CASE NO. CR20-0107

Department 2

FILED

2022 AUG 23 A 8:13

Electronically Filed
Aug 29 2022 10:46 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

IN THE FIFTH JUDICIAL DISTRICT COURT

COUNTY OF NYE, STATE OF NEVADA

THE STATE OF NEVADA,

Plaintiff

v.

NICKOLAS VONALST,

Defendant.

NOTICE OF APPEAL

NOTICE is hereby given that the Defendant, NICKOLAS VONALST, appeals to the Supreme Court of the State of Nevada from the final Judgment of Conviction and Sentence entered against said Defendant on the July 25, 2022.

DATED this 18th day of August, 2022.

JASON EARNEST LAW, LLC

JASON L. EARNEST, ESQ. #6628
3340 S. Highway 160. Ste. 202
Pahrump, Nevada 89048
Attorney for Defendant

Docket 85235 Document 2022-26965

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of JASON EARNEST LAW, LLC and that, pursuant to NRCP 5(b), on August 15, 2022, I served a true and correct copy of the foregoing Notice of Appeal via hand delivery to:

NYE COUNTY DISTRICT ATTORNEY'S OFFICE

Employee of Jason Earnest Law, LLC

CASE NO. CR20-0107

Department 2

FILED
2022 AUG 23 A 8:13
NYE COUNTY CLERK
BY DEPUTY

IN THE FIFTH JUDICIAL DISTRICT COURT

COUNTY OF NYE, STATE OF NEVADA

THE STATE OF NEVADA,

Plaintiff

v.

NICKOLAS VONALST,

Defendant.

CASE APPEAL STATMENT

1. **Appellant filing this case appeal statement:** NICKOLAS VONALST
2. **Judge issuing the decision, judgment, or order appealed from:** HONORABLE ROBERT LANE
3. **All Parties to the proceeding in the district court:** STATE OF NEVADA-PLAINTIFF; NICKOLAS VONALST
4. **All parties involved in this appeal:** STATE OF NEVADA-PLAINTIFF NICKOLAS VONALST
5. **Name, law firm, address, and telephone number of all counsel on the appeal and party or parties whom they represent:**

JASON L. EARNEST, ESQ
Nevada State Bar No. 6628
3340 S. Highway 160. Ste 202
Pahrump, NV 89048
Attorney for Appellant

CHIRS ARABIA
NYE COUNTY DITSTRICT ATTORNEY
1520 E. Basin Ave, Ste. 107
Pahrump, NV 89060
Attorney for Respondent

6. **Whether appellant was represented by appointed or retained counsel in the district court:** RETAINED

7. **Whether appellant is represented by appointed or retained counsel on appeal:** RETAINED

8. **Whether appellant was granted leave to proceed in forma pauperis, and the date entry of the district court order granting such leave:** N/A

9. **Date proceedings commended in the district court (e.g., date complaint, indictment, information or petition was filed):** On or around October 1, 2020 proceedings commenced in district court.

JASON EARNEST LAW, LLC

JASON L. EARNEST, ESQ. #6628
3340 S. Highway 160. Ste. 202
Pahrump, Nevada 89048
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of JASON EARNEST LAW, LLC and that, pursuant to NRCP 5(b), on August 15, 2022, I served a true and correct copy of the foregoing Case Appeal Statement via hand delivery to:

NYE COUNTY DISTRICT ATTORNEY'S OFFICE

Case #: CR20-0107

Judge: LANE, ROBERT W

Date Filed: 09/09/2020 **Department:**

Case Type: Crimes Against Persons (Felony)

	Attorney(s)
Plaintiff	
STATE OF NEVADA	DISTRICT ATTORNEY'S OFFICE
Defendant	
VONALST, NICKOLAS ANTHONY	EARNEST, JASON L

Fees:

Date Assessed:	Fee	Total	Paid	Waived	Outstanding
07/25/2022	ADMIN	$5.00	$0.00	$0.00	$5.00
07/25/2022	STADMIN	$20.00	$0.00	$0.00	$20.00
07/25/2022	DNA	$150.00	$0.00	$0.00	$150.00
07/25/2022	GENETIC	$3.00	$0.00	$0.00	$3.00
07/25/2022	PSI	$400.00	$0.00	$0.00	$400.00
07/25/2022	PUBDEF	$500.00	$0.00	$0.00	$500.00

Charge: NRS 200.471 ASSAULT W/A DEADLY WEAPON F/B Count 1

Sent: COUNT I : NDOC 48 MONTHS TO 120 MONTHS ; COUNT II : 24 MONTHS TO 60 MONTHS ; RUN CONSECUTIVE TO EACH OTHER ; MINIMUM AGGREGATE 72 MONTHS / MAXIMUM AGGREGATE 180 MONTHS ; $25 ADMIN FE ; $150 DNA FEE ; $3 DNA ADMIN FEE ; $400 PSI ; $500 PUBDEF ; $2,000 IN RESTITIUTION TO P&P ; ALL FINES AND FEES DUE BY 9/26/22 ; 260 DAYS CTS

Disp/Judgment: Non-Trial: Nolle Prosequi (Before Trial) Date: 07/25/2022

Hearings:

Date	Time	Hearing	Court Result
10/05/2020	9:00AM	16#ARRAIGNMENT HEARING	
12/14/2020	9:00AM	20#WRIT OF HABEAS CORPUS	
01/11/2021	9:00AM	10#WRIT OF HABEAS CORPUS HEARING	CANC
02/01/2021	9:00AM	CALENDAR CALL (JT 03.12.2021)	CANC
02/01/2021	9:00AM	37#WRIT OF HABEAS CORPUS HEARING	
02/22/2021	9:00AM	26#CALENDAR CALL (JT 03/23/2021 4 DAYS)	
02/22/2021	2:30PM	JURY DRAW OF 80 JURORS	CANC
02/26/2021	8:30AM	STATES MOTION TO AMEND INFORMATION	
03/08/2021	9:00AM	12#CALENDAR CALL (JT 3/23/2021)	
03/09/2021	9:00AM	JURY TRIAL (4 DAYS)	CANC
03/23/2021	9:00AM	JURY TRIAL (4 DAYS)	CANC

03/23/2021	8:30AM	PRE-TRAIL MOTIONS	CANC
05/03/2021	9:00AM	CALENDAR CALL (JT 6/8/2021)	CANC
05/03/2021	2:30PM	JURY DRAW	CANC
06/08/2021	8:30AM	PRE-TRIAL MOTIONS	CANC
06/08/2021	9:00AM	JURY TRIAL (4 DAYS)	CANC
07/26/2021	9:00AM	04#CALENDAR CALL	
07/26/2021	2:30PM	99#JURY DRAW 100 JURORS	CANC
08/09/2021	9:00AM	06#CAL CALL OR CHANGE OF PLEA	CANC
08/23/2021	9:00AM	06#PLEA NEGOTIATIONS/ARRAIGNMENT	
09/07/2021	9:00AM	JURY TRIAL	CANC
09/27/2021	9:00AM	06#ARRAIGNMENT HEARING	
10/25/2021	9:00AM	29#ARRAIGMENT HEARING	
11/08/2021	9:00AM	29#ARRAIGMENT HEARING	CANC
11/22/2021	9:00AM	02#ARRAIGNMENT - CONTD	
12/06/2021	9:00AM	03#ARRAIGNMENT - CONTD	
03/21/2022	9:00AM	03#SENTENCING HEARING	
04/18/2022	9:00AM	03#SENTENCING HEARING	CANC
05/16/2022	9:00AM	17#SENTENCING HEARING	
05/16/2022	9:00AM	17#MOTION TO CORRECT PRE-SENTENCING REPORT	
06/06/2022	9:00AM	17#MOTION TO CORRECT PRE-SENTENCING REPORT & SENTENCING	
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07/11/2022	9:00AM	03#SENTENCING	
07/25/2022	9:00AM	03#SENTENCING	

Filings:

Date	Filing
09/09/2020	CASE FILED 09/09/2020 CASE NUMBER CR20-0107
09/09/2020	JUDGE LANE, ROBERT W: ASSIGNED
09/09/2020	PROSECUTOR: DISTRICT ATTORNEY'S OFFICE ASSIGNED
09/09/2020	DEFENSE ATTORNEY: EARNEST, JASON L ASSIGNED
09/09/2020	CASE SUMMARY
09/09/2020	DOCUMENTS RECEIVED FROM PAHRUMP JUSTICE COURT
09/09/2020	BINDOVER ORDER (BAIL N/A)
09/28/2020	TRANSCRIPT OF: PRELIMINARY HEARING(09/03/20)
10/01/2020	MEDIA REQUEST TO ALLOW ELECTRONIC RECORDING EQUIPMENT INTO THE COURTROOM/ ORDER (HRG 10/05/2020 - DEANNA O'DONNELL; MISSEY KOHLER, KPVM-TV)
10/01/2020	INFORMATION(FELONY/PERSON)
10/05/2020	COURT MINUTES
10/08/2020	ORDER VACATING AND RE-SETTING JURY TRIAL (MARCH 23, 2020 @ 9:00 AM)
10/13/2020	TRANSCRIPT OF: ARRAIGNMENT(10/5/20)
10/15/2020	STIPULATION AND ORDER FOR EXTENSION OF TIME TO FILE WRIT OF HABEAS CORPUS
10/16/2020	ORDER ON EXTENSION OF TIME TO FILE WRIT OF HABEAS CORPUS (EXTENDED TO 10/26/2020)
10/23/2020	STIPULATION AND ORDER FOR EXTENSION OF TIME TO FILE WRIT OF HABEAS CORPUS (SUBMITTED BY NCDA/CHRIS ARABIA, DA, FOR STATE OF NEVADA, & JASON L. EARNEST, ESQ., FOR DEFENDANT)

10/27/2020	ORDER ON EXTENSION OF TIME TO FILE WRIT OF HABEAS CORPUS
11/02/2020	STIPULATION AND ORDER FOR EXTENSION OF TIME TO FILE WRIT OF HABEAS CORPUS
11/02/2020	ORDER ON EXTENSION OF TIME TO FILE WRIT OF HABEAS CORPUS
11/09/2020	PETITION FOR WRIT OF HABEAS CORPUS
11/09/2020	WRIT OF HABEAS CORPUS (12.14.2020)
11/09/2020	POINTS AND AUTHORITIES IN SUPPORT OF PETITION FOR WRITE OF HABEAS CORPUS
11/10/2020	ORDER FOR ISSUANCE OF WRIT OF HABEAS CORPUS
12/07/2020	MEDIA REQUEST TO ALLOW ELECTRONIC RECORDING EQUIPMENT INTO THE COURTROOM
12/14/2020	COURT MINUTES
12/18/2020	STIPULATION AND ORDER TO SET BAIL AMOUNT
12/18/2020	ORDER TO SET BAIL AMOUNT
01/07/2021	STIPULATION AND ORDER FOR EXTENSION OF TIME TO FILE STATE'S RESPONSE TO DEFENDANT'S WRIT OF HABEAS CORPUS AND CONTINUE THE HEARING SET FOR MONDAY JANUARY 11, 2021 (SUBMITTED BY NCDA, FOR STATE OF NEVADA, & JASON L. EARNEST, ESQ., FOR DEFENDANT)
01/08/2021	ORDER (02.01.2021 @ 9AM)
01/11/2021	STATE'S RESPONSE TO PETITIONER'S WRIT OF HABEAS CORPUS
01/14/2021	EX PARTE MOTION FOR EXTRAORDINARY FEES FOR INVESTIGATIVE COSTS
01/15/2021	ORDER APPOINTING INVESTIGATOR (MARK ZANE)
02/01/2021	MEDIA REQUEST TO ALLOW ELECTRONIC RECORDING EQUIPMENT INTO THE COURTROOM
02/01/2021	COURT MINUTES
02/01/2021	TRANSCRIPT OF: WRIT OF HABEAS CORPUS(12/14/20)
02/04/2021	ORDER
02/10/2021	NOTICE OF NON-FILING OF BRIEF/MOTION TO AMEND THE INFORMATION
02/19/2021	MEDIA REQUEST TO ALLOW ELECTRONIC RECORDING EQUIPMENT INTO THE COURTROOM
02/22/2021	COURT MINUTES
02/24/2021	ORDER SETTING HEARING
02/26/2021	COURT MINUTES
02/26/2021	TRANSCRIPTS OF PROCEEDINGS NOTICE OF NON-FILING OF BRIEF / MOTION TO AMEND THE INFORMATION (02.26.2021)
03/03/2021	TRANSCRIPT OF: WRIT OF HABEAS CORPUS (2/1/21)
03/08/2021	COURT MINUTES
03/08/2021	TRANSCRIPT OF: CALENDAR CALL(2/22/21)
03/11/2021	STIPULATION AND ORDER TO REDUCE BAIL AMOUNT
03/11/2021	ORDER TO REDUCE BAIL AMOUNT
03/11/2021	SURETY BOND BOND POSTED $35,000.00
03/16/2021	TRANSCRIPT OF: CALENDAR CALL(3/8/21)
03/18/2021	ORDER SETTING JURY TRIAL(9/7/21)
03/23/2021	AMENDED INFORMATION(FELONY/PERSON)
07/26/2021	COURT MINUTES
08/04/2021	TRANSCRIPT OF: CALENDAR CALL(CONT)(07/26/21)
08/06/2021	STIPULATION AND ORDER TO VACATE JURY TRIAL, VACATE CALENDAR CALL AND TO CONTINUE COURT DATE
08/06/2021	ORDER TO VACATE JURY TRIAL, VACATE CALENDAR CALL AND TO CONTINUE COURT DATE (HRG SET 08/23/2021)
08/23/2021	COURT MINUTES
09/02/2021	TRANSCRIPT OF: PLEA NEGOTIATIONS/ARRAIGNMENT(CONT)(08/23/21)
09/27/2021	COURT MINUTES
09/30/2021	TRANSCRIPT OF: ARRAIGNMENT(CONT)(09/27/21)

10/25/2021	COURT MINUTES
10/28/2021	TRANSCRIPT OF: ARRAIGNMENT(CONT)(10/25/21)
11/02/2021	STIPULATION AND ORDER TO CONTINUE
11/03/2021	ORDER TO CONTINUE(11/22/21)
11/19/2021	THIRD AMENDED INFORMATION
11/22/2021	COURT MINUTES
11/29/2021	TRANSCRIPT OF: ARRAIGNMENT(CONT)(11/22/21)
12/06/2021	COURT MINUTES
12/06/2021	AMENDED GUILTY PLEA AGREEMENT
12/10/2021	TRANSCRIPT OF: ARRAIGNMENT(12/6/21)
03/01/2022	PRESENTENCE INVESTIGATION REPORT
03/21/2022	COURT MINUTES
04/11/2022	TRANSCRIPT OF: SENTENCING(03/21/22)
04/14/2022	STIPULATION AND ORDER TO CONTINUE
04/15/2022	ORDER TO CONTINUE (MAY 16, 2022 @ 9 AM)
05/03/2022	NOTICE OF MOTION AND MOTION TO CORRECT PRE-SENTENCING REPORT/ NOTICE OF MOTION (05/16/2022, 9AM) (SUBMITTED BY JASON L. EARNEST, ESQ., FOR DEFENDANT)
05/16/2022	RESPONSE TO DEFENDANT'S MOTION TO CORRECT PRE-SENTENCING REPORT
05/16/2022	COURT MINUTES
06/06/2022	REPLY IN SUPPORT OF MOTION TO CORRECT PRE-SENTENCING REPORT
06/06/2022	COURT MINUTES
06/06/2022	STIPULATION AND ORDER TO CONTINUE
06/27/2022	TRANSCRIPT OF:SENTENCING & MOTION TO CORRECT PSI(05/16/22)
06/27/2022	COURT MINUTES
06/29/2022	COURT ORDER
07/08/2022	PREEMPTIVE MOTION TO BARR SENTENCING STATEMENT BY CO-CONSPIRATOR'S FAMILY
07/08/2022	RESPONSE TO "PREMPTIVE MOTION" (SUBMITTED BY NCDA/ KIRK D. VITTO, CDDA, FOR THE STATE OF NEVADA)
07/11/2022	COURT MINUTES
07/13/2022	COURT ORDER (DEFENDANT'S PREEMPTIVE MOTION TO BAR SENTENCING STATEMENTS .., FILED 07/08/2022, DENIED)
07/18/2022	SUPPLEMENTAL PRESENTENCE INVESTIGATION REPORT (PREPARED 07/13/2022)
07/18/2022	TRANSCRIPT OF: MOTION TO CORRECT PRESENTENCE REPORT & SENTENCING(06/06/22)
07/22/2022	TRANSCRIPT OF: MOTION TO CORRECT PRESENTENCE REPORT AND SENTENCING(06/27/22)
07/25/2022	TRANSCRIPT OF: SENTENCING(07/11/22)
07/25/2022	COURT MINUTES
07/26/2022	JUDGMENT OF CONVICTION
08/23/2022	NOTICE OF APPEAL
08/23/2022	CASE APPEAL STATEMENT
08/23/2022	TRANSCRIPT OF:SENTENCING(07/25/22)

FILED
FIFTH JUDICIAL DISTRICT
JUL 26 2022
Nye County Clerk
Deputy

Case No. CR 20-0107

Dept. No. 2P

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT

OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF NYE

THE STATE OF NEVADA,

Plaintiff,

-v-

NICKOLAS ANTHONY VONALST,

Defendant.

/

JUDGMENT OF CONVICTION

FIFTH JUDICIAL DISTRICT COURT
ESMERALDA AND NYE COUNTIES

On the 6th day of December 2021, the above-named defendant, appeared before the Court, at liberty, with his counsel, JASON L. EARNEST, ESQ., and entered a plea of no contest to the crime of **COUNT I:** ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON, in violation of NRS 193.330 and NRS 200.380, a category B" felony and **COUNT II:** ATTEMPT ASSAULT WITH USE OF A DEADLY WEAPON, in violation of NRS 193.330, being an attempt to violate NRS 200.471(2)(b). The state was represented by KIRK VITTO, ESQ., Chief Deputy District Attorney.

On the 25th day of July 2022, the defendant appeared personally, while at liberty, with his attorney, JASON L. EARNEST, ESQ., for entry of judgment. The state was represented by KIRK VITTO, ESQ., Chief Deputy District Attorney. No sufficient legal cause was shown by the Defendant as to why judgment should not be pronounced against him. The Court adjudged the Defendant guilty of the crime of **COUNT I:** ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON, in violation of NRS 193.330 and NRS 200.380, a category B" felony and **COUNT II:** ATTEMPT ASSAULT WITH USE

OF A DEADLY WEAPON, in violation of NRS 193.330, being an attempt to violate NRS 200.471(2)(b).

The Court then sentenced the Defendant on **COUNT I** to imprisonment in the Nevada Department of Corrections for a maximum term of one hundred and twenty (120) months and a minimum parole eligibility forty-eight (48) months; **COUNT II** to imprisonment in the Nevada Department of Corrections for a maximum term of sixty (60) months and a minimum term of twenty-four (24) months. Said sentences imposed shall run consecutive to each other.

Defendant shall serve a minimum aggregate term of imprisonment of seventy-two (72) months and a maximum aggregate term of imprisonment one hundred and eighty (180) months.

The Defendant shall pay to the clerk of the court an administrative assessment fee of $25.00, a DNA fee of $150.00, and a $3.00 DNA administrative fee.

That the Defendant shall pay to Nye County the sum of $400.00 for preparation of pre-sentence investigation report.

That the Defendant shall pay to the Clerk of this Court a sum of $500.00 in attorney fees.

That the Defendant pay $2,000.00 in restitution to the Department of Parole and Probation

That all fines/fees are due by 09/26/22.

That the Defendant is given credit for two hundred and sixty (260) days pre-sentence time served.

IT IS FURTHER ORDERED that any bond in this matter be exonerated, unless previously ordered by this court for forfeiture or any other purpose.

Pursuant to NRS 239B.030, the undersigned affirms this document does not contain the social security number of any person.

DATED this 26th day of July 2022.

DISTRICT JUDGE

FIFTH JUDICIAL DISTRICT COURT
ESMERALDA AND NYE COUNTIES

FIFTH JUDICIAL DISTRICT COURT
ESMERALDA AND NYE COUNTIES

CERTIFICATION OF SERVICE

The undersigned hereby certifies that on the 26th day of July 2022, he mailed (or hand/fleet delivered) copies of the foregoing to the following:

NYE COUNTY DISTRICT ATTORNEY
1520 E. BASIN AVE., SUITE 107
PAHRUMP, NV 89060
(HAND DELIVERED)

JASON EARNEST, ESQ.
3340 S. HWY 160, SUITE 202
PAHRUMP, NV 89048
(HAND DELIVERED)

NEVADA DIVISION OF PAROLE AND PROBATION
PAHRUMP, NV 89048
(HAND DELIVERED)

NYE COUNTY SHERIFF
PAHRUMP, NV 89060
(FLEET DELIVERED)

Alex Zentgraf, Secretary to
DISTRICT JUDGE

Case #: CR20-0107

Judge: LANE, ROBERT W

Date Filed: 09/09/2020 **Department:**

Case Type: Crimes Against Persons (Felony)

	Attorney(s)
Plaintiff	
STATE OF NEVADA	DISTRICT ATTORNEY'S OFFICE
Defendant	
VONALST, NICKOLAS ANTHONY	EARNEST, JASON L

Fees:

Date Assessed:	Fee	Total	Paid	Waived	Outstanding
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07/25/2022	PUBDEF	$500.00	$0.00	$0.00	$500.00

Charge: NRS 200.471 ASSAULT W/A DEADLY WEAPON F/B Count 1

Sent: COUNT I : NDOC 48 MONTHS TO 120 MONTHS ; COUNT II : 24 MONTHS TO 60 MONTHS ; RUN CONSECUTIVE TO EACH OTHER ; MINIMUM AGGREGATE 72 MONTHS / MAXIMUM AGGREGATE 180 MONTHS ; $25 ADMIN FE ; $150 DNA FEE ; $3 DNA ADMIN FEE ; $400 PSI ; $500 PUBDEF ; $2,000 IN RESTITIUTION TO P&P ; ALL FINES AND FEES DUE BY 9/26/22 ; 260 DAYS CTS

Disp/Judgment: Non-Trial: Nolle Prosequi (Before Trial) Date: 07/25/2022

Hearings:

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07/11/2022	9:00AM	03#SENTENCING	
07/25/2022	9:00AM	03#SENTENCING	

Filings:

Date	Filing
09/09/2020	CASE FILED 09/09/2020 CASE NUMBER CR20-0107
09/09/2020	JUDGE LANE, ROBERT W: ASSIGNED
09/09/2020	PROSECUTOR: DISTRICT ATTORNEY'S OFFICE ASSIGNED
09/09/2020	DEFENSE ATTORNEY: EARNEST, JASON L ASSIGNED
09/09/2020	CASE SUMMARY
09/09/2020	DOCUMENTS RECEIVED FROM PAHRUMP JUSTICE COURT - Rec'd, Ref PJC Case #20CR01943: (Amended Criminal Complaint; Order to Continue; Designation of Counsel; Criminal Complaint; Return of Service; Arrest Warrant; Affidavit in Support of Arrest Warrant;)
09/09/2020	BINDOVER ORDER (BAIL N/A)
09/28/2020	TRANSCRIPT OF: PRELIMINARY HEARING(09/03/20)
10/01/2020	MEDIA REQUEST TO ALLOW ELECTRONIC RECORDING EQUIPMENT INTO THE COURTROOM/ ORDER (HRG 10/05/2020 - DEANNA O'DONNELL; MISSEY KOHLER, KPVM-TV)
10/01/2020	INFORMATION(FELONY/PERSON)

10/05/2020	COURT MINUTES - ARRAIGNMENT HEARING JAVS RECORDING TIME: 0939 JUDGE: ROBERT LANE; CLERK: JUANITA TORRES; BAILIFF: JAMELE TAYLOR; REPORTER: CECILIA THOMAS; APPEAR: DON CHAIREZ ON BEHALF OF THE STATE; ATTORNEY JASON EARNES, ON BEHALF OF THE DEFENDANT, WHO IS PRESENT VIA VIDEO IN CUSTODY. COURT CALLS THE MATTER. EARNEST BRIEFS THE RECORD, ADVISES THE COURT HE WILL BE FILING A WRIT, REQUEST TRIAL DATES, EARNEST STATES HE HAS BEEN RETAINED IN THIS MATTER. COURT SETS TRIAL FOR 03/09 THROUGH 03/12/2021 AT 9:00, 02/01/2021 AT 09:00 FOR CALENDAR CALL. DEFENSE MAKES AN ORAL MOTION FOR AN OWN RECOGNIZANCE RELEASE OR BAIL REDUCTION. STATE OBJECTS. COURT TAKES THE MATTER UNDER ADVISEMENT.
10/08/2020	ORDER VACATING AND RE-SETTING JURY TRIAL (MARCH 23, 2020 @ 9:00 AM)
10/13/2020	TRANSCRIPT OF: ARRAIGNMENT(10/5/20)
10/15/2020	STIPULATION AND ORDER FOR EXTENSION OF TIME TO FILE WRIT OF HABEAS CORPUS
10/16/2020	ORDER ON EXTENSION OF TIME TO FILE WRIT OF HABEAS CORPUS (EXTENDED TO 10/26/2020)
10/23/2020	STIPULATION AND ORDER FOR EXTENSION OF TIME TO FILE WRIT OF HABEAS CORPUS (SUBMITTED BY NCDA/CHRIS ARABIA, DA, FOR STATE OF NEVADA, & JASON L. EARNEST, ESQ., FOR DEFENDANT)
10/27/2020	ORDER ON EXTENSION OF TIME TO FILE WRIT OF HABEAS CORPUS
11/02/2020	STIPULATION AND ORDER FOR EXTENSION OF TIME TO FILE WRIT OF HABEAS CORPUS
11/02/2020	ORDER ON EXTENSION OF TIME TO FILE WRIT OF HABEAS CORPUS
11/09/2020	PETITION FOR WRIT OF HABEAS CORPUS
11/09/2020	WRIT OF HABEAS CORPUS (12.14.2020)
11/09/2020	POINTS AND AUTHORITIES IN SUPPORT OF PETITION FOR WRITE OF HABEAS CORPUS
11/10/2020	ORDER FOR ISSUANCE OF WRIT OF HABEAS CORPUS
12/07/2020	MEDIA REQUEST TO ALLOW ELECTRONIC RECORDING EQUIPMENT INTO THE COURTROOM
12/14/2020	COURT MINUTES - WRIT OF HABEAS CORPUS HEARING JAVS RECORDING TIME: 0858; 1107 RECALLED. JUDGE: ROBERT LANE; CLERK: JUANITA TORRES; BAILIFF: JAMELE TAYLOR; REPORTER: CECILIA THOMAS; APPEAR: DEPUTY DISTRICT ATTORNEY KRIT VITTO & DON CHAIREZ ON BEHALF OF THE STATE; ATTORNEY JASON EARNEST, ON BEHALF OF THE DEFENDANT, WHO IS NOT PRESENT. COURT CALLS THE MATTER. EARNEST BRIEFS THE RECORD AND REQUEST CONTINUANCE. COURT CONTINUES THE MATTER TO 01/11/2021 AT 9:00, A.M. COURT RECALLS THE MATTER TO ADVISE THE DEFENDANT OF THE CONTINUANCE, WHO IS NOW PRESENT IN CUSTODY, VIA VIDEO.
12/18/2020	STIPULATION AND ORDER TO SET BAIL AMOUNT
12/18/2020	ORDER TO SET BAIL AMOUNT
01/07/2021	STIPULATION AND ORDER FOR EXTENSION OF TIME TO FILE STATE'S RESPONSE TO DEFENDANT'S WRIT OF HABEAS CORPUS AND CONTINUE THE HEARING SET FOR MONDAY JANUARY 11, 2021 (SUBMITTED BY NCDA, FOR STATE OF NEVADA, & JASON L. EARNEST, ESQ., FOR DEFENDANT)
01/08/2021	ORDER (02.01.2021 @ 9AM)
01/11/2021	STATE'S RESPONSE TO PETITIONER'S WRIT OF HABEAS CORPUS

01/14/2021	EX PARTE MOTION FOR EXTRAORDINARY FEES FOR INVESTIGATIVE COSTS
01/15/2021	ORDER APPOINTING INVESTIGATOR (MARK ZANE)
02/01/2021	MEDIA REQUEST TO ALLOW ELECTRONIC RECORDING EQUIPMENT INTO THE COURTROOM
02/01/2021	COURT MINUTES - WRIT OF HABEAS CORPUS HEARING JAVS RECORDING TIME: 0857; RECALLED 0859 JUDGE: ROBERT LANE; CLERK: JUANITA TORRES; BAILIFF: JAMELE TAYLOR; REPORTER: CECILIA THOMAS; APPEAR: DEPUTY DISTRICT ATTORNEY MICHAEL ALLMON ON BEHALF OF THE STATE; ATTORNEY JASON EARNEST, ON BEHALF OF THE DEFENDANT, WHO IS PRESENT IN CUSTODY. COURT CALLS THE MATTER. EARNEST BRIEFS THE RECORD; ARGUES AGAINST FELONY OPEN MURDER CHARGE, DEFENDANT WAS NOT THE SHOOTER; CITES HICKS 1973 AND OTHER CASES LISTED IN HIS PLEADINGS; ADDRESSES THE STATE'S OPPOSITION, ARGUES THE DEFENDANT IS BEING HELD RESPONSIBLE FOR SOMETHING, SOMEONE ELSE DID. STATE ARGUES THEY ARE NOT CHANGING THE LAW UNDER THE FELONY MURDER RULE, EVIDENCE SUPPORTS OPEN MURDER EXISTS, INCIDENT OCCURRED DURING A GUN BATTLE DURING A ROBBERY; CLAIMS DIRECT LIABILITY. EARNEST OUTLINES FIRST AND SECOND-DEGREE MURDER CHARGES; ARGUES IT IS VICARIOUS LIABILITY, THE DEFENDANT CANNOT BE HELD RESPONSIBLE, REITERATES THE HICKS ARGUMENT. STATE ARGUES A GUN FIGHT IS NOT VICARIOUS LIABILITY. COURT TAKES THE MATTER UNDER SUBMISSION.
02/01/2021	TRANSCRIPT OF: WRIT OF HABEAS CORPUS(12/14/20)
02/04/2021	ORDER
02/10/2021	NOTICE OF NON-FILING OF BRIEF/MOTION TO AMEND THE INFORMATION
02/19/2021	MEDIA REQUEST TO ALLOW ELECTRONIC RECORDING EQUIPMENT INTO THE COURTROOM
02/22/2021	COURT MINUTES - CALENDAR CALL HEARING (JT 03/23/2021 4 DAYS) JAVS RECORDING TIME: 0852 JUDGE: ROBERT LANE; CLERK: JUANITA TORRES; BAILIFF: JAMELE TAYLOR; REPORTER: CECILIA THOMAS; APPEAR: CHIEF DEPUTY DISTRICT ATTORNEY KIRK VITTO ON BEHALF OF THE STATE; ATTORNEY JASON EARNEST, ON BEHALF OF THE DEFENDANT, WHO IS PRESENT IN CUSTODY, VIA VIDEO. COURT CALLS THE MATTER. EARNEST BRIEFS THE RECORD; HE HAS AN OFFER HE NEEDS TO REVIEW, REQUEST CONTINUANCE. COURT CONTINUES THE MATTER TO 03/08/2021 AT 9:00, A.M. AND EARNEST TO ADVISE THE COURT, BY THIS FRIDAY, IF THE DEFENDANT IS GOING TO ACCEPT THE OFFER OR PROCEED WITH TRIAL. EARNEST CONCURS.
02/24/2021	ORDER SETTING HEARING

02/26/2021	COURT MINUTES - JUDGE: ROBERT LANE; CLERK: RACHEL ALDANA; BAILIFF: JAMELE TAYLOR; REPORTER: CECILIA THOMAS; APPEAR: DISTRICT ATTORNEY CHRIS ARABIA AND CHIEF DEPUTY DISTRICT ATTORNEY KIRK VITTO ON BEHALF OF THE STATE; ATTORNEY JASON EARNEST, ON BEHALF OF THE DEFENDANT, WHO IS PRESENT IN CUSTODY, VIA VIDEO. COURT CALLS THE MATTER. MR. EARNEST OUTLINES THAT THERE ARE SOME HOUSE KEEPING ISSUES AND NOTES THAT THERE IS AN OFFER ON THE TABLE BUT NEEDS TO SPEAK WITH THE DEFENDANT PRIOR TO ANY DECISIONS BEING MADE. MR. EARNEST DECLARES NOT READY FOR TRIAL AND REQUESTS TO VACATE THE CURRENT TRIAL SETTING. MR. ARABIA HAS NO OBJECTION TO VACATING THE TRIAL DATES. COURT VACATES THE CURRENT TRIAL SETTING AND WILL SET A NEW TRIAL DATE. COURT OUTLINES THE ISSUES WITH BOTH PARTIES AGREEING THE FELONY-MURDER RULE DID NOT APPLY TO THIS CASE AND INSTRUCTED THE STATE TO FILE AN AMENDED INFORMATION SHOWING THAT THEY ARE STILL PURSUING THE MURDER CHARGE. COURT EXPRESSES HIS FRUSTRATION WITH THE UNUSUAL FILING FROM THE STATE AND NOTES HE JUST WANTS THE STATE TO FILE AN AMENDED INFORMATION. MR. ARABIA ADDRESSES THE COURT'S CONCERNS AND WAS NOT SURE IF FILING AN AMENDED INFORMATION THIS LATE IN THE PROCEEDINGS IS PROPER. MR. ARABIA IS ASKING THE COURT FOR CLAIFICATION IN REGARDS TO THE COURT'S ORDER. COURT INSTRUCTS THE STATE TO FILE AN AMENDED INFORMATION AND THEN MR. EARNEST CAN RESPOND. MR. EARNEST CONTINUES TO OUTLINE HIS ISSUES WITH THE STATE FILING AN AMENDED INFORMATION. COURT SETS NEW TRIAL DATES FOR 6/8-11/2021 AND CALENDAR CALL ON 5/3/2021 AT 9AM.
02/26/2021	TRANSCRIPTS OF PROCEEDINGS NOTICE OF NON-FILING OF BRIEF / MOTION TO AMEND THE INFORMATION (02.26.2021)
03/03/2021	TRANSCRIPT OF: WRIT OF HABEAS CORPUS (2/1/21)
03/08/2021	COURT MINUTES - CALENDAR CALL HEARING (JT 03/23/2021) JAVS RECORDING TIME: 0858 JUDGE: ROBERT LANE; CLERK: JUANITA TORRES; BAILIFF: JAMELE TAYLOR; REPORTER: CECILIA THOMAS; APPEAR: CHIEF DEPUTY DISTRICT ATTORNEY KIRK VITTO ON BEHALF OF THE STATE; ATTORNEY JASON EARNEST, ON BEHALF OF THE DEFENDANT, WHO IS PRESENT (VIA VIDEO) IN CUSTODY. COURT CALLS THE MATTER. EARNEST BRIEFS THE RECORD; REQUEST TO CONTINUE TRIAL DATES; THE D.A. WILL BE AMENDING THE INFORMATION. COURT ADVISES THE PARTIES TO CONTACT HIS CLERK TO SET NEW DATES. EARNEST ADVISES THE COURT BAIL IS CURRENTLY SET FOR $100K; THE D.A. IS GOING TO DROP THE OPEN MURDER CHARGE, REQUEST BAIL REDUCTION. COURT ADVISES EARNEST TO FILE A BRIEF FOR REASONABLE BAIL. EARNEST CONCURS.
03/08/2021	TRANSCRIPT OF: CALENDAR CALL(2/22/21)
03/11/2021	STIPULATION AND ORDER TO REDUCE BAIL AMOUNT
03/11/2021	ORDER TO REDUCE BAIL AMOUNT
03/11/2021	SURETY BOND BOND POSTED $35,000.00
03/16/2021	TRANSCRIPT OF: CALENDAR CALL(3/8/21)
03/18/2021	ORDER SETTING JURY TRIAL(9/7/21)
03/23/2021	AMENDED INFORMATION(FELONY/PERSON)

07/26/2021 COURT MINUTES - CALENDAR CALL HEARING
JAVS RECORDING TIME: 0854

JUDGE: ROBERT LANE;
CLERK: JUANITA TORRES;
BAILIFF: JAMELE TAYLOR;
REPORTER: CECILIA THOMAS;
APPEAR: DISTRICT ATTORNEY CHRIS ARABIA ON BEHALF OF THE STATE;
ATTORNEY JASON EARNEST, ON BEHALF OF THE DEFENDANT, WHO IS PRESENT AT LIBERTY IN CUSTODY.
COURT CALLS THE MATTER.
EARNEST ADVISES THE COURT THEY ARE CONSIDERING THE STATE'S OFFER, REQUEST CONTINUANCE.
STATE CONCURS.
COURT CONTINUES THE MATTER TO 08/09/2021 AT 9:00, A.M.

08/04/2021 TRANSCRIPT OF: CALENDAR CALL(CONT)(07/26/21)

08/06/2021 STIPULATION AND ORDER TO VACATE JURY TRIAL, VACATE CALENDAR CALL AND TO CONTINUE COURT DATE

08/06/2021 ORDER TO VACATE JURY TRIAL, VACATE CALENDAR CALL AND TO CONTINUE COURT DATE (HRG SET 08/23/2021)

08/23/2021 COURT MINUTES - PLEA NEGOTIATIONS / ARRAIGNMENT HEARING
JAVS RECORDING TIME: 0908

JUDGE: ROBERT LANE;
CLERK: JUANITA TORRES;
BAILIFF: JAMELE TAYLOR;
REPORTER: CECILIA THOMAS;
APPEAR: DEPUTY DISTRICT ATTORNEY KIRK VITTO ON BEHALF OF THE STATE;
ATTORNEY JASON EARNEST, ON BEHALF OF THE DEFENDANT, WHO IS PRESENT AT LIBERTY.
COURT CALLS THE MATTER.
EARNEST BRIEFS THE RECORD; MATTER SETTLED REQUEST CONTINUANCE.
COURT CONTINUES THE MATTER TO 09/27/2021 AT 9:00, A.M.

09/02/2021 TRANSCRIPT OF: PLEA NEGOTIATIONS/ARRAIGNMENT(CONT)(08/23/21)

09/27/2021 COURT MINUTES - ARRAIGNMENT HEARING
JAVS RECORDING TIME: 0910

JUDGE: ROBERT LANE;
CLERK: JUANITA TORRES;
BAILIFF: JAMELE TAYLOR;
REPORTER: CECILIA THOMAS;
APPEAR: CHIEF DEPUTY DISTRICT ATTORNEY KIRK VITTO, ON BEHALF OF THE STATE;
ATTORNEY NATHAN GENT FOR JASON EARNEST, ON BEHALF OF THE DEFENDANT, WHO IS PRESENT AT LIBERTY.
COURT CALLS THE MATTER.
GENT ADVISES THE COURT A GUILTY PLEA AGREEMENT IS BEING CONSIDERED, REQUEST A CONTINUANCE.
COURT CONTINUES THE MATTER TO 10/25/2021 AT 9:00, A.M.

09/30/2021 TRANSCRIPT OF: ARRAIGNMENT(CONT)(09/27/21)

10/25/2021 COURT MINUTES - ARRAIGNMENT HEARING
JAVS RECORDING TIME: 0900

JUDGE: ROBERT LANE;
CLERK: JUANITA TORRES;
BAILIFF: JAMELE TAYLOR;
REPORTER: CECILIA THOMAS;
APPEAR: DEPUTY DISTRICT ATTORNEY KIRK VITTO ON BEHALF OF THE STATE;
ATTORNEY JASON EARNEST, IS NOT PRESENT ON BEHALF OF THE DEFENDANT, WHO IS NOT PRESENT.
COURT CALLS THE MATTER AND FINDS THE PARTIES HAVE STIPULATED TO A TWO WEEK CONTINUANCE.
STATE CONCURS.
COURT CONTINUES THE MATTER TO 11/08/2021 AT 9:00, A.M.

10/28/2021 TRANSCRIPT OF: ARRAIGNMENT(CONT)(10/25/21)

11/02/2021 STIPULATION AND ORDER TO CONTINUE

11/03/2021 ORDER TO CONTINUE(11/22/21)

11/19/2021 THIRD AMENDED INFORMATION

11/22/2021 COURT MINUTES - ARRAIGNMENT HEARING
JAVS RECORDING TIME: 0912

JUDGE: ROBERT LANE;
CLERK: JUANITA TORRES;
BAILIFF: JAMELE TAYLOR;
REPORTER: CECILIA THOMAS;
APPEAR: DEPUTY DISTRICT ATTORNEY KIRK VITTO, ON BEHALF OF THE STATE;
ATTORNEY JASON EARNEST, ON BEHALF OF THE DEFENDANT, WHO IS NOT PRESENT.
COURT CALLS THE MATTER.
EARNEST HAS RECEIVED THE GUILTY PLEA AGREEMENT, HOWEVER HE HAS NOT REVIEWED IT WITH HIS CLIENT, REQUEST CONTINUANCE.
COURT CONTINUES THE MATTER TO 12/06/2021 AT 9:00, A.M.

11/29/2021 TRANSCRIPT OF: ARRAIGNMENT(CONT)(11/22/21)

12/06/2021 COURT MINUTES - ARRAIGNMENT HEARING
JAVS RECORDING TIME: 0857 (NO RECORDING)

JUDGE: ROBERT LANE;
CLERK: JUANITA TORRES;
BAILIFF: JAMELE TAYLOR;
REPORTER: CECILIA THOMAS;
APPEAR: DEPUTY DISTRICT ATTORNEY KIRK VITTO ON BEHALF OF THE STATE;
ATTORNEY JASON EARNEST, ON BEHALF OF THE DEFENDANT, WHO IS PRESENT AT LIBERTY.
COURT CALLS THE MATTER.
AMENDED GUILTY PLEA AGREEMENT SUBMITTED TO THE COURT.
DEFENSE OUTLINES THE NEGOTIATIONS AS STATED IN THE G.P.A., AND ADVISES THE COURT IT IS A NO CONTEST, ALFORD PLEA AGREEMENT.
STATE ARGUES THERE IS NO ALFORD, IN NEVADA AND SETS FORTH THE ELEMENTS ON THE RECORD AS LISTED IN THE G.P.A.
COURT CANVASSES THE DEFENDANT, FINDS THE DEFENDANT LUCID, OUTLINES THE PLEA AGREEMENT AND THE MAXIMUM SENTENCE.
DEFENDANT SO ACKNOWLEDGES, PLEADS GUILTY AND WAIVES HIS CONSTITUTIONAL RIGHTS TO TRIAL AND APPLET RIGHTS. COURT FINDS THE GUILTY PLEA TO BE GIVEN FREELY AND ACCEPTS SAID PLEA. COURT SETS SENTENCING FOR 03/21/2022 AT 9:00.

12/06/2021 AMENDED GUILTY PLEA AGREEMENT

12/10/2021 TRANSCRIPT OF: ARRAIGNMENT(12/6/21)

03/01/2022 PRESENTENCE INVESTIGATION REPORT

03/21/2022	COURT MINUTES - SENTENCING HEARING JAVS RECORDING TIME: 0846 JUDGE: ROBERT LANE; CLERK: JUANITA TORRES; BAILIFF: JAMELE TAYLOR; NO REPORTER PRESENT; APPEAR: DEPUTY DISTRICT ATTORNEY KIRK VITTO, ON BEHALF OF THE STATE; ATTORNEY JASON EARNEST, ON BEHALF OF THE DEFENDANT, WHO IS PRESENT AT LIBERTY. COURT CALLS THE MATTER AND OUTLINES THE PLEA NEGOTIATIONS IN THE PRESENTENCE INVESTIGATION REPORT DATED 2/24/2022.EARNEST INFORMS THE COURT THERE IS A STOCKMEIER ISSUE, ON PAGE 4, OF THE PRESENTENCE INVESTIGATION REPORT, THERE IS AN ERROR, NOT AN OPEN MURDER, REQUEST CORRECTION AND PROBATION; THE DEFENDANT WAS CHARGED WITH OPEN MURDER IN JUSTICE COURT, A WRIT WAS FILED, THAT BARRED AN OPEN MURDER CHARGE, IT NEEDS TO BE STRICKEN. STATE STANDS. P&P TO MAKE THE CORRECTION AND THE COURT CONTINUES THE MATTER TO 04/18/2022 AT 9:00, A.M.
04/11/2022	TRANSCRIPT OF: SENTENCING(03/21/22)
04/14/2022	STIPULATION AND ORDER TO CONTINUE
04/15/2022	ORDER TO CONTINUE (MAY 16, 2022 @ 9 AM)
05/03/2022	NOTICE OF MOTION AND MOTION TO CORRECT PRE-SENTENCING REPORT/ NOTICE OF MOTION (05/16/2022, 9AM) (SUBMITTED BY JASON L. EARNEST, ESQ., FOR DEFENDANT)
05/16/2022	RESPONSE TO DEFENDANT'S MOTION TO CORRECT PRE-SENTENCING REPORT
05/16/2022	COURT MINUTES - MOTION TO CORRECT PRE-SENTENCING REPORT / SENTENCING HEARING JAVS RECORDING TIME: 0904 JUDGE: ROBERT LANE; CLERK: JUANITA TORRES; BAILIFF: JAMELE TAYLOR; REPORTER: CECILIA THOMAS; APPEAR: DEPUTY DISTRICT ATTORNEY KIRK VITTO ON BEHALF OF THE STATE; ATTORNEY JASON EARNEST, ON BEHALF OF THE DEFENDANT, WHO IS PRESENT AT LIBERTY. COURT CALLS THE MATTER. EARNEST BRIEFS THE RECORD; WANTS TO REPLY TO THE STATE'S RESPONSE; REQUESTS CONTINUANCE. STATE HAS NO OBJECTION. COURT CONTINUES THE MATTER TO 06/06/2022 AT 9:00, A.M.
06/06/2022	REPLY IN SUPPORT OF MOTION TO CORRECT PRE-SENTENCING REPORT
06/06/2022	COURT MINUTES - MOTION TO CORRECT PRE-SENTENCING REPORT & SENTENCING HEARING JAVS RECORDING TIME: 0904 JUDGE: ROBERT LANE; CLERK: JUANITA TORRES; BAILIFF: JAMELE TAYLOR; REPORTER: DEBBIE HINES APPEAR: DEPUTY DISTRICT ATTORNEY KIRK VITTO, ON BEHALF OF THE STATE; ATTORNEY ALEXIS DUECKER, SPECIALLY APPEARING FOR JASON EARNEST, ON BEHALF OF THE DEFENDANT, WHO IS NOT PRESENT. COURT CALLS THE MATTER. DUECKER ADVISES THE COURT SHE HAS A STIPULATION AND ORDER FOR CONTINUANCE. STATE CONCURS. COURT SIGNS THE ORDER AND CONTINUES THE MATTER TO 06/27/2022 AT 1:15.
06/06/2022	STIPULATION AND ORDER TO CONTINUE

06/27/2022 TRANSCRIPT OF:SENTENCING & MOTION TO CORRECT PSI(05/16/22)

06/27/2022 COURT MINUTES - MOTION TO CORRECT PRE-SENTENCING REPORT & SENTENCING HEARING
JAVS RECORDING TIME: 0239

JUDGE: ROBERT LANE;
CLERK: JUANITA TORRES;
BAILIFF: JAMELE TAYLOR;
REPORTER: DEBBIE HINES;
APPEAR: DEPUTY DISTRICT ATTORNEY KIRK VITTO ON BEHALF OF THE STATE;
ATTORNEY JASON EARNEST, ON BEHALF OF THE DEFENDANT, WHO IS PRESENT AT LIBERTY.
COURT CALLS THE MATTER.
EARNES NEED TO AMEND THE PSI REPORT, MURDER CHARGE TO BE TAKEN OUT; ARGUES THE STATE CANNOT CHARGE A CO-DEFENDANT FOR MURDER, LEGALLY NOT ALLOWED TO CHARGE THE DEFENDANT FOR MURDER; REQUEST AN ORDER TO CORRECT THE PSI.
STATE OUTLINES PAGE 4 OF THE PSI, CHARGES FOR THE ARREST OF OPEN MURDER SHOULD BE CORRECTED, DA SURRENDERED THAT COUNT.
EARNEST ARGUES OPEN MURDER WAS A CLERICAL ERROR SHOULD BE REMOVED; DA SURRENDERED IT BECAUSE THEY WERE NOT LEGALLY ABLE TO CHARGE WITH MURDER; BOTH SHOULD BE STRICKEN.
STATE OUTLINES THE DA'S BRIEF; 12/20/19 OPEN IS WRONG SHOULD BE ATTEMPTED MURDER.
EARNEST OUTLINES HIS WRIT.
COURT INQUIRES IF THE PARTIES WANT TO GO FORWARD WITH SENTENCING.
EARNEST OBJECTS.
STATE STANDS.
COURT TAKES THE ISSUE UNDER ADVISEMENT AND CONTINUES THE MATTER TO 07/11/2022 AT 9:00, A.M.

06/29/2022 COURT ORDER

07/08/2022 PREEMPTIVE MOTION TO BARR SENTENCING STATEMENT BY CO-CONSPIRATOR'S FAMILY

07/08/2022 RESPONSE TO "PREMPTIVE MOTION" (SUBMITTED BY NCDA/ KIRK D. VITTO, CDDA, FOR THE STATE OF NEVADA)

07/11/2022 COURT MINUTES - SENTENCING HEARING
JAVS RECORDING TIME: 0908

JUDGE: ROBERT LANE;
CLERK: JUANITA TORRES;
BAILIFF: JAMELE TAYLOR;
REPORTER: DEBBIE HINES;
APPEAR: DEPUTY DISTRICT ATTORNEY KIRK VITTO, ON BEHALF OF THE STATE;
ATTORNEY JASON EARNEST, ON BEHALF OF THE DEFENDANT, WHO IS PRESENT AT LIBERTY.
COURT CALLS THE MATTER.
EARNEST BRIEFS THE RECORD; ARGUES THE PSI REPORT IS STILL INCORRECT, THE PSI WAS ORDERED TO BE CORRECTED, AND IT IS STILL NOT DONE; FURTHER THE DEFENSE HAS FILED A MOTION REGARDING THE VICTIM'S TESTIMONY AT SENTENCING.
STATE ADVISES THE COURT, THEY FILED A RESPONSE ON FRIDAY, SAME DAY AS THE DEFENSE'S MOTION.
EARNEST ARGUES IN SUPPORT OF THEIR MOTION, OBJECTS TO THE VICTIMS/FAMILY MEMBERS TESTIFIED AT SENTENCING; EARNEST READS THE STATUE REGARDING MARCY'S LAW ON THE RECORD; BELIEVES IT IS NOT PROPER FOR THE CO-CONSPIRATOR'S FAMILY TO TESTIFY.
STATE OUTLINES THE DEFINITION OF A VICTIM ACCORDING TO MARCY'S LAW, OBJECTS TO THE VICTIM'S MOTHER GIVING A VICTIM IMPACT STATEMENT.
COURT TAKES THE MATTER UNDER ADVISEMENT.
EARNEST REQUESTS A CORRECTED PSI REPORT.
COURT ADVISES THE PARTIES, COURT STAFF WILL CONTACT P&P AND CONTINUES THE MATTER TO 07/25/2022 AT 9:00, A.M. SENTENCING.

07/13/2022 COURT ORDER (DEFENDANT'S PREEMPTIVE MOTION TO BAR SENTENCING STATEMENTS .., FILED 07/08/2022, DENIED)

07/18/2022	SUPPLEMENTAL PRESENTENCE INVESTIGATION REPORT (PREPARED 07/13/2022)
07/18/2022	TRANSCRIPT OF: MOTION TO CORRECT PRESENTENCE REPORT & SENTENCING(06/06/22)
07/22/2022	TRANSCRIPT OF: MOTION TO CORRECT PRESENTENCE REPORT AND SENTENCING(06/27/22)
07/25/2022	TRANSCRIPT OF: SENTENCING(07/11/22)
07/25/2022	COURT MINUTES - SENTENCING HEARING JAVS RECORDING TIME: 0914 JUDGE: ROBERT LANE; CLERK: JUANITA TORRES; BAILIFF: JAMELE TAYLOR; REPORTER: DEBBIE HINES; APPEAR: DEPUTY DISTRICT ATTORNEY KIRK VITTO, ON BEHALF OF THE STATE; ATTORNEY JASON EARNEST, ON BEHALF OF THE DEFENDANT, WHO IS PRESENT AT LIBERTY. COURT CALLS THE MATTER AND RULES BICKERSTAFF'S MOTHER MAY TESTIFY, THE COURT WILL DETERMINE IF HER TESTIMONY IS RELEVANT, AT THE TIME OF HER TESTIMONY. DEFENSE BRIEFS THE RECORD, OUTLINES THE NEGOTIATIONS/INCIDENT/MEETING WITH THE DA INVESTIGATOR; DEFENDANT IS SOBER AND EMPLOYED IN UTAH; OUTLINES WHAT HAPPENED AFTER THE SHOOTING, THE WEAPON WAS NEVER LOCATED; REQUEST MAX SENTENCE, SUSPENDED AND PROBATION; DEFENDANT HAS A LACK OF A CRIMINAL HISTORY. DEFENDANT ADDRESSES THE COURT. STATE FINDS THERE ARE NO VICTIMS PRESENT; OBJECTS TO PROBATION, REQUEST THE MAXIMUM; OUTLINES THE INCIDENT AND THE PRIOR INCIDENT WHEN THE DEFENDANT WAS INVOLVED IN A SHOOTING INTO A HOME; OUTLINES THE PSI REPORT; OUTLINES THE DEFENDANT'S CRIMINAL HISTORY IN NEVADA AND UTAH; REQUEST RESTITUTION THAT IS LISTED ON PAGE 7 OF $2K, AND THE SENTENCES RUN CONSECUTIVE. EARNEST STIPULATES TO THE RESTITUTION. ON COUNT ONE, COURT SENTENCES THE DEFENDANT TO 48-120 MONTHS NEVADA DEPARTMENT OF CORRECTIONS, AND 24-60 MONTHS ON COURT TWO; SENTENCES TO RUN CONSECUTIVE; ALL THE STANDARD FINES AND FEES SET FORTH IN THE PSI REPORT; 625 DAYS CREDIT FOR TIME SERVED TO BE CONFIRMED BY PAROLE & PROBATION. DEFENDANT REMANDED INTO CUSTODY.
07/26/2022	JUDGMENT OF CONVICTION
08/23/2022	NOTICE OF APPEAL
08/23/2022	CASE APPEAL STATEMENT
08/23/2022	TRANSCRIPT OF:SENTENCING(07/25/22)

OFFICE OF THE NYE COUNTY CLERK
MARK F. KAMPF

Tonopah Office
Nye County Courthouse
P.O. Box 1031
101 Radar Road
Tonopah, Nevada 89049
Phone (775) 482-8127
Fax (775) 482-8133

Pahrump Office
Government Complex
1520 East Basin Avenue
Pahrump, Nevada 89060
Phone (775) 751-7040
Fax (775)751-7047

CERTIFICATION OF COPY

STATE OF NEVADA
COUNTY OF NYE

I, **MARK F. KAMPF**, the duly elected, qualifying and acting Clerk of Nye County, in the State of Nevada, and Ex-Officio Clerk of the District Court, do hereby certify that the foregoing is a true, full and correct copy of the original documents in the action entitled:

STATE OF NEVADA,

Plaintiff,

vs.

NICKOLAS VONALST

Defendant.

Case No. CR20-0107

now on file and of record in this office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Court at my office, Pahrump, Nevada, this 25th day of August 2022.

MARK F. KAMPF
NYE COUNTY CLERK

By: _____
Brittani K. Smith
Deputy Clerk, Pahrump

OFFICE OF THE NYE COUNTY CLERK
MARK F. KAMPF

Tonopah Office
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P.O. Box 1031
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Thursday August 25, 2022

SENT VIA E-FILE

Supreme Court Clerk
201 South Carson Street, Suite 201
Carson City, Nevada 89701-4702

RE: CR20-0107
STATE OF NEVADA, Plaintiff,
vs.
NICKOLAS VONALST, Defendant.

Dear Clerk of Court:

I am submitting an appeal packet for a proper person appeal received and filed August 23, 2022, in the above referenced matter. As this is a criminal matter, no fees were collected.

Please feel free to contact me should you have any questions with regard to the foregoing.

Sincerely,

MARK F. KAMPF
NYE COUNTY CLERK

By _____
Brittani K. Smith
Deputy Clerk, Pahrump

cc: Jason Earnest, Esq, Attorney for Defendant
Nye County District Attorney
Honorable Robert W. Lane