:40:00)* 09/04/2015 08:40:00 History comes from patient. *(PAULA OSBORNE RN 09/04/2015 08:40:00)*

Mental: 09/04/2015 08:40:00 Domestic violence survey shows NEGATIVE risk for this patient. *(PAULA OSBORNE RN 09/04/2015 08:40:00)*

Please arrange a follow-up appointment within 3 days (Unless a follow-up appointment has been recommended sooner) with your primary care provider (PCP), or the referred physician or clinic See Referral section or Referral handout given, If you do not have your own doctor or cannot arrange the appointment within this time period please return to this or any local Emergency Department or urgent care for your recheck. Certain medical problems require even closer follow-up: *If you have abdominal pain, we recommend that you return in 8-12 hours for a recheck, unless your symptoms completely resolve. *If you have a wound or were diagnosed with a skin infection, we recommend that you return in 2 days for a recheck. *** IF YOUR CONDITION WORSENS AT ANY TIME, OR IF YOU EXPERIENCE ANY OTHER NEW OR CONCERNING SYMPTOMS, PLEASE RETURN IMMEDIATELY TO THE EMERGENCY DEPARTMENT. *** *(JOHN ROBERT TURNER MD 09/04/2015 09:10:07)* Disposition decision is discharge. *(JOHN ROBERT TURNER MD 09/04/2015 09:15:00)* Condition at discharge - stable. *(JOHN ROBERT TURNER MD 09/04/2015 09:15:00)* Electronically signed by JOHN ROBERT TURNER MD. *(JOHN ROBERT TURNER MD 09/04/2015 09:15:25)* The designated co-signing physician is No Designated Cosigner. *(JOHN ROBERT TURNER MD 09/04/2015 09:15:25)* Electronically signed by JOHN ROBERT TURNER MD. *(JOHN ROBERT TURNER MD 09/04/2015 19:38:07)* The designated co-signing physician is AMY URBAN MD. *(JOHN ROBERT TURNER MD 09/04/2015 19:38:07)* I have reviewed the chart of TURNER, STEVEN and as the supervising staff physician concur on the final disposition - AMY URBAN MD. *(AMY URBAN MD 09/12/2015 18:23:27)*

Disposition status is discharge. *(LINDSEY HALL RN 09/04/2015 09:30:00)* Discharged to Jail. *(LINDSEY HALL RN 09/04/2015 09:30:00)* Patient ambulatory out of department with normal gait or at baseline for patient. *(LINDSEY HALL RN 09/04/2015 09:30:00)* Departure Method: In custody of law enforcement. *(LINDSEY HALL RN 09/04/2015 09:30:00)* Patient physically left department and was removed from Tracking Board by LINDSEY HALL RN. *(LINDSEY HALL RN 09/04/2015 09:30:00)* Discharge vital signs documented: BP: 125/77 at 10:04, *P: 59 at 10:04, Resp: 17/min at 10:04. *(LINDSEY HALL RN 09/04/2015 10:04:00)* IV discontinued. IV Catheter intact. *(LINDSEY HALL RN 09/04/2015 10:04:00)* Dressing applied to site. *(LINDSEY HALL RN 09/04/2015 10:04:00)* Electronically signed by LINDSEY HALL RN. *(LINDSEY HALL RN 09/04/2015 10:04:46)*

Keflex Oral capsule 500 mg 1 capsule(s) By Mouth Every 6 Hours , 20 capsule(s) , No Refills *(JOHN ROBERT TURNER MD 09/04/2015 09:12:30)*	Printed: JT35 09/04 09:12

Foreign Body

Foreign Body A foreign body is something in your body that should not be there. This may have been caused by a puncture wound or other injury. Puncture wounds become easily infected. This happens when bacteria (germs) get under the skin. Rusty nails and similar foreign bodies are often dirty and carry germs on them. TREATMENT > A foreign body is usually removed if this can be easily done right after it happens. > Sometimes they are left in and removed at a later surgery. They may be left in indefinitely if they will not cause later problems. > The following are general instructions in caring for your wound. HOME CARE INSTRUCTIONS > A dressing, depending on the location of the wound, may have been applied. This may be changed once per day or as instructed. If the dressing sticks, it may be soaked off with soapy water or hydrogen peroxide. > Only take over-the-counter or prescription medicines for pain, discomfort, or fever as directed by your caregiver. > Be aware that your body will work to remove the foreign substance. That is, the foreign body may work itself out of the wound. That is normal. > You may have received a recommendation to follow up with your physician or a specialist. It is very important to call for or keep follow-up appointments in order to avoid infection or other complications. SEEK IMMEDIATE MEDICAL CARE IF: > There is redness, swelling, or increasing pain in the wound. > You notice a foul smell coming from the wound or dressing. > Pus is coming from the wound. > An unexplained oral temperature above 102° F (38.9° C) develops, or as your caregiver suggests. > There is increasing pain in the wound. If you did not receive a tetanus shot today because you did not recall when your last one was given, check with your caregiver's office and determine if one is needed. Generally for a "dirty" wound, you should receive a tetanus booster if you have not had one in the last five years. If you have a "clean" wound, you should receive a tetanus booster if you have not had one within the last ten years. If you have a foreign body that needs removal and this was not done today, make sure you know how you are to follow up and what is the plan of action for taking care of this. It is your responsibility to follow up on this. MAKE SURE YOU: > Understand these instructions. > Will watch your condition. > Will get help right away if you are not doing well or get worse. Document Released: 06/13/2002 Document Revised: 03/11/2013 Document Reviewed: 08/06/2009 ExitCare® Patient Information ©2014 ExitCare, LLC.

Custom Instruction: 09/04/2015 09:15:08 PDT A.JOHNTURNER You were seen and evaluated at UMC Trauma Emergency Department for a laceration to your L calf. We performed an xray that showed a small foreign body in your left calf. Your pulses and neurological function was intact. We are prescribing you an antibiotic that you should take for the next 5 days, four times a day. The foreign body should work its way out on its own over the next few months. You can consult a doctor if the wound becomes red, painful, or has drainage that looks like pus. It was a pleasure to take care of you today.

Mode of arrival: *(PAULA OSBORNE RN 09/04/2015 08:40:00)* City of Las Vegas Fire and Rescue *(PAULA OSBORNE RN 09/04/2015 08:40:00)*

JOHN ROBERT TURNER MD printed Discharge Instructions to Trauma RN 1 at 09:16 *(JOHN ROBERT TURNER MD 09/04/2015 09:16:41)* AMY URBAN MD printed Emergency Department Chart to Archive to HPF at 18:23 *(AMY URBAN MD 09/12/2015 18:23:35)* JUDD FRAZIER SA printed

UMC-EDView to Archive to HPF at 10:35 *(JUDD FRAZIER SA 12/24/2015 10:35:08)*

Chief Complaint: Wound /laceration to left shin.. Primary Diagnosis: Foreign body of skin of lower leg.. Disposition Notes: Please arrange a follow-up appointment within 3 days (Unless a follow-up appointment has been recommended sooner) with your primary care provider (PCP), or the referred physician or clinic See Referral section or Referral handout given, If you do not have your own doctor or cannot arrange the appointment within this time period please return to this or any local Emergency Department or urgent care for your recheck. Certain medical problems require even closer follow-up: *If you have abdominal pain, we recommend that you return in 8-12 hours for a recheck, unless your symptoms completely resolve. *If you have a wound or were diagnosed with a skin infection, we recommend that you return in 2 days for a recheck. *** IF YOUR CONDITION WORSENS AT ANY TIME, OR IF YOU EXPERIENCE ANY OTHER NEW OR CONCERNING SYMPTOMS, PLEASE RETURN IMMEDIATELY TO THE EMERGENCY DEPARTMENT. ***; Condition at discharge - stable; Disposition decision is discharge; Electronically signed by JOHN ROBERT TURNER MD; The designated co-signing physician is No Designated Cosigner; Electronically signed by JOHN ROBERT TURNER MD; The designated co-signing physician is AMY URBAN MD; I have reviewed the chart of TURNER, STEVEN and as the supervising staff physician concur on the final disposition - AMY URBAN MD.. Discharge Prescriptions: Keflex Oral 500 mg capsule 1 capsule(s) By Mouth Every 6 Hours (20 capsule(s)).

PO3 - PAULA OSBORNE RN LH11 - LINDSEY HALL RN AU2 - AMY URBAN MD - External Data CL11 - CHARNETTE PACHECO UNIT CLERK JT35 - JOHN ROBERT TURNER MD

University Medical Center
1800 W. Charleston Blvd.
Las Vegas, NV 89102
702-383-2000

Final

Emergency Department Chart

Patient Name: TURNER, STEVEN	Account Number: 9931195912
Medical Rec. Number: 0001636685	Birthdate: [redacted] Gender: M
Arrival Date: 09/04/2015 08:28	Primary MD:
Visit Date: 09/04/2015 08:30	Attending MD:AMY URBAN MD

Vital Signs/Data

Time	Staff	Temperature	Pulse	Respiration	Blood Pressure	Pulse Oximetry	Pain
09/04/2015 10:04	LH11		59 /min	17 /min	125/77 mm Hg.		
09/04/2015 08:45	PO3	99.8 F Temporal	104 /min	18 /min	132/75 mm Hg.	100% on Room air	3/10
09/04/2015 08:40	PO3	98.2 F Temporal	103 /min	19 /min	131/80 mm Hg.	99% on Room air	

Glasgow Coma Scale
Glasgow Coma Score 15. (JT35 09/04/2015 19:23)

Allergies

NO KNOWN ALLERGIES [Confirmed by PAULA OSBORNE RN on 09/04/2015 09:08:01.] (PO3 09/04/2015 09:07)

Reviewed
Allergies reviewed. [JOHN ROBERT TURNER MD: 09/04/2015 19:26] (JT35 19:26)

Chief Complaint

Wound /laceration to left shin. (PO3 09/04/2015 09:03)

Pre- Hospital Treatment

Mode of arrival: City of Las Vegas Fire and Rescue (PO3) 09/04/2015 08:40

Triage

Activation Level - ED. (PO3 09/04/2015 08:40)
3 - Urgent (PO3 08:40)
No language or communication barrier. (PO3 08:40)
Domestic violence survey shows NEGATIVE risk for this patient. (PO3 08:40)
Bullet wound to left calf (PO3 08:40)
Mentation - Patient is alert, oriented x3. Score = 0 (PO3 08:40)
Mobility - Patient is able to ambulate with no assistance. Score = 0 (PO3 08:40)
Elimination - Patient has independent elimination. Score = 0 (PO3 08:40)
No prior fall history. Score = 0. (PO3 08:40)
Patient is not at risk for falls. (PO3 08:40)
Patient has no thoughts of suicide. (PO3 08:40)
INFECTIOUS DISEASE/ CDC SCREENING: Pt has not been outside the US nor lives with anyone that has been outside the US in the last 6 months. (PO3 08:40)
INFECTIOUS DISEASE/ CDC SCREENING: No risk factors for infectious disease. (PO3 08:40)
History comes from patient. (PO3 08:40)
Patient is triaged to 6. (PO3 08:40)

Height/Weight

Hgt: 180 cm at 08:40 (PO3 09/04/2015 08:40)
Wgt: 63.6 kg at 08:40 (PO3 08:40)
BMI: 19.6 (PO3 08:40)
BSA: 1.76 sq. m (PO3 08:40)

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Medical Rec. Number: 0001636685	Birthdate: [redacted] Gender: M
Arrival Date: 09/04/2015 08:28	Primary MD:
Visit Date: 09/04/2015 08:30	Attending MD:AMY URBAN MD

Current Medications

Prescribed This Visit

1) 09/04/2015 09:12 JT35 cephalexin By Mouth 500 mg Dose: 1 capsule(s) Every 6 hours [Confirmed by JOHN ROBERT TURNER MD on 09/04/2015 09:12:30.]

Reviewed

1) Home Medications reviewed. [JOHN ROBERT TURNER MD: 09/04/2015 19:26]

Nursing Assessment

GENERAL PRESENTATION
Alert, awake, GCS = 15. (PO3) 09/04/2015 08:45

HEENT
Eyes, ears and nose without visible drainage. Swallowing without difficulty. (PO3) 09/04/2015 08:45

PULMONARY
Airway patent. Respirations regular and non-labored. (PO3) 09/04/2015 08:45

CIRCULATORY/CARDIAC
No complaint of chest pain. Peripheral pulses palpable and regular. (PO3) 09/04/2015 08:45

ABDOMINAL
No complaint of nausea, vomiting, diarrhea, constipation, or abdominal pain. (PO3) 09/04/2015 08:45

GU
No complaint of frequency or urgency. (PO3) 09/04/2015 08:45

NEUROLOGIC
Alert and oriented x 3. Pupils equal, round and reactive, Moves all extremities. Responds to commands. (PO3) 09/04/2015 08:45

SKIN/SOFT TISSUE
Normal skin color. Skin is warm. Normal skin moisture. Active bleeding noted over left shin. Neurovascular exam intact. Has what appears to be a gun shot wound over the left shin with a total of 1 wound(s). (PO3) 09/04/2015 08:45

MUSCULOSKELETAL/EXTREMITIES
The patient can walk without assistance but with some difficulty. (PO3) 09/04/2015 08:45

SOFT TISSUE
No evidence of upper extremity injury, deformity, or tenderness. Normal upper extremity capillary refill (less than 2 seconds). Normal radial pulse. Normal pedal pulses. Palpable pedal pulses. No lower extremity edema noted. (PO3) 09/04/2015 08:45

Clinician History of Present Illness

Summary
24 YO male brought in for possible gunshot wound to the L calf. Patient said this occured approximately 2-3 hours prior to presentation. He was brought in by law enforcement and does not know how this occurred, what type of gun/bullet caliber/object caused this wound. He has mild pain around the laceration site. Minimal bleeding on scene that resolved spontaneously. No other pain, injury, or trauma to the rest of his body. No CP, SOB, abdominal pain, leg pain, no paresthesias, no weakness. (JT35) 09/04/2015 09:39

Exam started at 09:39 Presenting problem started 2 hour(s) ago. History comes from patient. Have reviewed and agree with RN note. Some of the history was obtained from the police. Source is a poor historian. No significant past medical history. No significant past surgical history. (JT35) 09/04/2015 09:39 This laceration is the result of impact from direct trauma and not from a sharp implement causing break in skin. (JT35) 09/04/2015 09:39 This is not a job related problem. (JT35) 09/04/2015 19:22 No significant past medical history. No significant past surgical history. (JT35) 09/04/2015 19:22

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Emergency Department Chart

Patient Name: TURNER, STEVEN	Account Number: 9931195912
Medical Rec. Number: 0001636685	Birthdate: [redacted] Gender: M
Arrival Date: 09/04/2015 08:28	Primary MD:
Visit Date: 09/04/2015 08:30	Attending MD:AMY URBAN MD

Patient Problems

Patient reports, "No Known Problems" [Confirmed by PAULA OSBORNE RN on 09/04/2015 09:07:39.] (PO3 09/04/2015 09:07)
Foreign body of skin of lower leg [Confirmed by JOHN ROBERT TURNER MD on 09/04/2015 09:09:19.] (JT35 09:09)

Reviewed

Problems reviewed. [JOHN ROBERT TURNER MD: 09/04/2015 19:26] (JT35 19:26)

Past Surgical History/Major Procedures

Past Surgical History/Major Procedures reviewed. [JOHN ROBERT TURNER MD: 09/04/2015 19:26] (JT35) 09/04/2015 19:26

Review of Systems

Except as noted, all other review of systems negative. Except as noted, all other review of systems negative. (JT35) 09/04/2015 09:39

Family History

Family history reviewed and not relevant to current problem. Family history reviewed and not relevant to current problem. (JT35) 09/04/2015 09:39

Physical Exam

GENERAL:

Fully exposed for exam. (JT35) 09/04/2015 19:23 No apparent distress. (JT35) 09/04/2015 19:25

ENT:

Ears atraumatic. Ear canals clear. No blood or CSF in canals. No hemotympanum or tympanic membrane rupture. Nose atraumatic/nontender. No septal hematoma. Face/mandible nontender. (JT35) 09/04/2015 19:25

EYE EXAM:

Pupils equal round and react to light. (JT35) 09/04/2015 19:23 Pupils equal, round and react to light. Extraocular movements intact. No diplopia. Eye lids normal. (JT35) 09/04/2015 19:25

PULMONARY:

Airway patent. Speech is normal. No stridor. Oropharynx clear. No blood or vomit. Spontaneous respiration. No respiratory distress. Clear equal breath sounds. Grossly stable chest wall. No crepitus. (JT35) 09/04/2015 19:23 Clear equal breath sounds. No respiratory distress. Chest nontender. Chest stable to compression. (JT35) 09/04/2015 19:25

CIRCULATORY:

Normal blood pressure. Normal pulse rate. Normal peripheral pulses. Normal capillary refill. No gross external bleeding. (JT35) 09/04/2015 19:23 Regular rate and rhythm. Normal heart sounds. No jugular venous distention. Peripheral pulses normal. (JT35) 09/04/2015 19:25

ABDOMEN:

Abdomen soft. Abdomen nontender and nondistended. No peritoneal signs. No flank tenderness. Pelvis stable/nontender. (JT35) 09/04/2015 19:25

NEUROLOGIC:

Alert. No gross motor deficit. No gross sensory deficit. (JT35) 09/04/2015 19:23 Awake and alert. Glasgow Coma Score 15. Cranial nerves grossly intact. Normal upper extremity and lower extremity strength. Grossly normal sensation. (JT35) 09/04/2015 19:25

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Arrival Date: 09/04/2015 08:28	Primary MD:
Visit Date: 09/04/2015 08:30	Attending MD:AMY URBAN MD

Physical Exam

MUSCULOSKELETAL:
Upper extremities nontender. Upper extremities: Full range of motion. Upper extremities: Pulses/sensation normal. Lower extremities: Full range of motion. Lower extremities: Pulses/sensation normal. Lower extremity: subcentimeter laceration to the L medial/posterior calf. Some areas of stippling on the dorsal foot, ankle and distal L lower leg, non-tender without erythema or exudates.. C-spine - no bony tenderness. (JT35) 09/04/2015 19:25 Meets NEXUS criteria. T-spine - No bony tenderness. LS spine - no bony tenderness. Normal extremity strength. Grossly normal sensation. (JT35) 09/04/2015 19:25

SKIN:
Head/scalp nontender. No wounds, lacerations or contusions on head/scalp. No wounds, lacerations or contusions on chest. No wounds, lacerations or contusions on abdomen, flank or pelvis. Upper extremities: No wounds lacerations or contusions. (JT35) 09/04/2015 19:25

PSYCHIATRIC:
Mood/ affect normal. Cooperative. (JT35) 09/04/2015 19:25

Progress Notes

MDM and ED Course: 24 year old brought in by law enforcement for evaluation of a possible GSW to the calf. Exam revealed some stippling of the L lower extremity and a small laceration over the posteriolateral calf. Radiographic study revealed a small radiopaque object in the area of the laceration. Patient's pulses, motor and sensory function were intact distal to the wound. These findings were discussed with the patient. A tetanus booster was provided to the patient since he could not remember the last time that he had a tetanus shot. Discharge instructions were provided to the patient and the officers at bedside. A prescription for 5 days of Keflex was provided and the patient was counseled on spontaneous migration of the foreign body. Clinical impression: foreign body of the L calf, small laceration to the lower extremity, leg pain. Patient was independently seen and evaluated by my attending Dr. Amy Urban who agrees with my assessment and plan for this patient. Patient was discharged to the custody of law enforcement. (JT35) 09/04/2015 19:33

Primary Diagnosis

Foreign body of skin of lower leg (JT35 09/04/2015 09:09)

Med Orders

ED: Tdap diphth - acell pertussis - tetanus vaccine [BOOSTRIX] 0.5 ML IM ONCE NOW
Entered By (AU2 MD 09/04/2015 08:34) Ordered By (AU2 MD 08:34) Completed By (LH11 RN 10:01) MD Sign (AU2 MD 08:34) Notes: See Immunization Record (LH11 10:01)

Non- Med Orders

TR TIBIA + FIBULA (LEFT) ONCE STAT gsw
Entered By (CL11 UNIT CLERK 09/04/2015 08:30) Ordered By (AU2 MD 08:30) Results Back (08:45) MD Sign (AU2 MD 08:30) Comments: tr 6 Notes: Portable X- ray at bedside. (PO3 08:45)

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Emergency Department Chart

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Arrival Date: 09/04/2015 08:28	Primary MD:
Visit Date: 09/04/2015 08:30	Attending MD:AMY URBAN MD

Disposition

Disposition decision is discharge. Condition at discharge - stable. (JT35) 09/04/2015 09:15 Electronically signed by JOHN ROBERT TURNER MD.
The designated co-signing physician is No Designated Cosigner. (JT35) 09/04/2015 09:15 Electronically signed by JOHN ROBERT TURNER MD.
The designated co-signing physician is AMY URBAN MD. (JT35) 09/04/2015 19:38
I have reviewed the chart of TURNER, STEVEN and as the supervising staff physician concur on the final disposition - AMY URBAN MD. (AU2) 09/12/2015 18:23 Disposition status is discharge. Discharged to Jail. Patient ambulatory out of department with normal gait or at baseline for patient. Departure Method: In custody of law enforcement. Patient physically left department and was removed from Tracking Board by LINDSEY HALL RN. (LH11) 09/04/2015 09:30 Discharge vital signs documented: BP: 125/77 at 10:04, *P: 59 at 10:04, Resp: 17/min at 10:04. IV discontinued. IV Catheter intact. Dressing applied to site. (LH11) 09/04/2015 10:04 Electronically signed by LINDSEY HALL RN. (LH11) 09/04/2015 10:04 Please arrange a follow-up appointment within 3 days (Unless a follow-up appointment has been recommended sooner) with your primary care provider (PCP), or the referred physician or clinic See Referral section or Referral handout given, If you do not have your own doctor or cannot arrange the appointment within this time period please return to this or any local Emergency Department or urgent care for your recheck.

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*If you have a wound or were diagnosed with a skin infection, we recommend that you return in 2 days for a recheck.

*** IF YOUR CONDITION WORSENS AT ANY TIME, OR IF YOU EXPERIENCE ANY OTHER NEW OR CONCERNING SYMPTOMS, PLEASE RETURN IMMEDIATELY TO THE EMERGENCY DEPARTMENT. *** (JT35) 09/04/2015 09:10

Discharge Prescriptions

Keflex Oral capsule 500 mg 1 capsule(s) By Mouth Every 6 Hours , 20 capsule(s) , No Refills (JT35 09/04/2015 09:12) Printed (JT35 09/04/2015 09:12)

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Arrival Date: 09/04/2015 08:28	Primary MD:
Visit Date: 09/04/2015 08:30	Attending MD:AMY URBAN MD

Discharge Instructions

Foreign Body
Foreign Body

A foreign body is something in your body that should not be there. This may have been caused by a puncture wound or other injury. Puncture wounds become easily infected. This happens when bacteria (germs) get under the skin. Rusty nails and similar foreign bodies are often dirty and carry germs on them.

TREATMENT
> A foreign body is usually removed if this can be easily done right after it happens.
> Sometimes they are left in and removed at a later surgery. They may be left in indefinitely if they will not cause later problems.
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> Be aware that your body will work to remove the foreign substance. That is, the foreign body may work itself out of the wound. That is normal.
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If you have a foreign body that needs removal and this was not done today, make sure you know how you are to follow up and what is the plan of action for taking care of this. It is your responsibility to follow up on this.

MAKE SURE YOU:
> Understand these instructions.
> Will watch your condition.
> Will get help right away if you are not doing well or get worse.

Document Released: 06/13/2002 Document Revised: 03/11/2013 Document Reviewed: 08/06/2009
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Additional Instructions

09/04/2015 09:15:08 PDT AJOHNTURNER You were seen and evaluated at UMC Trauma Emergency Department for a laceration to your L calf. We performed an xray that showed a small foreign body in your left calf. Your pulses and neurological function was intact. We are prescribing you an antibiotic that you should take for the next 5 days, four times a day. The foreign body should work its way out on its own over the next few months. You can consult a doctor if the wound becomes red, painful, or has drainage that looks like pus. It was a pleasure to take care of you today. (JT35) 09/04/2015 09:15

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Arrival Date: 09/04/2015 08:28	Primary MD:
Visit Date: 09/04/2015 08:30	Attending MD:AMY URBAN MD

Discharge Summary

Chief Complaint: Wound /laceration to left shin.. Primary Diagnosis: Foreign body of skin of lower leg.. Disposition Notes: Please arrange a follow-up appointment within 3 days (Unless a follow-up appointment has been recommended sooner) with your primary care provider (PCP), or the referred physician or clinic See Referral section or Referral handout given, If you do not have your own doctor or cannot arrange the appointment within this time period please return to this or any local Emergency Department or urgent care for your recheck.

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Tetanus and Immunization Status

Last Tetanus Immunization:
tetanus toxoid, reduced diphtheria toxoid, and acellular pertussis vaccine, adsorbed administered on 09/04/2015 10:01:00 [Confirmed by LINDSEY HALL RN on 09/04/2015 10:03:58.] Status: Given Imm. Type:Single dose; Route: Intramuscular; Site: Right Deltoids; Vaccine mfr: GlaxoSmithKline; Lot#: x4j7d; Vaccine exp. date: 09/16/2017 00:00:00; Administered on: 09/04/2015 10:01:00; Informed consent by: patient; Relationship to patient: Self; Date/Time of consent:09/04/2015 09:15:00; CDC VIS - Info given to patient/parent/guardian: No; CDC VIS: Tdap; Pub Date02/24/2015 00:00:00; Given Date09/04/2015 00:00:00; Adverse Reaction - Adverse reaction occurred: No; [LH11 RN 09/04/2015 10:03:58]

Administered This Visit:
tetanus toxoid, reduced diphtheria toxoid, and acellular pertussis vaccine, adsorbed administered on 09/04/2015 10:01:00 [Confirmed by LINDSEY HALL RN on 09/04/2015 10:03:58.] Status: Given Imm. Type:Single dose; Route: Intramuscular; Site: Right Deltoids; Vaccine mfr: GlaxoSmithKline; Lot#: x4j7d; Vaccine exp. date: 09/16/2017 00:00:00; Administered on: 09/04/2015 10:01:00; Informed consent by: patient; Relationship to patient: Self; Date/Time of consent:09/04/2015 09:15:00; CDC VIS - Info given to patient/parent/guardian: No; CDC VIS: Tdap; Pub Date02/24/2015 00:00:00; Given Date09/04/2015 00:00:00; Adverse Reaction - Adverse reaction occurred: No; [LH11 RN 09/04/2015 10:03:58]

Immunization History:
Immunizations are not up to date.

Reviewed:
Immunizations reviewed. [JOHN ROBERT TURNER MD: 09/04/2015 19:26]

Substance Use

Tobacco
Smoking status
current every day smoker [Confirmed by: PAULA OSBORNE RN on 09/04/2015 09:08:00]

Alcohol
Alcohol use
yes [PAULA OSBORNE RN on 09/04/2015 09:08:00]

University Medical Center
1800 W. Charleston Blvd.
Las Vegas, NV 89102
702-383-2000

Final

Emergency Department Chart

Patient Name: TURNER, STEVEN	Account Number: 9931195912
Medical Rec. Number: 0001636685	Birthdate: Gender: M
Arrival Date: 09/04/2015 08:28	Primary MD:
Visit Date: 09/04/2015 08:30	Attending MD:AMY URBAN MD

Substance Use

[illegible]NE RN on 09/04/2015 09:08:00]

[illegible]PAULA OSBORNE RN on 09/04/2015 09:08:00]

Reviewed

Substance Use reviewed. [JOHN ROBERT TURNER MD: 09/04/2015 19:26]

Staff Legend

AU2	AMY URBAN MD
CL11	CHARNETTE PACHECO UNIT CLERK
JT35	JOHN TURNER MD
LH11	LINDSEY HALL RN
PO3	PAULA OSBORNE RN

admission in his Motion, there is no indication that he would be employed or be able to get a job if released from custody.

Prior Criminal History:

While Defendant lacks a criminal history, he is only twenty years old. At such a young age, Defendant is already carrying high powered weapons, breaking into homes and committing crimes as egregious as shooting at police officers. Given that his first offense is so violent in nature, this gives the State great concern about his willingness to stay out of trouble if the bail settlement is altered in any manner.

Nature of the Offense and Likelihood of Conviction

The facts and circumstances of this case are extremely violent and concerning to the State. The fact that the Defendant has access to handguns and high powered weapons and is clearly willing to use those weapons is alarming. Finally, the likelihood of conviction in this case is very strong which gives Defendant little incentive to return to court and face the charges against him.

CONCLUSION

The State also notes that Co-Defendant Turner filed a similar Own Recognizance Motion in November of 2015. The Court denied Co-Defendant Turner's request to modify bail setting despite his lack of criminal history. As such, the State respectfully requests that the instant Motion for Bail Reduction for Defendant Hudson also be denied and that the current bail setting of $200,000 remain in the case.

DATED this 5th day of January, 2017.

Respectfully submitted,

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

BY
LEAH C. BEVERLY
Deputy District Attorney
Nevada Bar #012556

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that service of STATE'S OPPOSITION TO DEFENDANT'S MOTION FOR BAIL REDUCTION was made this 5th day of January, 2017, by facsimile transmission to:

JESS R. MARCHESE, ESQ.
ATTORNEY FOR DEFENDANT
FAX#702-598-1425

BY: P. Manis
P. Manis
Secretary for the District Attorney's Office

LCB/pm/L-2

Electronically Filed
02/09/2017 11:10:46 AM

CLERK OF THE COURT

SUBT
CRAIG A. MUELLER, ESQ.
Nevada Bar No. 4703
MUELLER, HINDS & ASSOCIATES, CHTD.
600 S. Eighth Street
Las Vegas, Nevada 89101
Phone: (702) 940-1234
Facsimile: (702) 940-1235
criminal@muellerhinds.com

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA Plaintiff, vs. CLEMON HUDSON, Defendant.	Case No.: C-15-309578-2-1 Dept. No.: 2 **SUBSTITUTION OF ATTORNEY**

Defendant, CLEMON HUDSON, hereby consents to and does hereby substitute attorney CRAIG A. MUELLER, ESQ. and the law firm of MUELLER, HINDS & ASSOCIATES CHTD., as his attorneys in the above-entitled action, in the place and instead of JESS R. MARCHESE, Esq.

DATED this 9th Day of February, 2017.

CLEMON HUDSON

///

///

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///

CRAIG A. MUELLER, the undersigned, hereby agrees to be substituted as Attorney of Record for Defendant, CLEMON HUDSON, in the above-entitled action in the place and instead of JESS R. MARCHESE, ESQUIRE.

DATED this 9th Day of February, 2017.

MUELLER, HINDS & ASSOCIATES, CHTD.

CRAIG A. MUELLER, ESQ.
Nevada State Bar No. 4703
600 S. Eighth Street
Las Vegas, Nevada 89101
(702) 940-1234
(702) 940-1235
criminal@muellerhinds.com
cmueller@muellerhinds.com

JESS R. MARCHESE, ESQUIRE, the undersigned, hereby agrees to be substituted as Attorney of Record for Defendant, CLEMON HUDSON, by CRAIG A. MUELLER, ESQUIRE, in the above-entitled action in his place and stead.

DATED this _____ Day of February, 2017.

LAW OFFICE OF JESS R. MARCHESE

JESS R. MARCHESE, ESQ.
Nevada State Bar No.: 8175
601 S. Jones Blvd.
Las Vegas, NV 89101
(702) 385-5377
(702) 474-4210
marcheselaw@msn.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the ____ Day of February, 2017, I served a true and correct copy of the foregoing SUBSTITUTION OF ATTORNEY, upon each of the parties by **electronic service** through Wiznet, the Eighth Judicial District Court's e-filing/e-service system, pursuant to N.E.F.C.R.9; and by depositiong a copy of the same in a sealed envelope in the United States mail, Postage Pre-Paid, addressed as follows:

Clark County District Attorney's Office
200 Lewis Ave., 3rd Floor
Las Vegas, NV 89155
motions@clarkcountyda.com

JESS R. MARCHESE, ESQ.
Nevada State Bar No.: 8175
601 S. Jones Blvd.
Las Vegas, NV 89101
(702) 385-5377
(702) 474-4210
marcheselaw@msn.com

/s/ Cinnamon O'Brien
An Employee of Mueller, Hinds & Associates, CHTD

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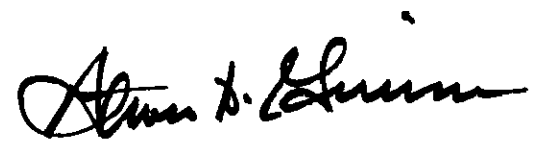
05/02/2017 01:50:29 PM



CLERK OF THE COURT

MDIS
MUELLER, HINDS & ASSOCIATES
CRAIG A. MUELLER, ESQ.
Nevada Bar No. 4703
600 South Eighth Street
Las Vegas, Nevada 89101
(702) 940-1234
Attorney for Defendant
CLEMSON HUDSON

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA, Plaintiff, vs. CLEMON HUDSON, Defendant.	CASE NUMBER: C-15-309578-2 DEPT. NUMBER: 2 **NOTICE OF MOTION AND MOTION FOR DISCOVERY**

COMES NOW, CLEMON HUDSON, by and through his attorney CRAIG A. MUELLER, ESQ., and moves the Court for an Order requiring the Plaintiff to reveal, produce and permit the Defendant to inspect and copy all information and material favorable to a defense of this cause (including all photographs, videos, books, papers, records, documents and objects and all facts or information of whatever source or form in the possession of, or known to, the Plaintiff or any of its agents), which material and information are or may become of benefit to the Defendant, either on the merits of the case or one the question of credibility of witness.

Defendant has requested discovery on two other occasion thru other channels, which has been unsuccessful. Defendant states that said inspection, information and statements are necessary for the preparation of her defense and for the Defendant to obtain a fair trial and constitutional due process of law.

NOTICE OF MOTION

TO: THE STATE OF NEVADA, Plaintiff, and,

TO: CLARK COUNTY DISTRICT ATTORNEY:

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the undersigned will bring the foregoing Motion on for hearing on the 16 day of MAY 2017, at the hour of 9:00 am, or as soon thereafter as counsel may be heard.

DATED this 21st day of April, 2017.

Respectfully Submitted,

MUELLER, HINDS & ASSOCIATES

By _____

CRAIG A. MUELLER, ESQ.
Nevada Bar No. 4703
600 South Eighth Street
Las Vegas, Nevada 89101
(702) 940-1234
Attorney for Defendant

POINTS AND AUTHORITIES

NRS 174.235: 1. Except as otherwise provided in NRS 174.233 to 174.295, inclusive, at the request of a defendant, the prosecuting attorney shall permit the defendant to inspect and to copy or photograph any:

(a) Written or recorded statements or confessions made by the defendant, or any written or recorded statements made by a witness the prosecuting attorney intends to call during the case in chief of the state, or copies thereof, within the possession, custody or control of the state, the existence of which is known, or by the exercise of due diligence may become known, to the prosecuting attorney;

(b) Results or reports of physical or mental examinations, scientific tests or scientific experiments made in connection with the particular case, or copies thereof, within the possession, custody or control of the state, the existence of which is known, or by the exercise of due diligence may become known, to the prosecuting attorney; and

(c) Books, papers, documents, tangible objects, or copies thereof, which the prosecuting attorney intends to introduce during the case in chief of the state and which are within the

possession, custody or control of the state, the existence of which is known, or by the exercise of due diligence may become known, to the prosecuting attorney.

2. The defendant is not entitled, pursuant to the provisions of this section, to the discovery or inspection of:

(a) An internal report, document or memorandum that is prepared by or on behalf of the prosecuting attorney in connection with the investigation or prosecution of the case.

(b) A statement, report, book, paper, document, tangible object or any other type of item or information that is privileged or protected from disclosure or inspection pursuant to the constitution or laws of this state or the Constitution of the United States.

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

(Added to NRS by 1967, 1419; A 1995, 264; 1997, 2367)

NRS 174.245: Disclosure by defendant of evidence relating to defense; limitations.

1. Except as otherwise provided in NRS 174.233 to 174.295, inclusive, at the request of the prosecuting attorney, the defendant shall permit the prosecuting attorney to inspect and to copy or photograph any:

(a) Written or recorded statements made by a witness the defendant intends to call during the case in chief of the defendant, or copies thereof, within the possession, custody or control of the defendant, the existence of which is known, or by the exercise of due diligence may become known, to the defendant;

(b) Results or reports of physical or mental examinations, scientific tests or scientific experiments that the defendant intends to introduce in evidence during the case in chief of the defendant, or copies thereof, within the possession, custody or control of the defendant, the existence of which is known, or by the exercise of due diligence may become known, to the defendant; and

(c) Books, papers, documents or tangible objects that the defendant intends to introduce in evidence during the case in chief of the defendant, or copies thereof, within the possession, custody or control of the defendant, the existence of which is known, or by the exercise of due diligence may become known, to the defendant.

2. The prosecuting attorney is not entitled, pursuant to the provisions of this section, to the discovery or inspection of:

(a) An internal report, document or memorandum that is prepared by or on behalf of the defendant or his attorney in connection with the investigation or defense of the case.

(b) A statement, report, book, paper, document, tangible object or any other type of item or information that is privileged or protected from disclosure or inspection pursuant to the constitution or laws of this state or the Constitution of the United States.

(Added to NRS by 1967, 1419; A 1969, 350; 1995, 265; 1997, 2368)

NRS 200.604 Capturing image of private area of another person; distributing, disclosing, displaying, transmitting or publishing image of private area of another person; penalties; exceptions; confidentiality of image.

1. Except as otherwise provided in subsection 4, a person shall not knowingly and intentionally capture an image of the private area of another person:

(a) Without the consent of the other person; and

(b) Under circumstances in which the other person has a reasonable expectation of privacy.

2. Except as otherwise provided in subsection 4, a person shall not distribute, disclose, display, transmit or publish an image that the person knows or has reason to know was made in violation of subsection 1.

3. A person who violates this section:

(a) For a first offense, is guilty of a gross misdemeanor.

(b) For a second or subsequent offense, is guilty of a category E felony and shall be punished as provided in NRS 193.130.

4. This section does not prohibit any lawful law enforcement or correctional activity, including, without limitation, capturing, distributing, disclosing, displaying, transmitting or publishing an image for the purpose of investigating or prosecuting a violation of this section.

5. If a person is charged with a violation of this section, any image of the private area of a victim that is contained within:

(a) Court records;

(b) Intelligence or investigative data, reports of crime or incidents of criminal activity or other information;

(c) Records of criminal history, as that term is defined in NRS 179A.070; and

(d) Records in the Central Repository for Nevada Records of Criminal History,

is confidential and, except as otherwise provided in subsections 6 and 7, must not be inspected by or released to the general public.

6. An image that is confidential pursuant to subsection 5 may be inspected or released:

(a) As necessary for the purposes of investigation and prosecution of the violation;

(b) As necessary for the purpose of allowing a person charged with a violation of this section and his or her attorney to prepare a defense; and

(c) Upon authorization by a court of competent jurisdiction as provided in subsection 7.

7. A court of competent jurisdiction may authorize the inspection or release of an image that is confidential pursuant to subsection 5, upon application, if the court determines that:

(a) The person making the application has demonstrated to the satisfaction of the court that good cause exists for the inspection or release; and

(b) Reasonable notice of the application and an opportunity to be heard have been given to the victim.

8. As used in this section:

(a) "Broadcast" means to transmit electronically an image with the intent that the image be viewed by any other person.

(b) "Capture," with respect to an image, means to videotape, photograph, film, record by any means or broadcast.

(c) "Female breast" means any portion of the female breast below the top of the areola.

(d) "Private area" means the naked or undergarment clad genitals, pubic area, buttocks or female breast of a person.

(e) "Under circumstances in which the other person has a reasonable expectation of privacy" means:

(1) Circumstances in which a reasonable person would believe that he or she could disrobe in privacy, without being concerned that an image of his or her private area would be captured; or

(2) Circumstances in which a reasonable person would believe that his or her private area would not be visible to the public, regardless of whether the person is in a public or private place.

(Added to NRS by 2007, 642)

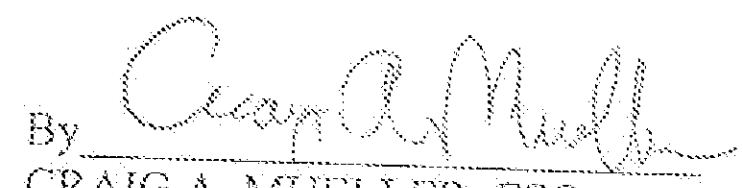
The prosecution has the duty to disclose to the Defendant all exculpatory evidence. **Brady v. Maryland, 373,** U.S. 83 (1963); see also, **Giles v. Maryland,** 386 U.S. 66 (1967); **Dennis v. U.S.,** 384 U.S. 855, 873 (1966).

A Defendant has the right to any prior statements given by witnesses who testify against him. **Mears v. State,** 83 Nev. 3, 422P.2d230 (1967). The better practice is to furnish the Defendant with the statements prior to trial to avoid trial delay and disruption. **Mears v. State, supra.**

DATED this 21st day of April 2017.

Respectfully Submitted,

MUELLER, HINDS & ASSOCIATES

By 

CRAIG A. MUELLER, ESQ.
Nevada Bar No. 4703
600 South Eighth Street
Las Vegas, Nevada 89101
(702) 940-1234
Attorney for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 21st Day of April, 2017 I served a true and correct copy of the foregoing MOTION AND NOTICE OF MOTION FOR DISCOVERY, upon each of the parties by **electronic service** through Wiznet, the Eighth Judicial District Court's e-filing/e-service system, pursuant to N.E.F.C.R.9; and/**or** by depositiong a copy of the same in a sealed envelope in the United States mail, Postage Pre-Paid, addressed as follows:

Clark County District Attorney's Office
200 Lewis Ave., 3rd Floor
Las Vegas, NV 89155
motions@clarkcountyda.com
pdmotions@clarkcountyda.com

/s/ Giselle D. Villa
An Employee of Mueller, Hinds & Associates, CHTD

Electronically Filed
8/28/2017 7:35 AM
Steven D. Grierson
CLERK OF THE COURT

MOT
CRAIG A. MUELLER, ESQ.
Nevada Bar No. 4703
MUELLER HINDS & ASSOCIATES, CHTD
600 S. Eighth St.
Las Vegas, NV 89101
Tel (702) 940-1234
Fax (702) 940-1235
cmueller@muellerhinds.com

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

STATE OF NEVADA, Plaintiff, vs. CLEMON HUDSON, Defendants.	CASE NO.: C-15-309578-2 DEPT. NO.: XVIII **MOTION TO SEVER; NOTICE**

COMES NOW, CLEMON HUDSON, by and through his attorney, Craig A. Mueller, Esq., of the law firm Mueller Hinds & Associates, hereby move the court to sever the codefendants in this case into two separate cases. This motion is made based on the following points and authorities and any oral arguments made at the time of the hearing of this motion.

DATED this 23rd August, 2017.

CRAIG A. MUELLER, ESQ.
Nevada Bar No: 4703

NOTICE OF MOTION

TO: THE STATE OF NEVADA, Plaintiff,

YOU AND EACH OF YOU WILL PLEASE TAKE NOTICE that the above and foregoing **MOTION** will be heard before the above entitled Court on the 7th day of September, 2016, at 9:00 a.m., or as soon thereafter as counsel may be heard.

POINTS AND AUTHORITIES

I. FACTUAL BACKGROUND

According to the police report, on September 4, 2015 Eric Clarkson heard a noise and saw an unknown subject on his patio, got out of bed, got his cell phone and woke up his roommate, Willoughby Grimaldi, and called 9-11. Ultimately, police officers Robertson and Greco-Smith arrived, saw Steven Turner and Clemon Hudson, on the patio. Officers took a position, unlocked the door when Turner fired an AK47 rifle striking Officer Robertson in the leg, and Clemon Hudson allegedly fired one shot from the shotgun into the doorway missing the officers.

Turner fled but was seen limping and jaywalking nearby where a person stop was conducted. The officers interviewed Turner who identified his friend Clemon Hudson, AKA "Mar," as the person who he was with when they planned to go to someone's house to "steal their weed" on Westcliff and Rainbow. After changing his story a couple of times, Turner stated he waited in a car while "Mar" grabbed a SKS rifle and shotgun and jumped in the backyard of the house. Turner thought Mar was taking too long so he jumped over the fence too. Turner claims that "Mar" walked toward the glass patio door, that he saw the door open and "Mar" started to shoot.

II. APPLICABLE LAW

Section 173.135 of the Nevada Revised Statutes provides:

> Two or more defendants may be charged in the same indictment or information if they are alleged to have participated in the same act or transaction or in the same series of acts or transactions constituting an offense or offenses. Such defendants may be charged in or or more counts together or separately and all of the defendants need not be charged in each count.

Under section 174.165 of the Nevada Revised Statutes:

1. If it appears that a defendant or the State of Nevada is prejudiced by a joinder of offenses or of defendants in an indictment or information, or by such joinder for trial together, the court may order an election or separate trials of counts, grant a severance of defendants or provide whatever other relief justice requires.

2. In ruling on a motion by a defendant for severance the court may order the district attorney to deliver to the court for inspection in chambers any statements or confessions made by the defendants which the State intends to introduce in evidence at trial.

Of course, the ability to join defendants is not unlimited. The Confrontation Clause in the Sixth Amendment to the United States Constitution provides the right to confront and cross-examine the accuser in a criminal case. See Bruton v. United States, 391 U.S. 123, 135-37 (1968). That right is violated where a non-testifying codefendant makes a confession that incriminates the defendant. See Romero v. State, 2016 Nev. LEXIS 512, 9, 2016 WL 3257826, Nev. SC No. 67731 (filed June 10, 2016) citing Bruton v. United States, 391 U.S. 123 (1968).

The party seeking severance bears the burden of proof of prejudice and such a case must be severed "if there is a serious risk that [it] would compromise a specific trial right of one of the defendants, or prevent the jury from making a reliable judgment about guilty or innocence." See Rimer v. State, 351 P.3d 697, 711 (Nev. 2015), citing Marshall v. State, 118 Nev. 642, 647 (2002) (quoting Zafiro v. United States, 506 U.S. 534, 539 (1993)). Another way to state the law was also provided in Rimer: "To require severance, the defendant must demonstrate that a joint trial would manifestly prejudicial. The simultaneous trial of the offenses must render the trial fundamentally unfair, and hence, result in the violation of due process." See Rimer v. State, 351 P.3d 697, 710-11 (Nev. 2015), citing Honeycutt v. State, 118 Nev. 660 (2002), overruled on other grounds by Carter v. State, 121 Nev. 759, 765 (2005).

III. ANALYSIS

The case must be severed under Bruton. The State intends to introduce the statements of a non-testifying defendant Steven Turner, the codefendant in this case, against Clemon Hudson by the alias "Mar" that tend to implicate Hudson. Because Hudson will not have the ability to confront and cross-examine Turner, his rights under the Confrontation Clause would be violated by the introduction of these statements. This would render the trial fundamentally unfair and result in a violation of due process. Therefore, the case must be severed.

IV. CONCLUSION

We pray that the defendants in this case be severed into two separate cases.

CRAIG A. MUELLER, ESQ.
Nevada Bar No: 4703

CERTIFICATE OF SERVICE

I, an employee of Mueller Hinds & Associates, Chtd., certify that this document was served to the following persons or entities through the Wiznet e-service system:

DATED this 23rd day of August, 2017.

Employee of Mueller Hinds & Associates, CHTD.

Electronically Filed
9/18/2017 9:25 AM
Steven D. Grierson
CLERK OF THE COURT

OPPS
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
LEAH BEVERLY
Chief Deputy District Attorney
Nevada Bar #12556
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA, Plaintiff, -vs- CLEMON HUDSON, #7025101 Defendant.	CASE NO: C-15-309578-2 DEPT NO: XVIII

STATE'S OPPOSITION TO DEFENDANT'S MOTION TO SEVER

DATE OF HEARING: October 12, 2017
TIME OF HEARING: 9:00 am

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through LEAH BEVERLY, Deputy District Attorney, and hereby submits the attached Points and Authorities in Opposition to Defendant's Motion To Sever.

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

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POINTS AND AUTHORITIES

STATEMENT OF THE CASE:

On September 23, 2015, the State of Nevada ("the State") filed an Indictment charging Defendant Clemon Hudson ("Defendant") and his Co-Defendant, Steven Turner, with the following: Count 1 – CONSPIRACY TO COMMIT BURGLARY; Count 2 – ATTEMPTED BURGLARY WHILE IN POSSESSION OF A FIREARM OR DEADLY WEAPON; Count 3 through 4 – ATTEMPT MURDER WITH USE OF A DEADLY WEAPON; Count 5 – BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM; Count 6 – DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE, VEHICLE, AIRCRAFT, OR WATERCRAFT.

Trial is currently set to begin on November 13, 2017. Defendant filed the instant Motion to Sever on August 28, 2017. The State's Opposition follows:

STATEMENT OF FACTS

On September 4, 2015, at approximately 3:45AM, the two co-defendants, armed with multiple firearms, startled the victims awake in their home. The residents of the home, Eric Clarkson and Willoughby Grimaldi, were sleeping when they heard suspicious noises in their backyard. They observed two figures, who were later identified as the two defendants, running across the backyard. The police were notified and dispatched and Officers Robertson and Greco-Smith arrived to investigate. Officer Robertson spotted the co-defendants in the backyard and began to open the back door when Defendant Turner fired three rounds from an AK-47 rifle. One of the rounds hit Officer Robertson in the leg and immediately after, Defendant Hudson fired a round at the officers from his shotgun, hitting the doorway next to them. Officer Greco-Smith returned fire at Defendants Hudson and Turner. Defendant Turner dropped his rifle and fled the scene while Hudson hid in the backyard. A canine police dog from the K9 unit had to physically remove Defendant Hudson from where he was hiding because he would not respond to Officers when ordered to surrender.

///

Officer Robertson was extracted from the residence and was transported to UMC Trauma to be treated for his shattered right femur. He was taken into surgery where he required a titanium rod and plates to be inserted into his broken femur.

In his interview after the shooting altercation, Defendant Hudson admitted to arming himself with the shotgun and a handgun to steal a pound of marijuana from the residence. He intentionally entered the backyard of the home and admitted to firing the shotgun into the house.

ARGUMENT

Defendant's only claim in the instant Motion is that the co-defendants' cases should be severed because the State intends to use Defendant's Turner's statement to police against Defendant Hudson in violation of the Confrontation Clause. This claim is without merit and should be denied.

NRS 173.135 which controls the joinder of two or more defendants in a single action states:

> Two or more defendants may be charged in the same indictment or information if they are alleged to have participated in the same act or transaction or in the same series of acts or transactions constituting an offense or offenses. Such defendants may be charged in one or more counts together or separately and all of the defendants need not be charged in each count.

NRS 174.165 provides the guidelines to be followed in the event of a prejudicial joinder:

> If it appears that a defendant or the State of Nevada is prejudiced by a:
> 1. joinder of offenses or of defendants in an indictment or information, or by such joinder for trial together, the court may order an election or separate trials of counts, grant a severance of defendants or provide whatever other relief justice requires.
> In ruling on a motion by a defendant for severance
> 2. the court may order the district attorney to deliver to the court for inspection in chambers any statements or confessions made by the defendants which the State intends to introduce in evidence at the trial.

The decision to sever defendants is "vested in the sound discretion of the district court and will not be reversed on appeal unless the appellant 'carries the heavy burden' of showing that the trial judge abused his discretion." Chartier v. State, 124 Nev. 760, 764, 191 P.3d 1182,

1185 (2008) (citing Buff v. State, 114 Nev. 1237, 1245, 970 P.2d 564, 569 (1998)). Throughout the Nevada Supreme Court's decisions regarding severance it is consistently clear that in order to establish that joinder is prejudicial a defendant must demonstrate more than just that "severance made acquittal more likely; misjoinder requires reversal only if it has a substantial and injurious effect on the verdict." Chartier, 124 Nev. at 765, 191 P.3d at 1185; Marshall v. State, 118 Nev. 642, 647, 56 P.3d 376, 379 (2002); Middleton v. State, 114 Nev. 1089, 1108, 968 P.2d 296, 309 (1998). The determination of risk associated to a joint trial is to be made by the district court, based upon the individual facts of the case. Chartier, 124 Nev. at 765, 191 P.3d at 1185. While this is true, the Nevada Supreme Court has also stated that severance should only be granted "if there is a serious risk that a joint trial would compromise a specific trial right of one of the defendants, or prevent the jury from making a reliable judgment about guilt or innocence." Id. The Court has acknowledged that such prejudice may occur if the Defendants' defenses are antagonistic, the joinder prejudices a defendant's rights to present evidence or the cumulative effect creates a substantial an injurious effect. Id.

The public policy for joint trials is strong, as recognized by the United States Supreme Court in United States v. Brady, 579 F. 2d 1121, 1128, "joint trials of persons charged with committed the same offense expedites the administration of justice, reduces the congestion of trial dockets, conserves judicial time, lessens the burdens upon citizens to sacrifice time and money to serve on juries and avoids the necessity of recalling witnesses who would otherwise be called upon to testify only once." The Nevada Supreme Court has stated, "where persons have been jointly indicted they should be tried jointly, absent compelling reasons to the contrary." Jones v. State, 111 Nev. 848, 853, 899 P.2d 544, 547 (1995). While the decisive factor in any severance analysis is prejudice to the defendant, the court must also consider "the possible prejudice to the State resulting from expensive, duplicative trials." Marshall v. State, 118 Nev. 642, 646, 56 P.3d 376, 379 (2002). "Joinder promotes judicial economy and efficiency as well as consistent verdicts and is preferred as long as it does not compromise a defendant's right to a fair trial." Id. A showing that severance might make acquittal more

likely is not sufficient, rather a defendant must demonstrate a substantial and injurious effect from the joinder. Id.

I. THE DEFENDANT'S ASSERTION OF A VIOLATION OF THE CONFRONTATION CLAUSE IS UNSUPPORTED

Defendant Hudson claims that severance is required to protect his Confrontation Clause rights. Defendant claims that admitting Defendant Turner's statements against Hudson is a violation of Hudson's rights.

The Confrontation Clause in the Sixth Amendment of the United States Constitution guarantees the right of a criminal defendant to be confronted with the witnesses against him. The United States Supreme Court in Bruton v. United States, 391 U.S. 123, 88 S.Ct. 1620 (1968) held that since there is a substantial risk that a jury will use facially incriminating confession of a non-testifying defendant as evidence of the guilt of his co-defendant, the admission of the confession in a joint trial violates the confrontation clause. Id 391 U.S. at 126, 88 S.Ct. at 1622. The threshold question is whether the challenged statement is testimonial; if it is not, the Confrontation Clause "has no application." Whorton v. Bockting, 549 U.S. 406, 420, 127 S.Ct. 1173, 167 L.Ed.2d 1 (2007). "Because it is premised on the Confrontation Clause, the Bruton rule, like the Confrontation Clause itself, does not apply to nontestimonial statements." U.S. v. Johnson, 581 F.3d 320, 326 (6th Cir.2009). To determine whether a statement is testimonial, the court looks at the "totality of the circumstances surrounding ... the statement," and the inquiry focuses on whether an objective witness would "reasonably ... believe that the statement would be available for use at a later trial." Harkins v. State, 122 Nev. 974, 987, 143 P.3d 706, 714 (2006) (quotations omitted).

Subsequent to the Bruton decision, numerous Circuit Courts of Appeal employed the use of redacting references to the defendant and substituting neutral pronouns. For example, the Ninth Circuit Court of Appeals approved the use of a counterfeiter's confession when redacted to include that he and "some others" robbed a savings and loan association. United

States v. Sears, 663 F.2d 896, 902 (9th Cir. 1981), cert. denied, 455 U.S. 1027, 102 S.Ct. 1731 (1982). See also United States v. Gonzales, 749 F.2d 1329, 1344 (9th Cir. 1984) (substitution of "the other man" for defendant's name to non-violate Bruton).

Other Circuits adopted this same procedure. See, United States v. Weinrich, 586 F.2d 481 (5th Cir. 1978) (reference to co-defendant excised and replaced with pronoun "someone"); United States v. Stewart, 579 F.2d 356 (5th Cir. 1978) (admission by non-testifying co-defendant that "him and some of his buddies hit a bank" was proper); United States v. Holleman, 575 F.2d 139 (7th Cir. 1978) (non-testifying co-defendant's redacted statement which made it clear that he was assisted by two others in a robbery was proper where the accomplices were not identified by race, age, size, or any means except sex).

Later, the High Court clarified its holding in Bruton in the case of Richardson v. Marsh, 481 U.S. 200, 107 S.Ct. 1702 (1987). Initially, the Court explained that Bruton is only implicated when the non-testifying co-defendant's statements "expressly implicate" the defendant or are "powerfully incriminating". Id 481 U.S. at 28, 107 S.Ct. at 1707. Additionally, the Court observed that: "One might say, of course, that a certain way of assuring compliance would be to try defendants separately whenever an incriminating statement of one of them is sought to be used. That is not as facile or as just a remedy as might seem. Joint trials play a vital role in the criminal justice system, counting for almost one third of federal criminal trials in the past five years . . . . "

It would impair both the efficiency and the fairness of the criminal justice system to require on all cases of joint crimes where incriminating statements exist, that prosecutors bring separate proceedings, presenting the same evidence again and again, requiring victims and witnesses to repeat the inconvenience (and sometimes trauma) of testifying, and randomly favoring the last - tried defendants who have the advantage of knowing the prosecution's case before hand. Joint trials generally serve the interest of justice by avoiding inconsistent verdicts and enabling more accurate assessment of relative culpability - advantages which sometimes operate to the defendant's benefit. Even apart from these tactical considerations, joint trials

generally serve the interest of justice by avoiding the scandal and equity of inconsistent verdicts. The other way of assuring compliance with an expansive Bruton rule would be to forego use of co-defendant's confessions. That price also is too high, since confessions are more than merely 'desirable'; they are essential to society's compelling interest in finding, convicting, and punishing those who violate the law. (Citations omitted) Id.

Consequently, the High Court in Richardson approved of the procedure redacting co-defendants' confessions by stating that: "We hold that the confrontation clause is not violated by the admission of a non-testifying co-defendant's confession with a proper limiting instruction, when, as here, the confession is redacted to eliminate not only the defendant's name, but any reference to her existence. 481 U.S. at 211, 107 S.Ct. at 1709. The Court also "express[ed] no opinion on the admissibility of a confession in which the defendant's name has been replaced with a symbol or neutral pronoun." Id.

Thereafter, the Eleventh Circuit in U.S. v. Vasquez, 874 F.2d 1515, 1518 (11th Cir. 1989), cert. denied 493 U.S. 1046, 110 S.Ct 845 (1990), held that a co-defendant's confession that was redacted to eliminate references to the defendant's name and substituted the word "individual" did not violate Bruton. Likewise, the Ninth Circuit held that the redaction of a non-testifying co-defendant's statement and inserting the word "individual's" as a substitution for the co-defendant's names did not violate Bruton. Id.

An argument common to confessing co-defendants is that the redacted confessions, once considered along with other evidence, clearly identifies them as the unnamed persons referred to in the confessions. This "contextual inculpation" argument has been rejected, as an unwarranted extension of Bruton v. United States, supra. See, United States v. Holleman, supra (no need to further cripple the use of confessions in joint trials); United States v. Daddy, 536 F.2d 675 (6th Cir. 1976) (inference that if one defendant is guilty the co-defendants must also have been, is based not on the redacted confession but on the other independent evidence); United States vs. Trudo, 449 F.2d 649 (2nd Cir.), cert. denied, 405 U.S. 926, 92 S.Ct. 1975 (1970) (inference of defendant's guilt arose from source independent of co-defendant's

redacted statement).

United States v. Fullette, 430 F.2d 1055 (2nd Cir. 1970) typifies the attitude towards contextual inculpation. There, two defendants, Biggins and Nelson, were tried jointly for bank robbery. Biggins confessed naming "Oliver", as his accomplice and giving physical description of "Oliver". The confession stated that he and "Oliver" were at a certain bar just prior to the robbery. Other evidence in trial established a close resemblance between Nelson and "Oliver" and that Nelson and Biggins were often seen together at the bar named in the confession. The court nevertheless felt there was no violation of Bruton because "In short, Biggins' statements were not clearly inculpatory because they along did not serve to connect Nelson with the crime . . . . Biggins' statements were not the type of powerfully incriminating statements to which the court had reference in Bruton." Id. at 1058.

As noted in United States v. Trudo, supra: "A reading of similar Bruton cases, [citations omitted] reveals that the confessions, even as redacted, mentions some unidentified accomplice. The confession by its terms would lead to speculation by the jury as to whether or not a co-defendant was the other person. In none of these cases was any violation of Bruton found even though the admission itself indicated the presence of an accomplice." Id.

In Lisle v. State, 113 Nev. 679, 688 P.2d 459, 466 (1997), the court addressed the propriety of the trial court's denial of the defendant's motion to sever and conducted the following analysis:

On December 29, 1995, Lisle filed a motion to sever his trial from that of Lopez. He based this motion on the statement that Lopez made to Melcher, incriminating Lisle; specifically, Lopez told Melcher that he observed Lisle shoot Justin at the rear of the car. On March 21, 1996, the district court filed its order denying Lisle's motion. However, the court ordered that when Melcher testified as to Lopez's statement, the statement must be redacted so as to exclude any reference to Lisle. Accordingly, when Melcher testified, he stated that Lopez observed "the other guy" shoot Justin.

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Lisle cites Bruton v. United States, 391 U.S. 123 (1968), for the proposition that Lisle's constitutional right to cross-examine the witness was violated when Lopez's hearsay statements, which inculpate Lisle, were admitted. However, Lisle fails to cite Richardson v March, 481 U.S. 200 (1987). Richardson held that if a statement is not incriminating on its face, but only when linked with other evidence introduced later at trial, then a limiting instruction will cure any prejudice. Id. at 211. Therefore, a redacted version of the statement may be admitted. Id.

The United States Court of Appeals for the Ninth Circuit extended this concept to allow defendant's name to be replaced by a neutral word, such as "individual." Therefore, although the statement referred to defendant's existence, the court allowed it to be admitted as long as his name was not used. United States v. Enrique-Estrada, 999 F.2d 1355, 1359 (9th Cir. 1993).

Later, in Ducksworth v. State, 114 Nev. 951, 966 P.2d 165 (1998), the Court explained that a defendant can only establish prejudice, when faced with the co-defendant's redacted statement, when the evidence of guilt is largely circumstantial.

More recently, federal courts have approved the use of redacted statements that are not facially incriminatory even though additional evidence is admitted that "links up" the redacted statements to identify that person. "[T]he government may offer other independent evidence that may lead the jury to conclude that the unnamed 'individual' is in fact [the defendant], but that does not render the statement inadmissible; the Supreme Court has explicitly stated that this possibility does not render an otherwise properly redacted statement constitutionally inadmissible." United States v. Reyes, ___ F.Supp.2d ___, 2005 WL 2124102, pg. 4 (E.D.Va. Aug. 29, 2005).

In this case, counsel's entire argument is based on the assumption that the State will use Defendant Turner's statement to implicate Defendant Hudson. This is not true at all. If the State uses the statements of Defendant Turner, any reference to Defendant Hudson can be redacted or replaced with a neutral pronoun as approved by case law. As such, there is no basis to sever.

CONCLUSION

The State submits that the Defendant has not demonstrated a basis for severance, and as such asks that the Defendant's motion be Denied.

DATED this 15th day of September, 2017.

Respectfully submitted,

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

BY /s/ Leah C. Beverly
LEAH C. BEVERLY
Chief Deputy District Attorney
Nevada Bar #12556

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that service of State's Opposition to Defendant's Motion to Sever, was made this 18th day of September, 2017, by Electronic Filing to:

CRAIG MUELLER, ESQ.
cmueller@muellerhinds.com

BY: /s/ Stephanie Johnson
Employee of the District Attorney's Office

15F13307A/LB/saj/MVU

MDIS

MUELLER, HINDS & ASSOCIATES, CHTD.
Craig A. Mueller, Esq.
Nevada Bar No. 4703
600 South Eighth Street
Las Vegas, NV 89101
Telephone: (702) 940-1234
Facsimile: (702) 940-1235
criminal@muellerhinds.com
Attorney for Defendant
Clemon Hudson

FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

MAR 29 2018

BY, ALAN PAUL CASTLE, SR. DEPUTY

EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA

State of Nevada, Plaintiff vs. Clemon Hudson, Defendant	Case No.: C-15-309578-2 Dept. No: XVIII 4-5-18 9:00 A.M. **DEFENDANT'S MOTION FOR ADDITIONAL DISCOVERY**

COMES NOW, Defendant Clemon Hudson, by and through his attorney of record, CRAIG A. MUELLER, of Mueller, Hinds & Associates, CHTD., hereby submits this Defendant's Motion for Additional Discovery.

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

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C-15-309578-2
MDIS
Motion for Discovery
4733908

NOTICE OF HEARING

TO: THE STATE OF NEVADA, Plaintiff; and

TO: DEPUTY DISTRICT ATTORNEY:

YOU AND EACH OF YOU WILL PLEASE TAKE NOTICE that the undersigned will bring the above and foregoing motion on for hearing on the 5TH day of APRIL, 2018, at the hour of 9AM, before the above-entitled Court, or as soon thereafter as counsel can be heard.

DATED this 29 day of March, 2018.

MUELLER, HINDS & ASSOCIATES.
Respectfully Submitted By:

/s/ Craig Mueller
CRAIG A. MUELLER, ESQ.
Attorney for Defendant

MEMORANDUM OF POINTS AND AUTHORITIES

Pursuant to NRS 174.235-45 as well as the law set forth in *Brady v. Maryland*, 373, U.S. 83 (1963) and its progeny, Defense respectfully requests the following additional discovery items from the Prosecution for inspection prior to trial. The below-listed information may contain exculpatory information necessary for the formation of the Defendant's full and complete defense to the instant case:

- The disciplinary files of all Las Vegas Metropolitan Police Officers at the scene of the incident which give rise to the allegations in the above-referenced case, specifically:
    - Any incidents of disciplinary action or complaints involving a firearm;
    - Any incidents of disciplinary action or complaints involving use of force;
    - Any incidents of disciplinary action or complaints alleging improper or insufficient training;
    - Any incidents of disciplinary action or complaints involving misconduct, whether or not such misconduct occurred in the course of the Officers' official duties;
    - Details regarding the Officers' training, instruction, and certifications regarding firearms;
    - Any internal memorandum or documentation which may have substantiated any of the above-listed allegations or complaints.

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DATED this 29 day of March, 2018.

By:
MUELLER, HINDS & ASSOCIATES, CHTD.

By: /s/ Craig Mueller
Craig A. Mueller, Esq.
Nevada Bar No. 4703
600 South Eighth Street
Las Vegas, Nevada 89101
(702) 940-1234

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 29 day of March, 2018 I served a true and correct copy of the foregoing MOTION, upon each of the parties by electronic service through Wiznet, the Eighth Judicial District Court's e-filing/e-service system, pursuant to N.E.F.C.R.9; and by depositiong a copy of the same in a sealed envelope in the United States mail, Postage Pre-Paid, addressed as follows:

Clark County District Attorney's Office
200 Lewis Avenue
Las Vegas, Nevada 89101

/s/ Craig Mueller
Employee of Mueller, Hinds & Associates

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Steven D. Grierson
CLERK OF THE COURT

RSPN
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
LEAH BEVERLY
Chief Deputy District Attorney
Nevada Bar #12556
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA, Plaintiff, -vs- CLEMON HUDSON, #7025101 Defendant.	CASE NO: C-15-309578-2 DEPT NO: XVIII

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

DATE OF HEARING: April 5, 2018
TIME OF HEARING: 9:00 AM

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through LEAH BEVERLY, Chief Deputy District Attorney, and hereby submits the attached Points and Authorities in State's Response to Defendant's Motion for Additional Discovery.

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

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POINTS AND AUTHORITIES

STATEMENT OF THE CASE

On September 23, 2015, the State of Nevada ("the State") filed an Indictment charging Defendant Clemon Hudson ("Defendant") and his Co-Defendant, Steven Turner, with the following: Count 1 – CONSPIRACY TO COMMIT BURGLARY; Count 2 – ATTEMPTED BURGLARY WHILE IN POSSESSION OF A FIREARM OR DEADLY WEAPON; Count 3 through 4 – ATTEMPT MURDER WITH USE OF A DEADLY WEAPON; Count 5 – BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM; Count 6 – DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE, VEHICLE, AIRCRAFT, OR WATERCRAFT.

Trial is currently set to begin on April 16, 2018. Defendant filed the instant Motion on March 29, 2018. The State's Opposition follows:

ARGUMENT

The State concedes that its obligation to Defendant in this and every other case is to provide discovery pursuant to the provisions of NRS 174.235 *et seq.*, together with any exculpatory material pursuant to Brady v. Maryland, 373 U.S. 83, 83 S.Ct. 1194 (1963) and its progeny.

NRS 174.235 states:

> 1. Except as otherwise provided in NRS 174.233 to NRS 174.295 inclusive, at the request of a defendant, the prosecuting attorney shall permit Defendant to inspect and to copy or photograph any:
> (a) Written or recorded statements or confessions made by Defendant, or any written or recorded statements made by a witness the prosecuting attorney intends to call during the case in chief of the state, or copies thereof, within the possession, custody or control of the state, the existence of which is known, or by the exercise of due diligence may become known, to the prosecuting attorney;
> (b) Results or reports of physical or mental examinations, scientific tests or scientific experiments made in connection with the particular case, or copies thereof, within the possession, custody or control of the state, the existence of which is known, or by the exercise of due diligence may become known, to the prosecuting attorney; and
> (c) Books, papers, documents, tangible objects, or copies thereof, which the prosecuting attorney intends to introduce during the

> case in chief of the state and which are within the possession, custody or control of the state, the existence of which is known, or by the exercise of due diligence may become known, to the prosecuting attorney.
>
> 2. Defendant is not entitled, pursuant to the provisions of this section, to the discovery or inspection of:
> (a) An internal report, document or memorandum that is prepared by or on behalf of the prosecuting attorney in connection with the investigation or prosecution of the case.
> (b) A statement, report, book, paper, document, tangible object or any other type of item or information that is privileged or protected from disclosure or inspection pursuant to the
> constitution or laws of this state or the Constitution of the United States.
> 3. The provisions of this section are not intended to affect any obligation placed upon the prosecuting attorney by the constitution of this state or the Constitution of the United States to disclose exculpatory evidence to Defendant.

In the case of Riddle v. State, 96 Nev. 589, 613 P.2d 1031 (Nev. 1980) the Nevada Supreme Court reaffirmed the strictures of the provisions of our discovery statutes by making the following statement:

> The trial court is vested with the authority to order the discovery and inspection of materials in the possession of the State. The exercise of the court's discretion however is predicated on a showing that the evidence sought is material to the presentation of the defense and the existence of the evidence is known or, by the exercise of due diligence may become known to the District Attorney.

Id. at 390.

In an attempt to justify his acquisition of the requested items, Defendant relies upon Mazzan v. Warden, 116 Nev. 48, 993 P.2d 25 (2000). At first blush, Mazzan appears to give the defense a blank check for acquiring any and all things that exist. However, a closer reading of this case reveals that it did not remove the other requirements of materiality pursuant to Brady and its progeny:

> Brady and its progeny require a prosecutor to disclose evidence favorable to the defense when that evidence is ***material*** either to guilt or to punishment. *See* Jimenez v. State, 112 Nev. 610, 618-19, 918 P.2d 687, 692 (1996).
> In other words, evidence is material if there is a reasonable probability that the result would have been different if the evidence had been disclosed. Id.

Id. at 66, 36 (emphasis added).

> In determining its materiality, the undisclosed evidence must be considered collectively, not item by item. Kyles v. Whitley, 514 U.S. at 436, 115 S.Ct. 1555. "[T]he character of a piece of evidence as favorable will often turn on the context of the existing or potential evidentiary record." Id. at 439, 1555.

Id. at 66-67, 36.

> In sum, there are three components to a Brady violation: the evidence at issue is favorable to the accused; the evidence was withheld by the state, either intentionally or inadvertently; and prejudice ensued, i.e., the evidence was ***material***. Strickler v. Greene, 527 U.S. 263, 119 S.Ct. 1936, 1948, (1999).

Id. at 67, 37 (emphasis added).

There will only be a Brady violation if the prosecution fails to provide material evidence. As stated in Mazzan, evidence is material if there is a reasonable probability that the result would have been different if the evidence had been disclosed. A reasonable probability is shown when the nondisclosure undermines confidence in the outcome of the trial.

Obviously, Mazzan and the majority of the cases that discuss Brady violations are post-conviction proceedings. However, in those cases, it was required that it be shown that the excluded evidence was material in that it might have changed the outcome of the case. Because Defendant is asking for items which he contends are possibly exculpatory under the blanket of Mazzan and consequently Brady, it is the State's position that Defendant should have to show materiality to obtain them.

The State responds to Defendant's list of requests as follows:

1. All disciplinary files of all Las Vegas Metropolitan Police Officers at the scene of the incident which give rise to the allegations: The State's below response applies to all bullet points requested in the instant Motion:

As an initial matter, the State conducted our standard Brady search regarding officers who might testify in the instant case. The State received notification from Metro that none of the officers whom the State might call in our case in chief had any disciplinary records. This alone should satisfy the discovery request. However and furthermore, the Nevada Supreme

Court issued an opinion that requires some showing of materiality on the part of the defense before it could gain access to a personnel file. The file concerned an officer who was murdered and obviously would not be testifying. Sonner v. State, 112 Nev. 1328, 930 P.2d 707 (1996). The defense made no showing that there may have been favorable information in the file. Instead, the defense asserted a general right to search the file. The court rejected this assertion of a right to a generalized, unfocused search, but allowed for the possibility that a file could be accessible under some circumstances. The court reasoned, "[i]f Sonner had presented a foundation for believing that [the victim] had a reputation for being an 'aggressive' trooper who, consistent with his reputation, provoked Sonner's action, this might have been sufficient to warrant discovery of corroborating evidence" in the file. Id. at 1341, 930 P.2d at 716. This reasoning suggests that if that type of evidence had been in the file, the State would be required to produce it.

Additionally, the LVMPD has serious concerns regarding the disclosure of material from personnel files. Confidentiality is one of the chief requirements in maintaining the effective ability to investigate complaints against officers. Confidentiality ensures that both police officers and citizens will freely contact the department without fear. As one court has stated:

> It is clear a very real and very important need exists to maintain confidential integrity of the internal investigation in the police division. To do otherwise would seriously inhibit the chief in his control over the members of the division and their wide-ranging duties and responsibilities. This stream of information available to the chief and the persons within and without the division would diminish to a bare trickle if the source or sources of this information were stripped of its confidential character. That such an event would serve to defeat the general public good is supported by a logic almost tautological in its persuasiveness -- for the desirability of an efficient well

disciplined police force is manifest.

McMillan v. Ohio Civil Rights Comm'n, 315 N.E.2d 508, 515 (Ohio 1974).

Personnel files are confidential. All witnesses, including police officers, are assured that the information provided by them will not be voluntarily disclosed and that all legal means will be employed to protect this confidentiality. Police officers are compelled to cooperate with internal affairs investigations. Failure to cooperate can result in termination. Officers, knowing that their statements were subject to disclosure, would be less likely to completely cooperate. The knowledge that statements compelled from officers could later be disclosed to third parties for other cases would also act as disincentive for the department to fully investigate. As one court noted:

> The members of a police department must be able to rely on their confidential records and notations being preserved for their internal use ... for if it were otherwise, the knowledge that some of the confidential information recorded might later be exposed to outside parties would have a certain and chilling effect upon the internal use of such record-making.

City of Los Angeles v. Superior Court, 109 Cal. Rptr. 365, 369 (Ct. App. 1973).

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Based on Nevada law, Defendant in the instant case is required to advance a foundation that the Personnel File of the officer is likely to bear information material to the defense. Defendant's motion is simply an attempt to fish for information. As a result, the instant motion should be denied.

DATED this 2nd day of April, 2018.

Respectfully submitted,

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

BY /s/ LEAH BEVERLY
LEAH BEVERLY
Chief Deputy District Attorney
Nevada Bar #12556

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that service of State's Response to Defendant's Motion for Additional Discovery, was made this 2nd day of April, 2018, by Electronic Filing to:

CRAIG MUELLER, ESQ.
cmueller@muellerhinds.com

BY: /s/ J. MOSLEY
Employee of the District Attorney's Office

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Steven D. Grierson
CLERK OF THE COURT

NOA
ALEXIS A. PLUNKETT, ESQ.
Nevada Bar No. 11245
LAW OFFICE OF ALEXIS PLUNKETT
2657 Windmill Parkway #613
Henderson, Nevada 89074
Telephone: (702) 675-4613
Facsimile: (702) 446-8215
Email: alexis@plunkettfirm.com

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

STATE OF NEVADA, Plaintiff, vs. CLEMON HUDSON, Defendant.	CASE NO.: C-15-309578-2 DEPT. NO.: 18

NOTICE OF APPEARANCE OF COUNSEL

TO: STATE OF NEVADA, Plaintiff; and

TO: COUNTY DISTRICT ATTORNEY'S OFFICE, Counsel for Plaintiff:

Defendant CLEMON HUDSON, by and through counsel, hereby gives notice that ALEXIS A. PLUNKETT, ESQ., of the LAW OFFICE OF ALEXIS PLUNKETT, is appearing as counsel for Mr. Hudson.

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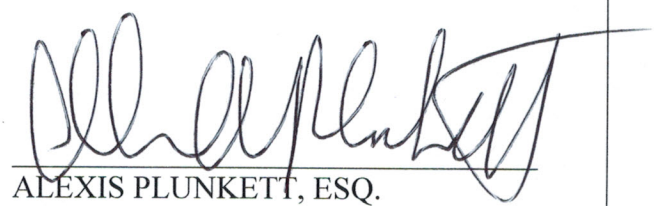
This Notice is necessary because Counsel was retained to substitute in on May 25, 2018, prior counsel has not responded to Counsel's request for a signed Substitution of Attorneys, and Counsel wishes to appear on May 31, 2018 for co-defendant's Steven Turner's Motion for a New Trial. Counsel plans to submit a substitution of attorneys once prior counsel responds to the request.

DATED this 30 day of May, 2018.

LAW OFFICE OF ALEXIS PLUNKETT



ALEXIS PLUNKETT, ESQ.
Nevada Bar No. 11245
LAW OFFICE OF ALEXIS PLUNKETT
2657 Windmill Parkway #613
Henderson, Nevada 89074
Attorney for Defendant

CERTIFICATE OF EMAIL

I hereby certify that service of the above and forgoing was made this 30 day of May, 2018, by email to:

CLARK COUNTY DISTRICT ATTORNEY

Email: Motions@clarkcountyda.com

BY:

Electronically Filed
6/20/2018 10:19 AM
Steven D. Grierson
CLERK OF THE COURT

MEMO
ALEXIS A. PLUNKETT, ESQ.
Nevada Bar No. 11245
LAW OFFICE OF ALEXIS PLUNKETT
2657 Windmill Parkway #613
Henderson, Nevada 89074
Telephone: (702) 675-4613
Facsimile: (702) 446-8215
Email: alexis@plunkettfirm.com
Attorney for Defendant Yerandy Gonzalez

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA, Plaintiff, vs. CLEMON HUDSON, Defendant.	CASE NO.: C-15-309578-2 DEPT. NO.: 18 Sentencing Date: June 21, 2018 Sentencing Time: 9:00am

SENTENCING MEMORANDUM
ON BEHALF OF DEFENDANT CLEMON HUDSON

COMES NOW, the Defendant, CLEMON HUDSON, by and through his attorney of record, ALEXIS A. PLUNKETT, ESQ. of the LAW OFFICE OF ALEXIS PLUNKETT, and hereby submits the following Sentencing Memorandum for the Court's consideration.

DATED this 20 day of June, 2018.

LAW OFFICE OF ALEXIS PLUNKETT

ALEXIS PLUNKETT, ESQ.
Nevada Bar No. 11245
2657 Windmill Parkway #613
Henderson, Nevada 89074
Attorney for Defendant

SENTENCING MEMORANDUM

I. Introduction.

This matter comes before the Court upon a guilty verdict following jury trial. This office was brought on after the jury verdict and did not represent Mr. Hudson at trial. Mr. Hudson's family has retained an attorney separate from this office to pursue any type of appellate or post-conviction review opportunities.

II. We are respectfully requesting that this Court consider the attached exhibits and counsel's oral argument at sentencing before making a decision.

This office was brought on for sentencing alone and was considering a continuance to complete a full sentencing memorandum and obtain Mr. Hudson's relevant medical records, which were recently ordered. This Court will not have a criminal calendar as of July 2018, and it is our understanding that a continuance would result in a different judge sentencing Mr. Hudson and his co-defendant, as opposed to this trial Court. Therefore, we have decided to move forward with a shorter sentencing memorandum and are requesting the Court's consideration for our oral argument regarding a possible sentence.

i. Complete Lack of Criminal History

As evidenced by the PSI, Clemon Hudson has absolutely no criminal history whatsoever—no felony convictions, no misdemeanor convictions, no prior prison terms, no probation, no parole, and no arrests at all prior to the instant matter. Mr. Hudson is not affiliated with a gang and does not have an illicit drug problem.

ii. Family support

Clemon Hudson has an incredible amount of family support, and this is evidenced by the attached support letters and those who plan to be in attendance at sentencing. *See* Exhibit A; support letters. Mr. Hudson was raised in a two-parent home and grew up playing sports and going to church. *See* Exhibit B; church certificate. *See* Exhibit C; photos. Mr. Hudson has a

two-year-old daughter who lives locally with her mother.

Mr. Hudson was diagnosed with Attention Deficit Hyperactivity Disorder as a child and is not currently seeking treatment, but we believe this issue could have affected Mr. Hudson's thinking and thought process in general. We ordered Mr. Hudson's relevant medical records on an emergency basis but did not receive them prior to the sentencing date.

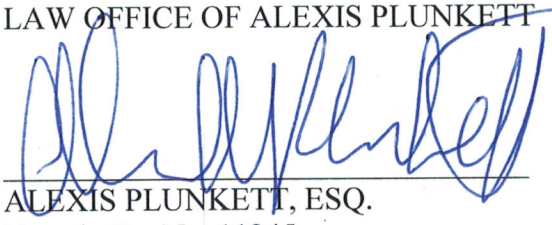
III. Conclusion

We respectfully request that this Court consider Mr. Hudson's extensive family support and complete lack of criminal history in making a sentencing decision. Further, this office represents inmates at parole release hearings and handles ancillary inmate issues and occasional civil rights cases—plain and simple, this is *not* the type of the case where the Board will grant parole (based on the underlying facts alone).

In our extensive experience, Mr. Hudson could be a model inmate for his entire prison term and his likelihood of being granted parole is *still* incredibly, incredibly small. We ask that this Court consider the back number in deciding a sentence as opposed to the front number, because we genuinely believe that Mr. Hudson is likely to expire whatever sentence imposed. We believe in light of all circumstances, an appropriate sentence in this matter would include thirty (30) years at the back end with Mr. Hudson expected to expire rather than parole. Thank you for your consideration.

DATED this 20 day of June, 2018.

LAW OFFICE OF ALEXIS PLUNKETT



ALEXIS PLUNKETT, ESQ.
Nevada Bar No. 11245
2657 Windmill Parkway #613
Henderson, Nevada 89074
Attorney for Defendant

CERTIFICATE OF EMAIL

I hereby certify that service of the above and forgoing was made this 20 day of June, 2018, by email to:

CLARK COUNTY DISTRICT ATTORNEY

Email: Motions@clarkcountyda.com

BY: _____

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6/20/2018 11:13 AM
Steven D. Grierson
CLERK OF THE COURT

EXHS
ALEXIS A. PLUNKETT, ESQ.
Nevada Bar No. 11245
LAW OFFICE OF ALEXIS PLUNKETT
2657 Windmill Parkway #613
Henderson, Nevada 89074
Telephone: (702) 675-4613
Facsimile: (702) 446-8215
Email: alexis@plunkettfirm.com
Attorney for Defendant Clemon Hudson

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA, Plaintiff, vs. CLEMON HUDSON, Defendant.	CASE NO.: C-15-309578-2 DEPT. NO.: 18 Sentencing Date: June 21, 2018 Sentencing Time: 9:00am

EXHIBITS IN SUPPORT OF SENTENCING MEMORANDUM ON BEHALF OF DEFENDANT CLEMON HUDSON

COMES NOW, the Defendant, CLEMON HUDSON, by and through his attorney of record, ALEXIS A. PLUNKETT, ESQ. of the LAW OFFICE OF ALEXIS PLUNKETT, and hereby submits the following Exhibits in support of his Sentencing Memorandum.

DATED this 20 day of June, 2018.

LAW OFFICE OF ALEXIS PLUNKETT

ALEXIS PLUNKETT, ESQ.
Nevada Bar No. 11245
2657 Windmill Parkway #613
Henderson, Nevada 89074
Attorney for Defendant

CERTIFICATE OF EMAIL

I hereby certify that service of the above and forgoing Exhibits in Support of Sentencing Memorandum was made this 20 day of June, 2018, by email to:

CLARK COUNTY DISTRICT ATTORNEY

Email: Motions@clarkcountyda.com

BY: _____

EXHIBIT A

Parents of Clemon Hudson

Mr. & Mrs. Clemon Hudson

5713 Eugene Ave

Las vegas, Nv. 89108

Honorable Judge Bailus

C-15-309578-2

Dear Judge Mark Bailus,

First we would like to address the court with a sincere and honest apology on behalf of our son Clemon Hudson.

We want to let everyone know how Godly sorrowful we are especially to Officer Roberts for the injury he encountered.

We would like to give some insight of the type of parents Clemon was raised by. We have been a sounding pillar of the community for over 20 plus years here in our home. I, Karen(mom) have been serving in the ministry for many years as a Sunday School Teacher even before Clemon was born. we taught Clemon values of great morals, respect and kindness toward all people. Clemon (dad) have always been there help guiding him in the right direction, and most of all taught Clemon the importance of working to make a living for himself. We would have never imagine anything of this magnitude to happen to our family of this sort. We truly don't know how he got so far off track from what he was taught, but we do feel that this incident has shaken Clemon to his very core and feel he realized how quick things can happen and spend out of control.

We are grateful to God that Clemon did not shoot anyone, we realized that Clemon made an irresponsible decision being involved in dealing with a gun and going to someone home with it.

It is our pray that Officer Roberts find it in his heart to forgive our son for his careless action.

Your Honor please consider this letter on behalf of our son Clemon Hudson.

Sincerely,

Clemon & Karen Hudson

May 25, 2018

Angela Merritt
3631 Winkler Ave. Ext 428
Fort Myers, FL 33916
772-444-5998
angelanm@leeschools.net

FROM: (Angela Merritt)

My name is Angela Merritt, and I am a cousin to Clemon Lamar Hudson. I am the daughter of Edward and JoAnn Merritt. I have known Lamar ever since he was born. I have seen how he interacts with family members and at family functions such as church events and family reunions. Clemon Lamar Hudson is an intelligent young man, who has shown the family he can overcome and succeed through many of life's obstacles. He is still a young man full of life, with spontaneity, peace, and love for his family.

I am a teacher in Fort Myers, Florida. I have been teaching for the past 17 years at Dunbar High School as an English Teacher. After teaching for the past 17 years in the educational system and seeing what I see with our youth, I understand the tragedy that occurs to many of our youth today. I know that our children are our future and they need saving. Also, I have never heard of, or witnessed Lamar act out of character or become disrespectful in any capacity.

The information contained in this statement is true and accurate to the best of my knowledge, belief and recollection. I submit this statement of my own free will, and no one has persuaded or coerced me to submit it.

Character reference letter for court

Tyler Mark Hudson
5713 Eugene Ave
Las Vegas, NV 89108
June 4, 2018

Re: Clemon Hudson
#C-15-309578-2

To: The Honorable Judge Mark Bailus
My name is Tyler Hudson sibling of Clemon Hudson
Clemon and I have been raised by two loving and respectful parents in the same family unit, for whatever length of time that I can recall, we have been brought up in the fear and reverence of the Lord.

our whole family was shocked of the news of my sibling being involved in such seriousness of this kind, he has never been stuck in an unfortunate situation and never been the sort to do anything that would cause our folks any huge dissatisfaction. as Clemon's only youthful sibling, I lived intimately with him growing up and I can state that he has dependably driven an exceptionally positive way of life; showing me all that I know originating from skateboarding to baseball, to driving and notwithstanding helping me with my math homework. he is likewise an exceptionally given sibling who adored his music so much he would have yielded all that he have to me.

Clemon has never been included with ransacking and unquestionably doing as such with weapons, did not have any criminal record. he has clarified to me amid our discussions that what he did was a major objection to where we originate from, he is my big brother, my spine. I counsel with him about things in life generally, he gives advice to me when I really need someone to talk to. Furthermore, now he isn't with me, I miss him in particular!!!

it is my earnest expectation the court takes this letter notwithstanding the present case, despite everything, I trust Clemon Hudson to be a respectable individual and a better person due to being away from his family.

Sincerely,
Tyler Hudson

IN THE SUPREME COURT OF THE STATE OF NEVADA

STEVEN TURNER,	)	No. 76465
	)	
Appellant,	)	
	)	
v.	)	
	)	
THE STATE OF NEVADA,	)	
	)	
Respondent.	)	
	)	

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Feb 04 2019 12:34 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

APPELLANT'S APPENDIX VOLUME XI PAGES 2193-2402

DARIN F. IMLAY
Clark County Public Defender
309 South Third Street
Las Vegas, Nevada 89155-2610

Attorney for Appellant

STEVE WOLFSON
Clark County District Attorney
200 Lewis Avenue, 3rd Floor
Las Vegas, Nevada 89155

AARON FORD
Attorney General
100 North Carson Street
Carson City, Nevada 89701-4717
(702) 687-3538

Counsel for Respondent

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Case No. 76465

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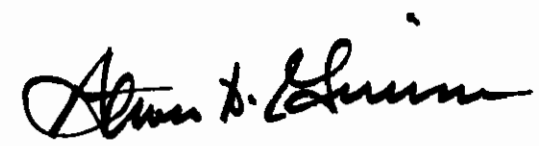

CLERK OF THE COURT

JESS R. MARCHESE, ESQ.
Nevada Bar No. 8175
601 S. Las Vegas Boulevard
Las Vegas, NV 89101
(702) 385-5377 Fax (702) 474-4210
Attorney for Defendant

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA, Plaintiff, v. CLEMON HUDSON, Defendant.	Case No.: C-15-309378-2 Dept. No.: II

MOTION FOR BAIL REDUCTION

COMES NOW Defendant, CLEMON HUDSON, by and through his attorney of record, JESS R. MARCHESE, ESQ., and hereby respectfully moves this Honorable Court for a bail reduction in accordance with the factors set forth in NRS 178.4853.

This Motion is based on the Papers and Pleadings on file herein, the Memorandum of Points and Authorities contained herein, and oral argument, if necessary, at the hearing of this Motion.

DATED this 11TH day of May, 2016.

MARCHESE LAW OFFICES, PC

By: _____
JESS R. MARCHESE, ESQ.
Nevada Bar No.: 8175

NOTICE OF MOTION

TO: THE STATE OF NEVADA, Plaintiff; and

TO: CLARK COUNTY DISTRICT ATTORNEY, Counsel for Plaintiff:

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the undersigned will bring the foregoing Motion on for hearing before this court, on the 17 day of May, 2016, at the hour of 9:00am a.m., or as soon thereafter as counsel may be heard.

DATED this 11th day of May, 2016.

MARCHESE LAW OFFICES, PC

By: _____
JESS R. MARCHESE, ESQ.
Nevada Bar No.: 8175

POINTS AND AUTHORITIES

Clemon Hudson is currently incarcerated in the Clark County Detention Center with a total bail of $500,000. He faces charges(the most serious being attempted murder with use of a deadly weapon) related to a residential burglary gone awry in which shots were fired and a LVMPD Officer was shot by Mr. Hudson's co-defendant. The plan was to enter the home and take marijuana from inside. Both defendants were armed during the attempted break-in. When Metro arrived on the scene, Mr. Hudson's co-defendant fired. Once gunshots were fired Clemon hit the ground, laid in a prone position, and stayed in that position until he was attacked by a K9 on his arm. He voluntarily surrendered and was cooperative with law enforcement.

Mr. Hudson, an almost lifelong resident of Las Vegas, will reside locally at his parent's residence at 5713 Eugene Ave., Las Vegas, Nevada if released. His parents are both upstanding members of the community and will vouch for Clemon's ability to make his court appearances and his overall reliability. The Hudsons will also be present in court should the court wish to make any inquiries of them.

Clemon was gainfully employed prior to this offense as a security guard. Obviously given the extended time frame of his incarceration, it is doubtful that he still has his job. However, this fact does show that he was a productive member of society before this incident.

Mr. Hudson does not have any prior felony, gross misdemeanor or misdemeanor convictions. charges. He also has never failed to appear at any court appearances. All counsel could find in reference to his criminal history is one prior traffic ticket.

Based upon the aforementioned facts and circumstances, Mr. Hudson respectfully requests a bail in the amount of $100,000. Mr. Hudson is also amendable to any other terms and conditions that the court could place on him as well such as intensive supervision or stay away orders.

Respectfully submitted, May 11, 2016

MARCHESE LAW OFFICES

By: _____

Jess R. Marchese, Esq. (SBN 8175)
Attorney for Defendant

RECEIPT OF COPY

I hereby certify that a true and correct copy of Defendant's Bail Motion was received this _____ day of _____, 2016 to the following:

.

By: _____

Employee of CCDA

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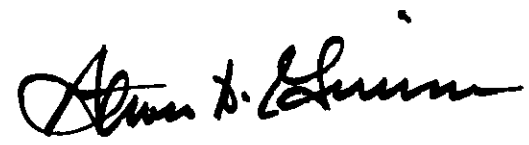

CLERK OF THE COURT

OPPS
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
LEAH C. BEVERLY
Deputy District Attorney
Nevada Bar #0012556
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA, Plaintiff, -vs- CLEMON HUDSON, ID#7025101 Defendant.	CASE NO: C-15-309578-2 DEPT NO: II

STATE'S OPPOSITION TO DEFENDANT'S MOTION FOR BAIL REDUCTION

DATE OF HEARING: 5/17/16
TIME OF HEARING: 9:00 A.M.

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, District Attorney, through LEAH C. BEVERLY, Deputy District Attorney, and hereby submits the attached Points and Authorities in Opposition to Defendant's Motion for Bail Reduction.

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

STATEMENT OF FACTS

An Indictment was filed on September 23, 2015 charging Clemon Hudson (hereinafter "Defendant") as follows: Count 1: Conspiracy to Commit Burglary; Count 2: Attempt Burglary While in Possession of Firearm or Deadly Weapon; Count 3-4: Attempt Murder with Use of a Deadly Weapon; Count 5: Battery with Use of a Deadly Weapon Resulting in

Substantial Bodily Harm; and Count 6: Discharging Firearm At or Into Occupied Structure, Vehicle, Aircraft or Watercraft. Trial is currently set for December 5, 2016. Defendant filed the instant Motion on May 12, 2016. The State's Opposition follows:

ARGUMENT

NRS 178.498 provides:

NRS 178.498 Amount. If the defendant is admitted to bail, the bail must be set at an amount which in the judgment of the magistrate will reasonably ensure the appearance of the defendant and the safety of other persons and of the community, having regard to:

1. The nature and circumstances of the offense charged;
2. The financial ability of the defendant to give bail;
3. The character of the defendant; and
4. The factors listed in NRS 178.4853.

NRS 178.4853 provides as follows:

NRS 178.4853 Factors considered before release without bail. In deciding whether there is good cause to release a person without bail, the court as a minimum shall consider the following factors concerning the person:

1. The length of his residence in the community;
2. The status and history of his employment;
3. His relationship with his spouse and children, parents or other members of his family and with his close friends;
4. His reputation, character and mental condition;
5. His prior criminal record, including, without limitation, any record of his appearing or failing to appear after release on bail or without bail;
6. The identity of responsible members of the community who would vouch for the reliability of the person;
7. The nature of the offense with which he is charged, the apparent probability

of conviction and the likely sentence insofar as these factors relate to the risk of his not appearing;

8. The nature and seriousness of the danger to the alleged victim, any other person or the community that would be posed by the person's release;

9. The likelihood of more criminal activity by him after he is released; and

10. Any other factors concerning his ties to the community or bearing on the risk that he may willfully fail to appear.

The intent of bail is to ensure both the defendant's appearance at future proceedings and to protect the community by ensuring that the defendant not engage in further criminal activities while released. In the instant case, Defendant was arrested and charged with multiple violent offenses. Defendant is currently set for trial on December 5, 2016.

Defendant is seeking a setting of bail at $100,000 while he awaits trial. As detailed below, the State opposes this Motion based on several of the above factors.

1. <u>Length of Residence In the Community:</u>

While Defendant claims in his instant Motion that Defendant is a lifelong resident of Las Vegas, his connection to the Las Vegas community did not prevent him from committing vicious crimes against the community he claims to be tied to. Furthermore, despite being a longtime resident, Defendant clearly has no respect for the people authorized to protect this community given that he and his co-defendant opened fire on two police officers investigating a home burglary. Any ties Defendant has to this community are not sufficient in considering whether to lower his bail. As such, this factor points against a reduction in bail or Defendant's release.

2. <u>Status and History of Employment:</u>

Defendant claims in the instant Motion that prior to the instant crimes, he was gainfully employed as a security officer. The State is unsure of the accuracy of these statements considering there is no documentation attached to the instant Motion that provides any detail about his work history. Furthermore, the State finds it incredible that a person working as a

security guard, in a law enforcement capacity, would open fire on two Las Vegas Metropolitan Police Officers. The State finds it also incredible that a person being "productive member of society" and working as a security guard would risk his employment to break into someone's house to steal marijuana in the middle of the night. Finally, by Defendant's own admission in his Motion, there is no indication that he would be employed or be able to get a job if released from custody. As such, this factor points against a reduction in bail or Defendant's release.

3. <u>Relationship with Family:</u>

Defendant also claims in his Motion that should he be released, he would live with his parents who are both upstanding members of the community who will vouch for Defendant's ability to make his court appearances and his overall reliability. While the State is not saying anything negative about Defendant's parents, the State is doubtful about anyone's ability, including Defendant's own parents, to keep Defendant out of trouble if he were to be released. Defendant's actions while out of custody were so vicious and so violent that it is obvious that no one has the ability to control him. The State is not confident in his parent's ability to supervise Defendant because assuming Defendant was living with his parents prior to this incident, living with his parents did not prevent him from committing these crimes. Furthermore, his parents cannot supervise him 24/7 considering Defendant is a grown man and will clearly do what he wants to do. Finally, Defendant has provided no letters of support from anyone in the community willing to vouch for him. His own parents do not even address where his support system was when Defendant choose to walk the streets of this community, with a loaded firearm, break into a home and then shoot at uniformed police officers. The State is not convinced that this supposed family support is sufficient to prevent Defendant from engaging in further criminal behavior.

4. <u>Prior Criminal History:</u>

While the Defendant lacks a criminal history, Defendant is only 20 years old. At such a young age, Defendant is already carrying high powered weapons, breaking into homes and

shooting at police. Given that his first offense is so violent in nature, this gives the State great concern about his willingness to stay trouble free if the bail status is altered in any manner.

5. <u>The identity of responsible members of the community who would vouch for the reliability of the person</u>

As noted above, the only people Defendant has identified who would vouch for him and his reliability are his own parents. As the State argued above, this in insufficient to consider a change in his current bail status.

6. <u>Nature of the Offense and Likelihood of Conviction</u>

During the early morning hours of September 4, 2015, victims Eric Clarkson and Willoughby Grimaldi were sleeping in their home located on Oveja Circle. At approximately 3:30 am, the victims heard noises on their back patio. When they looked out their window, they observed two black male adults (later identified as Defendants Hudson and Turner) running across their backyard. The victims immediately called 911 and a few minutes later, officers Robertson and Greco-Smith arrived to investigate. Once officers came into the home, they took up position behind the back doors leading to the back patio of the home. Officer Robertson looked out the back window and observed Hudson and Turner in the backyard. As officer Robertson began to open the back door, Defendant Turner began firing three shots from an AK47 rifle at officers. Officer Robertson was struck in the leg and fell to the ground. Immediately after Turner fired, Defendant Hudson fired one round at officers from a Mossberg 500A 12 gauge pump action shotgun. Officer Greco-Smith returned fire at Hudson and Turner. Turner dropped his weapon and fled from the scene while Hudson fell to the ground and hid in the backyard. Canine officers soon arrived at the residence at the canine dog had to physically remove Hudson from his hiding spot.

Hudson was later interviewed by Detectives. Hudson admitted to bringing the shotgun and a handgun to the residence and admitted going into the backyard of the home. Hudson also admitted to firing the shotgun into the house.

The facts of this case are extremely violent and extremely concerning to the State. The fact that Defendant has access to handguns and high powered weapons and is clearly willing to use those weapons is concerning. Finally, the likelihood of conviction in this case is very strong which gives Defendant little incentive to return to court and face the charges against him.

7. **Risk of Danger to the Community:**

As noted above, Defendant is a clear danger to the community which he claims to be a respectable member of. The fact that Defendant brought a loaded weapon to a home in the middle of the night, broke into the backyard of that home, and then opened fire at two investigating, uniformed police officers, demonstrates his danger. This is clearly someone who is a danger to the Las Vegas Community. If Defendant is willing to break into homes and shoot at police solely for the purpose of getting some marijuana, there is no telling what he is capable of doing if released.

The State also notes that co-defendant Turner filed a similar OR Motion in November of 2015. The Court denied Defendant Turner's request to modify bail setting. As such, the State would ask that the instant Motion be denied and that current bail setting of $500,000 remain in the case.

CONCLUSION

Wherefore, the State respectfully requests that this Court deny Defendant's Motion.

DATED this_____day of May, 2016.

Respectfully submitted,

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

BY
LEAH C. BEVERLY
Deputy District Attorney
Nevada Bar #0012556

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CERTIFICATE OF ELECTRONIC MAIL

I hereby certify that service of the above and foregoing, was made this 16 day of May, 2016, by facsimile transmission and/or e-mail to:

KRISTINA WILDEVELD, ESQ.
E-Mail: contact@veldlaw.com

BY: T. Driver
T. Driver
Secretary of the District Attorney's Office

LB/tgd/MVU

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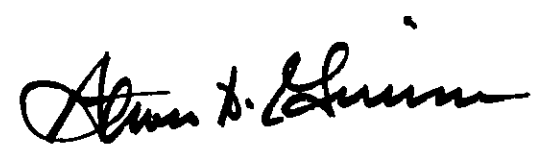

CLERK OF THE COURT

JESS R. MARCHESE, ESQ.
Nevada Bar No. 8175
601 S. Las Vegas Boulevard
Las Vegas, NV 89101
(702) 385-5377 Fax (702) 474-4210
Attorney for Defendant

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA, Plaintiff, v. CLEMON HUDSON, Defendant.	Case No.: C-15-309378-2 Dept. No.: II **DATE OF HEARING:** **TIME OF HEARING:**

MOTION FOR BAIL REDUCTION

COMES NOW Defendant, CLEMON HUDSON, by and through his attorney of record, JESS R. MARCHESE, ESQ., and hereby respectfully moves this Honorable Court for a bail reduction in accordance with the factos set forth in NRS 178.4853.

This Motion is based on the Papers and Pleadings on file herein, the Memorandum of Points and Authorities contained herein, and oral argument, if necessary, at the hearing of this Motion.

DATED this 28TH day of May, 2016.

MARCHESE LAW OFFICES, PC

By: _____
JESS R. MARCHESE, ESQ.
Nevada Bar No.: 8175

NOTICE OF MOTION

TO: THE STATE OF NEVADA, Plaintiff; and

TO: CLARK COUNTY DISTRICT ATTORNEY, Counsel for Plaintiff:

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the undersigned will bring the foregoing Motion on for hearing before this court, on the 14 day of June, 2016, at the hour of 8:30 a.m., or as soon thereafter as counsel may be heard.

DATED this 28th day of May, 2015.

MARCHESE LAW OFFICES, PC

By: _____
JESS R. MARCHESE, ESQ.
Nevada Bar No.: 8175

POINTS AND AUTHORITIES

Clemon Hudson is currently incarcerated in the Clark County Detention Center with a total bail of $500,000. He faces charges related to a residential burglary gone awry in which shots were fired and a LVMPD Officer was shot in the leg by Mr. Hudson's co-defendant. Clemon did have a firearm on his person which was unintentionally fired. Once the first shot was fired he hit the ground, laid in a prone position, and stayed in that position until he was attacked by a K9 on his arm. Although there is in allegation that he ignored officer's commands, Clemon did this due to numerous shots be fired and being scared of a chaotic situation.

Mr. Hudson, an almost lifelong resident of Las Vegas, will reside locally at his parent's residence at 5713 Eugene Ave., Las Vegas, Nevada if released. His parents are both upstanding members of the community and will vouch for Clemon's ability to make his court appearances and his overall reliability. His parents describe Lamar (Clemon) as someone who struggled with school and listened to the wrong people. However, they fully understand that his alleged involvement was wrong and make no excuses for his behavior. (See Exhibit) The Hudsons will also be present in

court should the court wish to make any further inquiries with them.

Clemon's pastor also vouches for Mr. Hudson's character. He specifically references Clemon's church work feeding the homeless, cleaning the church, and helping with the Children's Ministry. (See Exhibit). His aunt, Juanita Watson, describes Clemon as a "gentle, kind person." (See Exhibit). Edna Samuel, as well as all the character letters attached as exhibits, references Clemon's upbringing and Chrisitan values. Angela Richard (Clemon's aunt) describes him as "never a trouble maker" and that he is "sweet, thoughtful, kind and respectful." Another aunt references Clemon as she has never experienced or heard of him having any major conflicts. Lastly, Dixie Scott calls Mr. Hudson non-violent as well as coming from an excellent and god fearing family.

Clemon was gainfully employed prior to this offense as a security guard. Obviously given the extended time frame of his incarceration, it is doubtful that he still has his job.

Mr. Hudson does not have any prior felony, gross misdemeanor or misdemeanor convictions. charges. He also has never failed to appear at any court appearances.

Based upon the aforementioned facts and circumstances, Mr. Hudson respectfully requests a bail in the amount of $100,000.

Respectfully submitted, May 28, 2016

MARCHESE LAW OFFICES

By: _____

Jess R. Marchese, Esq. (SBN 8175)
Attorney for Defendant

RECEIPT OF COPY

I hereby certify that a true and correct copy of Defendant's Bail Motion was received this _____ day of _____, 2016 to the following:

By: _____
Employee of CCDA

EXHIBITS

March 11, 2016

Jess Marchese
Attorney at Law
601 S. Las Vegas Blvd.
Las Vegas, NV 89104

RE: Clemon Lamar Hudson

Dear Mr. Marchese:

I am writing this letter on behalf of my cousin, Clemon Lamar Hudson. It tears our hearts apart to know that he has run into some trouble with the law. While I do not know the intimate details of this situation, I can assure you that Lamar, as he is affectionately called by his family, may have simply gotten involved with the wrong crowd. This young man grew up in a two-parent Christian home, and has been sheltered, shielded and protected by his loving family members who have surrounded him his entire life. He knows very little about the mean streets, and I cannot emphasize enough that any characterization of a lawless person is not the child we know and love. He is a gentle, kind person and needless to say, our entire family is very surprised and devastated by all this.

As you may know, this is not only Lamar's first conviction, to my knowledge, but it is his first offense. Otherwise, his record is clean and he is doing all that he can to become more self-aware of his actions and reactions, and is very remorseful. With that, I am writing this letter to seriously urge the judge for mercy and leniency in Lamar's case, and I am pleading that in lieu of jail/prison time, the prosecution would allow Lamar to enter any programs available to him in the State of Nevada for first time offenders. He also needs drug intervention, mental counseling, and other family mediation and therapy services. These are the forms of rehabilitation that he so desperately needs, and will likely NOT be provided to him if he is locked away behind bars. What he certainly needs is a second chance.

I hope that you, the prosecutors and the judges will reach deep within while making these decisions about our family member's penalty, and that you will see that whatever it is that he may be guilty of is extremely unusual behavior for my him. I earnestly pray that the court will find him not guilty of the charges that he is facing, but if so that they show compassion and mercy in the spirit of justice, and be lenient, allowing Lamar to move forward with his goals for a bright and promising future. He's very young and this one mistake should not cost him his life. Thank you for your time and consideration. If you have questions please feel free to contact me at 323.397.4025.

Sincerely,

JuanitaWatson

Juanita Watson

March 22, 2016

To: Whom It May Concern

Clemon L. Hudson came from a good home. His parents are hard working, law abiding, God fearing, and respectable people. They taught him good morals and sound doctrine.

I have known him and his family for seventeen years. Having done the very best as parents by providing not only an excellent home for him, but teaching him right, to be mannerable and respectable to adults as well as authority. He was raised having to attend sunday school and church every Sunday. In the past he has always been one to avoid getting into trouble.

I believe that being in a diverson program will help him to get back on track and will truly give him the second chance he needs to be the responsible citizen I know he can be.

Edna Samuel

Contact no. (702) 657-8030

March 25, 2016

To Whom This May Concern,

This letter is a character reference of Clemon Lamar Hudson. Clemon Lamar has been a shy young man. He was always willing to learn and very attentive in attending Believers in Christ Ministries. Lamar has always been positive in working with others, but has a reserve attitude of being often to himself, not normally being with a crowd or group. He mostly stay close to home, strength, always fair, honest, kind appreciation for family and caring for others. He has respect for the authority and reference for faith in God.

I am Pastor Tapplin, whom which has served him and his family while being a part of Believers in Christ Ministries. He has helped feed the Homeless, Cleaned the church and participated in helping with the Children's Ministry. I think his character, respect, attitude and behavior was always good and well to be around. His family has always taught and showed Lamar the best way to handle himself in crisis and difficult situations. I believe he has the right upbringing and manners to make positive decisions. I would rule in favor of Clemon Lamar being a positive child and adult in his community. I believe his fear and respect for authority have a heart as a believer to conduct himself in a community to be positive and honorable. His behavior and judgement receive favorable results in what he say or do.

Sincerely

Michael Tapplin

Senior Pastor Michael Tapplin

20th May 2016

To The Courts

Your Honor,

We provide this character reference letter on behalf of Clemon "Lamar" Hudson.

We call him Lamar due to his dad and him having the same name. We are aware of the severe charges he are facing and in no way weigh them lightly. We have taught Lamar all that we know about the importance of making wise and careful decision from the beginning of his life.

Lamar are the middle child of our children, he are not a child who seek after trouble or even be involved in any. Lamar went all the way through school finishing the 12th grade but struggle with passing the proficiency exams not allowing him to get his diploma, after not getting his diploma and seeing his other two brothers finish high school with a diploma, it appear that Lamar feel as if he wasn't capable of completing tasks. We as parents wanting to see our child be successful in life we motivated him to continue his education, so he enrolled in Adult Ed. As he continue in school it just seem as if he got lost in the shuffle of schooling, so he pursued to become a security guard, after getting his guard card he applied for a job and got it, that is when we saw a glimmer of hope and excitement.for him know that he will be able to accomplish something in life on his own. We saw a sparkle of hope and determination in him.

Lamar are not a hardcore criminal or even a problem child, we feel Lamar got caught up listening to the wrong person being deceived to do something wrong under false pretense. We as parents understand Lamar should have not been there under no circumstances and definitely in no way trying to make any excuses for his involvement.

As a nurturing mother and concern father of our child we dearly love and care about we ask you, Your Honor for a second chance on behalf of Clemon Lamar Hudson to get it right and become the productive citizen of this society that we know he is capable of becoming.

Sincerely,

Mr. & Mrs. Hudson

Clemon L Hudson Karen Hudson

TO WHOM THIS MAY CONCERN:

I am Clemon Lamar Hudson Aunt. I reside in Houston Texas. I am a teacher in the Houston Independent School District. I am the proud mother of two sons and a wonderful husband of 32 years. They have served in the United States Army. My youngest son is still serving and the other is serving as a productive citizen. Lamar's father is my youngest brother. He and his wife are God-fearing and pillars of their community. They have raised their sons to with good morals and values. I have raised sons and understand the plight of a young black male. I understand that it takes two strong parents to raise a child.

Lamar is a sweet, thoughtful, kind and a most respectful young man. I have visited his home several times and found him to be polite and very hospitable. He goes out of his way to please others.

Lamar has been raised in the fear and admonition of the Lord. He has been taught to fear and reverence God. Therefore showing his neighbors respect and care is intrinsic. His life skills taught by his parents were to prepare him to make right decisions, taking a stand for what is right and making good choices in difficult situations. He is never a trouble maker or would lead anyone in wrong doing. He has great leadership qualities. He is such a great team player and works well with others. As a result of these life skills; he is able to make astute observations that would complete a plan of success for his life.

I am not sure what happened in his situation. It seemed so out of character for Lamar. I know that Lamar is a young man who has dreams that inspires him to do greater things in life. He has his life before him and no doubt would like to fulfill his dreams in the future. I know Lamar has thought about his actions long and hard. Being in the wrong place, at the wrong time is unfortunate, but he does not have a criminal mind. We all make mistakes and need a second chance. He is pretty hard on himself when he falls into a situation that has an undesirable end.

I am asking for the courts to give him another chance to get his life together. He has a bright future. He deserves mercy and a second chance at getting it right. I have never known him to be a rude or disrespectful child...never!

Pleading for mercy on behalf of the Hudson Family.

Sincerely,

Angela Richard

(281) 620-8519

Gmail

Karen Hudson <kcaregiver77@gmail.com>

Character Letter for Lamar Hudson

2 messages

Dixie Scott <dixiescott@ymail.com> Sat, May 21, 2016 at 8:38 PM
Reply-To: Dixie Scott <dixiescott@ymail.com>
To: "kcaregiver77@gmail.com" <kcaregiver77@gmail.com>

Judge Scotti
Justice Court
Las Vegas, NV

Your Honour,
My name is Dixie Scott, great aunt to Lamar Hudson. I submit this character reference letter in full knowledge of my nephew, Lamar Hudson. I have known him since birth. Thanks to his dad, he has exemplified good work ethics, working alongside with his dad learning the trade of carpentry as well as, working to provide his own needs. He has never previously been involved with criminal acts and certainly does not have any criminal record. However, he has made clear to his family during their conversations that such behavior on his part is not an excuse for his poor judgement.

Our entire family was taken aback at the news of my nephew having being arrested for "Attempted Murder." He has never done anything to cause his family significant disgrace and/or disappointment. His upbringings have been exemplary surrounded with loving parents, christian family background, loving siblings, grandparents, aunts, and cousins; even as a young man with mature responses to challenging situations. one thing I can guarantee is that he is not a violent person. Therefore, I find this accusation hard to believe.

Our entire family loves Lamar and will continue to support him and wish him the best outcome for this case.
Sincere Regards,

Dixie Scott

Mrs. Dixie Scott LMU Fieldwork Supervisor [illegible] home [illegible] cell
[illegible] FAX

Karen Hudson <kcaregiver77@gmail.com> Mon, May 23, 2016 at 12:19 PM
Draft To: Dixie Scott <dixiescott@ymail.com>

[illegible]

Lamar

1 message

Edward Merritt Jr <edjomerritt@sbcglobal.net>
Reply-To: Edward Merritt Jr <edjomerritt@ymail.com>
To: Karen and Clemon Hudson <kcaregiver77@gmail.com>

Sun, May 22, 2016 at 7:03 PM

JoAnn Merritt
19174 Mendota
Detroit, MI 48221
edjomerritt@sbcglobal.net

To: Honorable Judge

To: Honorable Judge

My name is (JoAnn Hudson-Merritt). I am only one of many aunts of Clemon Lamar Hudson, and I currently reside in Detroit, MI. I have been married to my husband Edward Merritt for 42 years. I retired from Gale Research Co., where I worked as an "Associate Editor", for over 15 years. My husband worked for Ford Motor Co. as an "Product Problem Analyzer", and retired in 2007.

We have known Clemon Lamar Hudson since his birth. Although, we may live in a different state, we have not experienced directly or even heard of any major conflicts related to Lamar from his parents. Therefore, it gives us confidence that we can provide the following character statement.

Our family consisting of ten sisters, and four brothers which gives Lamar a pretty good foundation of support, and a very close and tight net relationship with all of our family members. We know that our children are our future and they need saving; I also know that I have never heard or seen Lamar act out of character or become disrespectful in any capacity toward friends, family, his parent, or any authority figures.

I know that Lamar has struggled to finish High School, and he was enrolled in courses to complete his GED, before this unfortunate incident occurred.

The information contained in this statement is true and accurate to the best of my knowledge, belief and recollection. We submit this statement of my own free will, and no one has persuaded or coerced me to submit.

Jo Ann Merritt

Edward L. Merritt, Jr.

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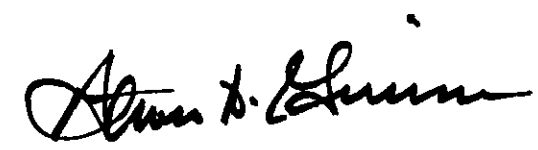

CLERK OF THE COURT

OPPS
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
LEAH C. BEVERLY
Deputy District Attorney
Nevada Bar #0012556
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA, Plaintiff, -vs- CLEMON HUDSON, #7025101 Defendant.	CASE NO: C-15-309578-2 DEPT NO: II

STATE'S OPPOSITION TO DEFENDANT'S MOTION FOR BAIL REDUCTION

DATE OF HEARING: 6/14/16
TIME OF HEARING: 8:30 A.M.

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, District Attorney, through LEAH C. BEVERLY, Deputy District Attorney, and hereby submits the attached Points and Authorities in Opposition to Defendant's Motion for Bail Reduction.

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

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POINTS AND AUTHORITIES

STATEMENT OF THE CASE

On September 23, 2015, the State of Nevada ("the State") filed an Indictment charging Defendant Clemon Hudson ("Defendant") and his Co-Defendant, Steven Turner, with the following: Count 1 – CONSPIRACY TO COMMIT BURGLARY; Count 2 – ATTEMPTED BURGLARY WHILE IN POSSESSION OF A FIREARM OR DEADLY WEAPON; Count 3 through 4 – ATTEMPT MURDER WITH USE OF A DEADLY WEAPON; Count 5 – BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM; Count 6 – DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE, VEHICLE, AIRCRAFT, OR WATERCRAFT.

Trial was set to begin on December 5, 2016. On May 12, 2016, Defendant filed an initial Motion for Bail Reduction. In response, the State filed an opposition on May 16, 2016. A modified Motion was then filed by Defendant on May 31, 2016.

STATEMENT OF THE FACTS

On September 4, 2015, at approximately 3:45AM, the two co-defendants, armed with multiple firearms, startled the victims awake in their home. The residents of the home, Eric Clarkson and Willoughby Grimaldi, were sleeping when they heard suspicious noises in their backyard. They observed two figures, who were later identified as the two defendants, running across the backyard. The police were notified and dispatched and Officers Robertson and Greco-Smith arrived to investigate. Officer Robertson spotted the co-defendants in the backyard and began to open the back door when Defendant Turner fired three rounds from an AK-47 rifle. One of the rounds hit Officer Robertson in the leg and immediately after, Defendant Hudson fired a round at the officers from his shotgun, hitting the doorway next to them. Officer Greco-Smith returned fire at Defendants Hudson and Turner. Defendant Turner dropped his rifle and fled the scene while Hudson hid in the backyard. A canine police dog from the K9 unit had to physically remove Defendant Hudson from where he was hiding because he would not respond to Officers when ordered to surrender.

Officer Robertson was extracted from the residence and was transported to UMC Trauma to be treated for his shattered right femur. He was taken into surgery where he required a titanium rod and plates to be inserted into his broken femur.

In his interview after the shooting altercation, Defendant Hudson admitted to arming himself with the shotgun and a handgun to steal a pound of marijuana from the residence. He intentionally entered the backyard of the home and admitted to firing the shotgun into the house.

ARGUMENT

NRS 178.498 provides:

> **NRS 178.498 Amount**. If the defendant is admitted to bail, the bail must be set at an amount which in the judgement of the magistrate will reasonably ensure the appearance of the defendant and the safety of other persons and of the community, having regard to:
>
> 1. The nature and circumstances of the offense charged;
> 2. The financial ability of the defendant to give bail;
> 3. The character of the defendant; and
> 4. The factors listed in NRS 178.4853.

Here, the nature and circumstances of the offense are morally depraved. Defendant knowingly and willingly entered the premises of the home, armed with a shotgun and handgun to intentionally steal a large amount of marijuana. When confronted by police officers, the defendant fired one round at them, just missing them. While the financial ability of a defendant to give bail is a factor, the most important issues to consider are the appearance of the defendant in court and the safety of other persons of the community. Defendant claims he was a security guard prior to this altercation. A security guard who is willing to shoot a deadly weapon at a police officer for the sake of stealing marijuana has no respect or concern for the safety of the people or of the community. The defendant's character in this case will do him no favors.

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NRS 178.4853 provides:

> **NRS 178.4853 Factors considered before release without bail.** In deciding whether there is good cause to release a person without bail, the court as a minimum shall consider the following factors concerning the person:
>
> 1. The length of his residence in the community;
> 2. The status and history of his employment;
> 3. His relationship with his spouse and children, parents or other members of his family and with his close friends;
> 4. His reputation, character and mental condition;
> 5. His prior criminal record, including, without limitation, any record of his appearing or failing to appear after release on bail or without bail;
> 6. The identity of responsible members of the community who would vouch for the reliability of the person;
> 7. The nature of the offense with which he is charged, the apparent probability of conviction and the likely sentence insofar as these factors relate to the risk of his not appearing;
> 8. The nature and seriousness of the danger to the alleged victim, any other person or the community that would be posed by the person's release;
> 9. The likelihood of more criminal activity by him after he is released; and
> 10. Any other factors concerning his ties to the community or bearing on the risk that he may willfully fail to appear.

The purpose of bail is to secure the defendant's appearance at future proceedings as well as to protect the community by ensuring that the defendant not engage in further criminal activities while released. In this case, the defendant was arrested and charged with multiple violent offenses.

Bail was set at $500,000 and the defendant is seeking a reduction of bail at $100,000. As detailed below, the State opposes this Motion based on several of the above factors.

<u>The Identity of Responsible Members of the Community Who Would Vouch for the Reliability of the Person:</u>

In regards to the letters of character from family members, Defendant has received the support of several of his extended family in addition to that of his parents. They all reflect similar notions: Defendant is a "gentle, kind person"; Defendant is not a "hardcore criminal", Defendant is a "sweet, thoughtful, kind and a most respectful young man", and Defendant is "not a violent person."

///

However, the State finds it astonishing that a "gentle, kind person" who is not a "hardcore criminal" would arm himself with multiple guns to break into a house to steal a large amount of marijuana. The State also finds astonishing that a "sweet, thoughtful, kind and a most respectful young man" who is "not a violent person" would fire a shotgun at a police officer who is in the line of duty.

A letter from a community pastor claims that Defendant has participated in community service such as feeding the homeless or cleaning the church. The State finds it questionable that someone who supposedly had such devotion to the community could turn around and terrorize members of that same adored community.

Another letter claims that Defendant had been "respectful to adults as well as authority". Defendant is said to "always been one to avoid getting into trouble." For someone who allegedly tended to avoid trouble, Defendant had chosen as his first offense: a very violent crime against a respected community figure of authority.

Risk of Danger to the Community:

As noted above, Defendant is a clear danger to the community which he claims to be a respectable member of. The fact that Defendant brought a loaded weapon to a home in the middle of the night, broke into the backyard of that home, and then opened fire at two investigating, uniformed police officers, demonstrates his maliciousness. This is clearly someone who is a danger to the Las Vegas Community. If Defendant is willing to break into homes and shoot at police solely for the purpose of stealing some marijuana, there is no telling what he is capable of doing if released. Any bail reduction would put the community at risk of being victimized again by Defendant.

Relationship with Family:

Defendant also claims in his Motion that should he be released, he would reside with his parents who are both upstanding members of the community who will vouch for Defendant's ability to make his court appearances and his overall reliability. The State is not confident in his parents' ability to supervise Defendant. Defendant's actions were so vicious and so violent that it is obvious that no one has the ability to control him. Assuming Defendant

was living with his parents prior to the incident, this fact did not prevent him from committing these crimes. No one can be held accountable for his actions except for the defendant himself.

Aside from the defendant's parents who live in Las Vegas, there are no other relatives who reside nearby who can vouch for Defendant's ability to make court appearances. While letters of character have been addressed in support of Defendant, any extended family who can claim authority live out of state, as distant as Detroit, Michigan. The State is not convinced that this supposed family support is sufficient to prevent Defendant from engaging in further criminal behavior.

Length of Residence in the Community:

Defendant claims that he is a lifelong resident of Las Vegas whose parents also reside in the Las Vegas community. However, this connection to the community did not stop him from committing these violent crimes against the very people who are recognized to protect the community. Clearly, he has no respect for the Las Vegas community nor for the police officers who are authorized to protect it. Any ties the defendant has to this community are not sufficient in considering whether to lower his bail. As such, this factor points against a reduction in bail or release from custody.

Status and History of Employment:

Defendant claims in the instant Motion that prior to the instant crimes, he was gainfully employed as a security guard. The state finds it incredible that a person previously working as a security guard would openly fire at two Las Vegas Metropolitan Police Officers. Furthermore, it is also incredible that a security guard would risk his employment to break into someone's house to steal marijuana in the middle of the night. Finally, by the defendant's own admission in his Motion, there is no indication that he would be employed or be able to get a job if released from custody.

Prior Criminal History:

While Defendant lacks a criminal history, he is only twenty years old. At such a young age, Defendant is already carrying high powered weapons, breaking into homes and committing crimes as egregious as shooting at police officers. Given that his first offense is so

violent in nature, this gives the State great concern about his willingness to stay out of trouble if the bail settlement is altered in any manner.

Nature of the Offense and Likelihood of Conviction

The facts and circumstances of this case are extremely violent and concerning to the State. The fact that the Defendant has access to handguns and high powered weapons and is clearly willing to use those weapons is alarming. Finally, the likelihood of conviction in this case is very strong which gives Defendant little incentive to return to court and face the charges against him.

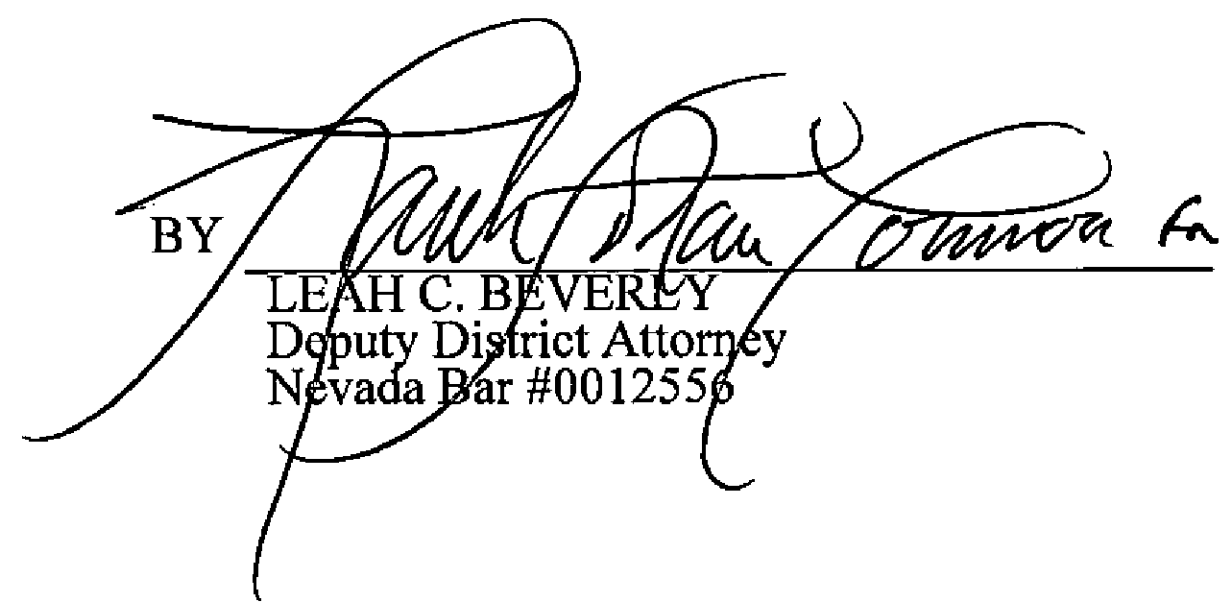
CONCLUSION

The State also notes that Co-Defendant Turner filed a similar Own Recognizance Motion in November of 2015. The Court denied Co-Defendant Turner's request to modify bail setting despite his lack of criminal history. As such, the State respectfully requests that the instant Motion for Bail Reduction for Defendant Hudson also be denied and that the current bail setting of $500,000 remain in the case.

DATED this 10th day of June, 2016.

Respectfully submitted,

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

BY 
LEAH C. BEVERLY
Deputy District Attorney
Nevada Bar #0012556

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CERTIFICATE OF ELECTRONIC MAIL

I hereby certify that service of the above and foregoing, was made this 10th day of June, 2016, by facsimile transmission and/or e-mail to:

KRISTINA WILDEVELD, ESQ.
E-Mail: contact@veldlaw.com

BY: _____
T. Driver
Secretary of the District Attorney's Office

TY/LB/tgd/MVU

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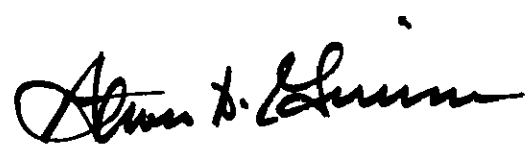

CLERK OF THE COURT

JESS R. MARCHESE, ESQ.
Nevada Bar No. 8175
601 S. Las Vegas Boulevard
Las Vegas, NV 89101
(702) 385-5377 Fax (702) 474-4210
Attorney for Defendant

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA, Plaintiff, v. CLEMON HUDSON, Defendant.	Case No.: C-15-309578-2 Dept. No.: II **DATE OF HEARING:** **TIME OF HEARING:**

MOTION FOR BAIL REDUCTION

COMES NOW Defendant, CLEMON HUDSON, by and through his attorney of record, JESS R. MARCHESE, ESQ., and hereby respectfully moves this Honorable Court for a bail reduction in accordance with the factors set forth in NRS 178.4853.

This Motion is based on the Papers and Pleadings on file herein, the Memorandum of Points and Authorities contained herein, and oral argument, if necessary, at the hearing of this Motion.

DATED this 29TH day of December, 2016.

MARCHESE LAW OFFICES, PC

By: _____
JESS R. MARCHESE, ESQ.
Nevada Bar No.: 8175

NOTICE OF MOTION

TO: THE STATE OF NEVADA, Plaintiff; and

TO: CLARK COUNTY DISTRICT ATTORNEY, Counsel for Plaintiff:

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the undersigned will bring the foregoing Motion on for hearing before this court, on the 24 day of JAN, 2017, at the hour of 9:00 a.m., or as soon thereafter as counsel may be heard.

DATED this 29th day of December, 2016.

MARCHESE LAW OFFICES, PC

By: _____
JESS R. MARCHESE, ESQ.
Nevada Bar No.: 8175

POINTS AND AUTHORITIES

Clemon Hudson is currently incarcerated in the Clark County Detention Center with a bail of $500,000. He faces charges related to a residential burglary gone awry in which shots were fired and a LVMPD Officer was shot by Mr. Hudson's co-defendant. Clemon did have a shotgun on his person, but inadvertently fired it into the residence's door. Once the first shot was fired he hit the ground, laid in a prone position, and stayed in that position until he was attacked by a K9 on his arm. He was fully cooperative with Metro and gave them a statement after the fact. The shotgun was found directly next to Clemon when he was taken into custody.

Mr. Hudson does not have any prior felony, gross misdemeanor or misdemeanor convictions. charges. He also has never failed to appear at any court appearances.

Mr. Hudson, an almost lifelong resident of Las Vegas, will reside locally at his parent's residence at 5713 Eugene Ave., Las Vegas, Nevada if released. His parents are both upstanding members of the community and will vouch for Clemon's ability to make his court appearances and his overall reliability. The Hudsons will also be present in court should the court wish to make any

inquiries with them. The defense has also previously filed letters of support for Clemon and has supplemented the record with 3 additional letters of support attached hereto.

In addition, the court must also consider Clemon's financial status pursuant to NRS 178.498(2). He was no real assets and is obviously not working due to his incarceration. As a result, the $100,000 bail that is being asked for is more than reasonable figure for Mr. Hudson's bail.

Since being arrested on this case, Clemon has been in a 23 hour a day lockdown. Given the fact that Clemon has no criminal history, no gang involvement, is not a behavior concern, counsel would submit that a reasonable conclusion can be drawn that Mr. Hudson's custody status is in direct relation to the status of who the alleged victim is in the case.

Clemon was gainfully employed prior to this offense as a security guard. In fact, he has always maintained employment since he was of working age.

Mr. Hudson does not have any prior felony, gross misdemeanor or misdemeanor convictions. charges. He also has never failed to appear at any court appearances.

Based upon the aforementioned facts and circumstances, Mr. Hudson respectfully requests a bail in the amount of $100,000 with house arrest.

Respectfully submitted, December 29, 2016

MARCHESE LAW OFFICES

By: _____

Jess R. Marchese, Esq. (SBN 8175)
Attorney for Defendant

December 27, 2016

Jess Marchese
Attorney at Law
601 S. Las Vegas Blvd.
Las Vegas, NV 89104

RE: Clemon Lamar Hudson

Dear Mr. Marchese:

I too am writing a letter on behalf of my cousin, Clemon Lamar Hudson. As stated by other members of our family, it simply tears our hearts apart to know that he has run into this trouble. Lamar, as he is affectionately called by his family, may have simply gotten involved with the wrong crowd. This young man grew up in a two-parent Christian home, and has been sheltered, shielded and protected by his loving family members who have surrounded him his entire life. He knows very little about the mean streets, and I cannot emphasize enough that any characterization of a lawless person is not the child we know and love. He is a gentle, kind person and needless to say, our entire family is very surprised and devastated by all this.

As you may know, this is not only Lamar's first conviction, to our knowledge, but it is his very first offense. Otherwise, his record is clean and he is doing all that he can to become more self-aware of his actions and reactions, and is very regretful. With that, I am writing this letter to seriously urge the judge for mercy in this case, and I am pleading that in lieu of prison time, the prosecution would allow Lamar to enter any programs available to him for first time offenders. He also needs drug intervention, mental counseling, and other family mediation and therapy services. But, what he really needs is a second chance!

We all hope that you, the prosecutors and the judges will be merciful making decisions about our Lamar's penalty, and that you will see that whatever it is that he may be guilty of is unusual and totally out of his character. We pray that the court will find him not guilty. If not, we pray that they show compassion and mercy in the spirit of justice, and be lenient in sentencing, if any, and allow this young man to move forward with his goals for a bright and promising future.

If you have any questions, please feel free to reach out to me at (213) 309-7064.

Sincerely,

Sondra Wyrick

Sondra Wyrick

Evelyn Williams
12778 Trent Place
Victorville, Ca 92392

December. 24. 2016

Dear you're Honor,

I am writing this letter as an aunt that is greatly concerned about her nephew. Clemon Lamar Hudson Jr, is the son of my sister Karen Hudson. My sister Karen has been an upstanding, God fearing citizen all of her life and have tried her best alone with her husband Clemon Hudson to instill these great values and respect for authority in their children. Clemon as we the family mostly refer to him as Lamar, have always been a kind, loving and respectable kid, so you can imagine how shocked, devastated, saddened, and utterly destroyed we were as a family to learn that he had gotten caught up in something so terrible. Prior to this incident; Lamar had never been in any trouble with the law. Sure, he's been tested with temptation before, but has never fallen victim to anything so serious. Lamar has always been taught to respect the police, and to comply when he has an encounter with the law, as we want him to live and not die. This has all been like a nightmare for us, that we can't wake up from. Every family has its problems, but us as a family, we have always loved and supported one another, Encouraged right behavior for authority and law. We as a family care about our children and our communities; which includes our law enforcement. We understand the necessity and the seriousness of law and order. Our nation is a nation of laws that governs us and make us this great nation, therefore; you're honor, I beseech you to please have leniency with Clemon Lamar Hudson Jr. Please bear in mind that he has a family that loves, needs and believes in him. We are a family of faith, hoping and praying for our cousin, nephew, brother, son, Clemon Lamar Hudson Jr. as you respectfully make your decision.

Gratefully and sincerely submitted,

Evelyn Williams, aunt of Lamar.

December 27, 2016

Jess Marchese
Attorney at Law
601 S. Las Vegas Blvd.
Las Vegas, NV 89104

RE: Clemon Lamar Hudson

Dear Mr. Marchese:

I have joined my family members in writing letters of recommendation in the case of my cousin Clemon Lamar Hudson. You must know that this is the first time we have ever heard of this young man getting into any kind of trouble. He's been a great kid his whole life and apparently has been around the wrong crowd of people.

I am hoping and praying that he finds mercy in the eyes of the court and a second chance. He is a young man with his entire future before him. This snare should not have to cost him his entire life. Whatever counseling, drug, and mental services that are available to him, I would hope that they are offered in lieu of jail.

It is our sincere prayer that the fact that he was raised in Christian home with two loving hard-working parents. This is out of his character to be involved in any criminal activity. Please consider this letter a vouch for Lamar in that he will likely never find himself in this position again.

Sincerely,

Bertha Williams

Birtha Williams

RECEIPT OF COPY

I hereby certify that a true and correct copy of Defendant's Bail Motion was received this _____ day of _____, 2016 to the following:

By: _____
Employee of CCDA

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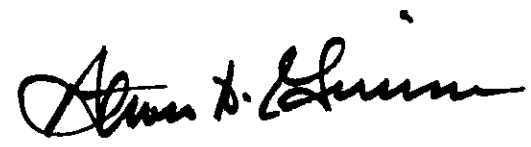

CLERK OF THE COURT

OPPS
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
LEAH C. BEVERLY
Deputy District Attorney
Nevada Bar #012556
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA, Plaintiff, -vs- CLEMON HUDSON, #7025101 Defendant.	CASE NO: C-15-309578-2 DEPT NO: II

STATE'S OPPOSITION TO DEFENDANT'S MOTION FOR BAIL REDUCTION

DATE OF HEARING: 01/24/17
TIME OF HEARING: 9:00 A.M.

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, District Attorney, through LEAH C. BEVERLY, Deputy District Attorney, and hereby submits the attached Points and Authorities in Opposition to Defendant's Motion for Bail Reduction.

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

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POINTS AND AUTHORITIES

STATEMENT OF THE CASE

On September 23, 2015, the State of Nevada ("the State") filed an Indictment charging Defendant Clemon Hudson ("Defendant") and his Co-Defendant, Steven Turner, with the following: Count 1 – CONSPIRACY TO COMMIT BURGLARY; Count 2 – ATTEMPTED BURGLARY WHILE IN POSSESSION OF A FIREARM OR DEADLY WEAPON; Count 3 through 4 – ATTEMPT MURDER WITH USE OF A DEADLY WEAPON; Count 5 – BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM; Count 6 – DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE, VEHICLE, AIRCRAFT, OR WATERCRAFT.

Trial is currently set to begin on July 10, 2017. On May 12, 2016, Defendant filed an initial Motion for Bail Reduction. In response, the State filed an opposition on May 16, 2016. A modified Motion was then filed by Defendant on May 31, 2016. The Court granted Defendant's Motion in part and reduced bail for $500,000 to $200,000 over the State's strong objection. The instant Motion for Bail Reduction was filed on January 3, 2017. The State's Opposition follows:

STATEMENT OF THE FACTS

On September 4, 2015, at approximately 3:45AM, the two co-defendants, armed with multiple firearms, startled the victims awake in their home. The residents of the home, Eric Clarkson and Willoughby Grimaldi, were sleeping when they heard suspicious noises in their backyard. They observed two figures, who were later identified as the two defendants, running across the backyard. The police were notified and dispatched and Officers Robertson and Greco-Smith arrived to investigate. Officer Robertson spotted the co-defendants in the backyard and began to open the back door when Defendant Turner fired three rounds from an AK-47 rifle. One of the rounds hit Officer Robertson in the leg and immediately after, Defendant Hudson fired a round at the officers from his shotgun, hitting the doorway next to

them. Officer Greco-Smith returned fire at Defendants Hudson and Turner. Defendant Turner dropped his rifle and fled the scene while Hudson hid in the backyard. A canine police dog from the K9 unit had to physically remove Defendant Hudson from where he was hiding because he would not respond to Officers when ordered to surrender.

Officer Robertson was extracted from the residence and was transported to UMC Trauma to be treated for his shattered right femur. He was taken into surgery where he required a titanium rod and plates to be inserted into his broken femur.

In his interview after the shooting altercation, Defendant Hudson admitted to arming himself with the shotgun and a handgun to steal a pound of marijuana from the residence. He intentionally entered the backyard of the home and admitted to firing the shotgun into the house.

ARGUMENT

In the instant Motion, Defendant merely reiterates the same arguments that he made in his previous two Motions for bail reduction. Defendant essentially claims that because he has a lack of criminal history and a supportive family, his bail should be reduced further. The Court already considered these exact same arguments in May of 2016. After considering Defendant's arguments, the Court reduced Defendant's bail from $500,000 to $200,000 over the State's strong objection. Since that time, absolutely nothing has changed that would warrant reducing Defendant's bail even further. As such, the State reiterates the same arguments made in previous oppositions.

NRS 178.498 provides:

> **NRS 178.498 Amount**. If the defendant is admitted to bail, the bail must be set at an amount which in the judgement of the magistrate will reasonably ensure the appearance of the defendant and the safety of other persons and of the community, having regard to:
>
> 1. The nature and circumstances of the offense charged;
> 2. The financial ability of the defendant to give bail;
> 3. The character of the defendant; and
> 4. The factors listed in NRS 178.4853.

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Here, the nature and circumstances of the offense are morally depraved. Defendant knowingly and willingly entered the premises of the home, armed with a shotgun and handgun to intentionally steal a large amount of marijuana. When confronted by police officers, the defendant fired one round at them, just missing them. While the financial ability of a defendant to give bail is a factor, the most important issues to consider are the appearance of the defendant in court and the safety of other persons of the community. Defendant claims he was a security guard prior to this altercation. A security guard who is willing to shoot a deadly weapon at a police officer for the sake of stealing marijuana has no respect or concern for the safety of the people or of the community. The defendant's character in this case will do him no favors.

NRS 178.4853 provides:

> **NRS 178.4853 Factors considered before release without bail.** In deciding whether there is good cause to release a person without bail, the court as a minimum shall consider the following factors concerning the person:
> 1. The length of his residence in the community;
> 2. The status and history of his employment;
> 3. His relationship with his spouse and children, parents or other members of his family and with his close friends;
> 4. His reputation, character and mental condition;
> 5. His prior criminal record, including, without limitation, any record of his appearing or failing to appear after release on bail or without bail;
> 6. The identity of responsible members of the community who would vouch for the reliability of the person;
> 7. The nature of the offense with which he is charged, the apparent probability of conviction and the likely sentence insofar as these factors relate to the risk of his not appearing;
> 8. The nature and seriousness of the danger to the alleged victim, any other person or the community that would be posed by the person's release;
> 9. The likelihood of more criminal activity by him after he is released; and
> 10. Any other factors concerning his ties to the community or bearing on the risk that he may willfully fail to appear.

The purpose of bail is to secure the defendant's appearance at future proceedings as well as to protect the community by ensuring that the defendant not engage in further

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criminal activities while released. In this case, the defendant was arrested and charged with multiple violent offenses.

Bail is currently set at $200,000 and the defendant is seeking a reduction of bail to $100,000. As detailed below, the State opposes this Motion based on several of the above factors.

The Identity of Responsible Members of the Community Who Would Vouch for the Reliability of the Person:

In regards to the letters of character from family members, Defendant has received the support of several of his extended family in addition to that of his parents. They all reflect similar notions: Defendant is a "gentle, kind person"; Defendant is not a "hardcore criminal", Defendant is a "sweet, thoughtful, kind and a most respectful young man", and Defendant is "not a violent person."

However, the State finds it astonishing that a "gentle, kind person" who is not a "hardcore criminal" would arm himself with multiple guns to break into a house to steal a large amount of marijuana. The State also finds astonishing that a "sweet, thoughtful, kind and a most respectful young man" who is "not a violent person" would fire a shotgun at a police officer who is in the line of duty.

Risk of Danger to the Community:

As noted above, Defendant is a clear danger to the community which he claims to be a respectable member of. The fact that Defendant brought a loaded weapon to a home in the middle of the night, broke into the backyard of that home, and then opened fire at two investigating, uniformed police officers, demonstrates his maliciousness. This is clearly someone who is a danger to the Las Vegas Community. If Defendant is willing to break into homes and shoot at police solely for the purpose of stealing some marijuana, there is no telling what he is capable of doing if released. Any further bail reduction would put the community at risk of being victimized again by Defendant.

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Relationship with Family:

Defendant also claims in his Motion that should he be released, he would reside with his parents who are both upstanding members of the community who will vouch for Defendant's ability to make his court appearances and his overall reliability. The State is not confident in his parents' ability to supervise Defendant. Defendant's actions were so vicious and so violent that it is obvious that no one has the ability to control him. Assuming Defendant was living with his parents prior to the incident, this fact did not prevent him from committing these crimes. No one can be held accountable for his actions except for the defendant himself.

Aside from the defendant's parents who live in Las Vegas, there are no other relatives who reside nearby who can vouch for Defendant's ability to make court appearances. While letters of character have been addressed in support of Defendant, any extended family who can claim authority live out of state, as distant as Detroit, Michigan. The State is not convinced that this supposed family support is sufficient to prevent Defendant from engaging in further criminal behavior.

Length of Residence in the Community:

Defendant claims that he is a lifelong resident of Las Vegas whose parents also reside in the Las Vegas community. However, this connection to the community did not stop him from committing these violent crimes against the very people who are recognized to protect the community. Clearly, he has no respect for the Las Vegas community nor for the police officers who are authorized to protect it. Any ties the defendant has to this community are not sufficient in considering whether to lower his bail. As such, this factor points against a reduction in bail or release from custody.

Status and History of Employment:

Defendant claims in the instant Motion that prior to the instant crimes, he was gainfully employed as a security guard. The state finds it incredible that a person previously working as a security guard would openly fire at two Las Vegas Metropolitan Police Officers. Furthermore, it is also incredible that a security guard would risk his employment to break into someone's house to steal marijuana in the middle of the night. Finally, by the defendant's own