IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed
Aug 28 2023 11:23 AM
Elizabeth A. Brown
Clerk of Supreme Court

THE STATE OF NEVADA,
Appellant(s),

vs.

JOSHUA ISIAH CROFT, A/K/A JOSHUA ISAIAH CROFT,
Respondent(s),

Case No: C-22-364245-1

Docket No: 87193

RECORD ON APPEAL
VOLUME
1

ATTORNEY FOR APPELLANT
STEVEN B. WOLFSON,
DISTRICT ATTORNEY
200 LEWIS AVE.
LAS VEGAS, NV 89155-2212

ATTORNEY FOR RESPONDENT
DANIEL HILL, ESQ.
411 E. BONNEVILLE AVE., STE. 360
LAS VEGAS, NV 89101

C-22-364245-1 State of Nevada vs Joshua Croft

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vs
Joshua Croft

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4/21/2022 9:54 AM
Steven D. Grierson
CLERK OF THE COURT

IND
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
MICHAEL ALLMON
Deputy District Attorney
Nevada Bar #15169
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-

JOSHUA ISIAH CROFT, aka,
Joshua Isaiah Croft,
#2649506

Defendant.

CASE NO: C-22-364245-1

DEPT NO: XV

INDICTMENT

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

The Defendant above named, JOSHUA ISIAH CROFT, aka, Joshua Isaiah Croft, accused by the Clark County Grand Jury of the crime(s) of ATTEMPT ROBBERY (Category B Felony - NRS 200.380, 193.330, 193.162 - NOC 50144) ROBBERY, VICTIM 60 YEARS OF AGE OR OLDER (Category B Felony - NRS 200.380, 193.162, 193.167 - NOC 50139) committed at and within the County of Clark, State of Nevada, on or about the 14th day of September, 2021, as follows:

COUNT 1 - ATTEMPT ROBBERY

did willfully, unlawfully, and feloniously attempt to take personal property, to wit: a purse, from the person of SANDRA JONES, or in her presence, without the consent and against the will of SANDRA JONES, by means of force or violence or fear of injury, immediate or future, to her person, the person of a member of her family, or of anyone in her company at the time of the robbery, defendant using force or fear to attempt to obtain or retain

possession of the property, attempt to prevent or overcome resistance to the taking of the property, and/or attempt to facilitate escape, the Defendant(s) being criminally liable under one or more of the following principles of criminal liability, to wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the commission of this crime, with the intent that this crime be committed, by counseling, encouraging, hiring, commanding, inducing and/or otherwise procuring the other to commit the crime; and/or driving the vehicle used during the commission of the crime and/or encouraging his co-conspirator to shoot the said SANDRA JONES; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that this crime be committed, Defendant and/or one or more co-conspirators aiding or abetting and/or conspiring by Defendant and/or one or more co-conspirators acting in concert throughout, by driving a Mercedes vehicle while A.H., a 16 year old child, produced a bb-gun and demanded that SANDRA JONES hand over her purse, or by producing the bb-gun and demanding that SANDRA JONES hand over her purse while A.H., 16 year old child drove the Mercedes vehicle.

COUNT 2 – ROBBERY, VICTIM 60 YEARS OF AGE OR OLDER

did willfully, unlawfully, and feloniously take personal property, to wit: a purse and/or cellular telephone, from the person of LORGIA BRIONES, who is 60 years of age or older, or in her presence, without the consent and against the will of LORGIA BRIONES, by means of force or violence or fear of injury, immediate or future, to her person, the person of a member of her family, or of anyone in her company at the time of the robbery, defendant using force or fear to obtain or retain possession of the property, to prevent or overcome resistance to the taking of the property, and/or to facilitate escape, the Defendant(s) being criminally liable under one or more of the following principles of criminal liability, to wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the commission of this crime, with the intent that this crime be committed, by counseling, encouraging, hiring, commanding, inducing and/or otherwise procuring the other to commit the crime; and/or driving the vehicle used during the commission of the crime; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that this crime be committed, Defendant and/or one or more co-

conspirators aiding or abetting and/or conspiring by Defendant and/or one or more co-conspirators acting in concert throughout, by driving a Mercedes vehicle while A.H., a 16 year old child, took the purse and/or cellular telephone, from LORGIA BRIONES.

COUNT 3 – ROBBERY, VICTIM 60 YEARS OF AGE OR OLDER

did willfully, unlawfully, and feloniously take personal property, to wit: a purse and/or cellular telephone, from the person of MARI GUZMAN, who is 60 years of age or older, or in her presence, without the consent and against the will of MARI GUZMAN, by means of force or violence or fear of injury, immediate or future, to her person, the person of a member of her family, or of anyone in her company at the time of the robbery, defendant using force or fear to obtain or retain possession of the property, to prevent or overcome resistance to the taking of the property, and/or to facilitate escape, the Defendant(s) being criminally liable under one or more of the following principles of criminal liability, to wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the commission of this crime, with the intent that this crime be committed, by counseling, encouraging, hiring, commanding, inducing and/or otherwise procuring the other to commit the crime; and/or driving the vehicle used during the commission of the crime; and/or (3) pursuant to a conspiracy to commit this

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crime, with the intent that this crime be committed, Defendant and/or one or more co-conspirators aiding or abetting and/or conspiring by Defendant and/or one or more co-conspirators acting in concert throughout, by driving a Mercedes vehicle while A.H., a 16 year old child, took the purse and/or cellular telephone, from MARI GUZMAN.

DATED this 20th day of April, 2022.

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

BY */s/MICHAEL ALLMON*
MICHAEL ALLMON
Deputy District Attorney
Nevada Bar #15169

ENDORSEMENT: A True Bill

/s/JASON WRIGHT
Foreperson, Clark County Grand Jury

Names of Witnesses and testifying before the Grand Jury:

BOURQUE, BRADEN – LVMPD

BRIONES, LORGIA – C/O CCDA, 200 Lewis Avenue, LV, NV 89101

DRAUS, ALEXANDRA – LVMPD

GUZMAN, MARI – C/O CCDA, 200 Lewis Avenue, LV, NV 89101

IZZO, SHAWN – LVMPD

JONES, SANDRA – C/O CCDA, 200 Lewis Avenue, LV, NV 89101

RUBINO, ALLISON - LVMPD

SOLORZANO, PATRICIA – LVMPD

Additional Witnesses known to the District Attorney at time of filing the Indictment:

CUSTODIAN OF RECORDS - CCDC

CUSTODIAN OF RECORDS - LVMPD COMMUNICATIONS

CUSTODIAN OF RECORDS - LVMPD RECORDS

21BGJ121X/21CR042894/mcb-GJ
LVMPD EV# 210900061459
(TK12)

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4/25/2022 10:45 AM
Steven D. Grierson
CLERK OF THE COURT

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA, Plaintiff, vs. JOSHUA ISIAH CROFT, aka Joshua Isaiah Croft, Defendant.	GJ No. 21BGJ121X DC No. C364245

Taken at Las Vegas, Nevada

Wednesday, April 20, 2022

8:52 a.m.

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Reported by: Danette L. Antonacci, C.C.R. No. 222

Case Number: C-22-364245-1

GRAND JURORS PRESENT ON APRIL 20, 2022

JASON WRIGHT, FOREPERSON
NICOLE TATE, Deputy Foreperson
LILIAN REYES, Secretary
DEBORAH ADAMS
RONALD CALLOWAY
KALIE CROSE
MEGAN GALLI
ALLEN GURLITZ
CYNTHIA SANDERS
TARA TYNANES
KRISTOFER WAGNER
JOAN WELLS
SPENCER ZAUGG

Also present at the request of the Grand Jury:

Michael Allmon, Deputy District Attorney

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12:00

LAS VEGAS, NEVADA, APRIL 20, 2022

* * * * * * *

DANETTE L. ANTONACCI,

12:00 having been first duly sworn to faithfully and accurately transcribe the following proceedings to the best of her ability.

THE FOREPERSON: Let the record reflect

08:21 that I have canvassed the waiting area and no one has appeared in response to Notice of Intent to Seek Indictment.

MR. ALLMON: Good morning ladies and gentlemen. My name is Deputy District Attorney Michael

08:52 Allmon. I'm presenting the case of State of Nevada versus Joshua Isiah Croft. You'll see three charges there. The first charge is attempted robbery with use of a juvenile. The second charge is attempted robbery with, or, I'm sorry, robbery-victim over 60 with use of

08:53 a juvenile, and then the third charge is the same as the second charge. What I want to do now is I want to strike the with use of a child today. So you'll see Count 1, with the assistance of a child, it's just going to say attempt robbery. And then if you go down to the

08:53 second page, line 3, we're going to strike with the

assistance of a child, to-wit: A.H, 16 years old. And then the remainder of that count will be the same. And then Count 2, again with the assistance of a child struck. And then on page 2, line 24, with the assistance of a child, to-wit: A.H, 16 years old, strike that out. In Count 3, with the assistance of a child in the header again, and then page 3, line 15, with the assistance of a child, to-wit: A.H, 16 years old.

Everyone has received their jury instructions; correct?

A JUROR: Yeah.

MR. ALLMON: All right. So the first witness I'm going to call is going to be Sandra Jones.

THE FOREPERSON: Please just stand up front and raise your right hand.

THE WITNESS: Right here?

THE FOREPERSON: Yes.

You do solemnly swear the testimony you are about to give upon the investigation now pending before this Grand Jury shall be the truth, the whole truth, and nothing but the truth, so help you God?

THE WITNESS: Yes, I do.

THE FOREPERSON: Please be seated.

Miss, you are advised that you are here today to give testimony in the investigation pertaining

to the offenses of attempt robbery, and robbery-victim 60 years of age or older, involving Joshua Croft.

Do you understand this advisement?

THE WITNESS: Yes.

THE FOREPERSON: Could you please state your first and last name and spell both for the record.

THE WITNESS: Sandra Jones. Sandra, S-A-N-D-R-A, Jones, J-O-N-E-S.

THE FOREPERSON: Thank you very much.

SANDRA JONES,

having been first duly sworn by the Foreperson of the Grand Jury to testify to the truth, the whole truth, and nothing but the truth, testified as follows:

EXAMINATION

BY MR. ALLMON:

Q. Good morning, Miss Jones.

A. Hi.

Q. So I want to talk to you about some events on September 14th of 2021. Do you remember those events?

A. Uh-huh.

Q. And where do you work?

A. I work at the Rampart, J.W. Marriott.

Q. Is that in Clark County, Nevada?
A. Yes.
Q. And on September 14th as you were leaving work, what happened?
A. I was walking down the sidewalk to go across the employee parking lot of our employees and end up, uhm, the car came from the stop sign and made a left and came right towards the sidewalk and the guy, the passenger came right out of the car and put a gun to me and said give me your purse.
Q. What kind of car was it?
A. It was like a charcoal Mercedes.
Q. So the color charcoal and it was a Mercedes?
A. It was a Mercedes.
Q. Car or SUV?
A. It was an S -- car, sorry.
Q. Did you see the passenger that got out?
A. Yes, he came right up to me.
Q. Can you describe the passenger?
A. About 5'10", light black skin. He was wearing a black hoodie and a black pants.
Q. And would you describe him, you may have said, I may have missed it, would you describe him as thin build, heavy build; how would you describe him?

A. He's pretty skinny, yes. Skinnier than me.
Q. Did you see the driver?
A. The driver, yes, I did. He was wearing black, he was not wearing a hoodie. He had some kind of braids on. Kind of built. Couldn't see his height because of course he's inside the car.
Q. And what did the passenger say to you when he got out, if anything?
A. He just said give me your purse.
Q. And was he holding anything when he said it?
A. With a gun.
Q. Can you describe that gun to the best of your ability? How about the color?
A. It was black and it was a handgun so.
Q. And did you resist or did you give over your purse?
A. No, I did not, I screamed.
Q. And did the driver say anything?
A. Right after he said, since I screamed he said just shoot her, and then I backed away and then that's when he grabbed my purse and then my purse broke and I fell back and I screamed again.
Q. And you said he grabbed your purse. Is that the passenger or --

A. Yeah, the passenger. Sorry.

Q. And this will seem like a dumb question. Did you willingly hand over your purse?

A. No.

MR. ALLMON: That's all I have. Do the jurors have any questions?

I'm sorry, I take that back. I'm going to play a video. So before we do that, let me play this video.

Q. So ma'am, would you look up on the screen here. I'm going to play this video.

Do you recognize this area?

A. Yeah, that's my employee parking lot. This is the crosswalk that was coming down from the sidewalk.

Q. And just tell me when you see yourself on screen if at all.

A. I see the car looking.

Q. Is it the vehicle that's moving --

A. Uh-huh.

Q. -- or is it parked?

A. No, the one that's turning around and there's me coming down right there.

Q. So for the record at 25 or 26 seconds you said that you just came on screen?

A. Yes.

Q. Can you direct the jurors to where you're at?

A. I'm right here.

Q. At the bottom of the screen?

A. Yes.

Q. And that vehicle that's facing you with its headlights on, is that the Mercedes?

A. Uh-huh.

Q. And is that video a fair and accurate depiction?

A. (No audible response.)

MR. ALLMON: At this time I'm going to admit State's Exhibit 3 into evidence.

Now are there any questions from the jurors? Yes, ma'am.

BY A JUROR:

Q. Did you have any injuries as a result of any of that?

A. I just scraped my leg a little bit, that's it.

MR. ALLMON: Anyone else?

THE FOREPERSON: Miss, by law, these proceedings are secret and you are prohibited from disclosing to anyone anything that has transpired before us, including evidence and statements presented to the

Grand Jury, any event occurring or statement made in the presence of the Grand Jury, and information obtained by the Grand Jury.

Failure to comply with this admonition is a gross misdemeanor punishable by up to 364 days in the Clark County Detention Center and a $2,000 fine. In addition, you may be held in contempt of court punishable by an additional $500 fine and 25 days in the Clark County Detention Center.

Do you understand this admonition?

THE WITNESS: Yes.

THE FOREPERSON: Thank you very much for your time. You are excused.

THE WITNESS: Thank you.

MR. ALLMON: The State is next going to call Lorgia Briones.

We're waiting on a Spanish interpreter so I'm going to call a little bit out of order so we can keep going.

THE FOREPERSON: Please raise your right hand.

You do solemnly swear the testimony you are about to give upon the investigation now pending before this Grand Jury shall be the truth, the whole truth, and nothing but the truth, so help you God?

THE WITNESS: I do.

THE FOREPERSON: Please be seated.

Miss, you are advised that you are here today to give testimony in the investigation pertaining to the offenses of attempt robbery, and robbery-victim 60 years of age or older, involving a Joshua Croft.

Do you understand this advisement?

THE WITNESS: I do.

THE FOREPERSON: Can you please state your first and last name and spell both for the record.

THE WITNESS: My name is Alexandra Draus. A-L-E-X-A-N-D-R-A, D-R-A-U-S.

THE FOREPERSON: Thank you.

ALEXANDRA DRAUS,

having been first duly sworn by the Foreperson of the Grand Jury to testify to the truth, the whole truth, and nothing but the truth, testified as follows:

EXAMINATION

BY MR. ALLMON:

Q. Miss Draus, how are you employed?

A. I am a crime scene analyst with the Metropolitan Police Department of Las Vegas.

Q. Can you tell the grand jury your training

and experience for that role?

A. So I have a Bachelor's degree in Biochemistry, a Master's degree in Forensic Science and Law. I attended an academy with Metro that lasted approximately 12 weeks, I had 14 weeks of field training.

Q. One of your duties in that role is to collect evidence; correct?

A. Correct.

Q. Do you remember responding to the Tivoli Village?

A. I do.

Q. For a robbery?

A. Yes.

Q. Was that on September 14, 2021?

A. I believe so.

Q. Would looking at your report refresh your memory?

A. Yes.

Q. So I'm just going to show you the front page of your report. Look at that and see if that refreshes your memory.

A. I responded on the 15th of September.

Q. The 15th of September. And what time was that at?

A. At midnight.

Q. At midnight so the night of the 14th leading into the 15th; would be correct?

A. Yes.

Q. Now Tivoli village, is that in Clark County, Nevada?

A. Yes.

Q. How close is that to the Rampart?

A. It is on the cross street of Rampart.

Q. So I'm going to show you an exhibit, State's Exhibit 5. Do you recognize State's Exhibit 5?

A. I do.

Q. On there there is a gold icon for Tivoli Village and Rampart Casino. Are those fair and accurate depictions of their locations?

A. Yes.

Q. So I'm going to admit Exhibit -- well, I'm not going to admit it just yet.

So if we see up on the screen here, we see Tivoli Village kind of in the top middle and then Rampart at the top of the screen. Is that correct?

A. Correct.

Q. And so when you got to the Tivoli Village, what did you see?

A. There were two vehicles in the parking lot

09:10 1 both with damage.
2 Q. Do you remember, if I show you some photos,
3 I'm going to ask you to take a look at all of those
4 together.
09:11 5 So that was State's 6 through 11. Are
6 those fair and accurate depictions of the scene that you
7 saw there?
8 A. Yes.
9 Q. So starting with 6, what are we looking at?
09:11 10 A. The two vehicles with damage. The white
11 sedan and the Mercedes.
12 Q. And then 7?
13 A. Seven is the back of the Mercedes.
14 Q. Eight?
09:11 15 A. That is the front left door of the
16 Mercedes.
17 Q. And in the steering column what do we see
18 there?
19 A. Deployed air bag.
09:12 20 Q. Nine?
21 A. The front of the Mercedes.
22 Q. Ten?
23 A. The left side of the Mercedes.
24 Q. And 11?
09:12 25 A. Another front view of the Mercedes.

09:12 Q. So in Exhibit 10 here we see an air bag; correct?

A. Yes.

Q. Did you collect anything from that air bag?

09:12 A. I removed the air bag from the steering column.

Q. And that was 10. And also in 8, same thing; correct?

A. Correct.

09:12 Q. You removed the air bag from that column. Did you collect that as evidence and impound it?

A. Yes.

Q. And did you do any swabbings of it?

A. No.

09:12 Q. Now I want to show you back to Exhibit 5. We are looking, here we see the Rampart, again we see Tivoli Village. Did you find anything outside of those two locations that was probative to this case?

A. Yes, there was a jacket in Angel Park.

09:13 Q. And can you point to Angel Park on there.

You know what, I'll have you mark on this exhibit. Would you mark an X where you found the jacket, an approximate location.

All right. So we see Tivoli Village and up

09:13 to the right, which would be northeast, we see an X that

you marked where you found the jacket.

A. Correct.

Q. Now is that all a fair and accurate depiction of the locations that night?

A. Yes.

Q. I'm going to admit all of those exhibits now.

So at Angel Park you said you found a jacket?

A. Correct.

Q. Can you look through those?

That was Exhibits 14 through 18; correct?

A. Correct.

Q. Start with 14. What are we looking at here?

A. It's the jacket on the ground of the park.

Q. And that's Angel Park?

A. Correct.

Q. Fair and accurate depiction of all of those?

A. Yes.

Q. Fifteen?

A. It's a closer view of the jacket.

Q. Sixteen?

A. That's the back of the jacket.

Q. Seventeen?
A. And the front of the jacket.
Q. We can make out a name there. Can you read that name?
A. Aloehano Hill.
Q. And where is that written at? Is that the, on the tag?
A. Yeah, on the tag on the inside.
Q. And then 18.
A. A closer view of the tag.
Q. Now I want to talk about some things that were found inside the Mercedes. Did you find any items or documents that would show possessory interest?
A. Yes.
Q. So I will show you Exhibit 12. Do you recognize that?
A. Yes.
Q. What is that?
A. It's paperwork from the glove box bearing the name Joshua Croft.
Q. Did you take that photo?
A. Yes.
Q. Fair and accurate depiction of the document that you saw?
A. Yes.

Q. And this was where?
A. In the glove box.
Q. And so can you just point out to the jurors where his name is listed?
A. It's in the top left corner.
Q. And where is this document from, what business?
A. Fletcher Importers.
Q. And does it reference the model of the vehicle?
A. Yes.
Q. What does it say there?
A. It says Mercedes SL550.
Q. Again fair and accurate depiction on that as well?
A. Yes.
Q. Now was a firearm of any kind found? Not a firearm, I shouldn't say that. Was a gun found inside the vehicle? Or did you take a photo of a gun?
A. Patrol had possession of a pellet BB gun.
Q. Did you take a photo of that?
A. Yes.
Q. I'm showing you Exhibit 13. Do you recognize that?
A. Yes.

Q. And what is that?
A. It is the rear side of the BB gun.
Q. Fair and accurate depiction?
A. Yes.
Q. And so this was a BB gun that patrol had shown you they had on scene at the vehicle?
A. Correct.
Q. So I'm going to go through to make sure we got all these here.
So again just real quickly. Can you look at those, 6 through 18.
All fair and accurate depictions of the scene or the items that you found on location that night?
A. Yes.
Q. All right. And then we said 5. Fair and accurate depiction of the map of the locations noted?
A. Yes.
MR. ALLMON: That's all I have. Do the jurors have any questions?
THE FOREPERSON: Miss, by law, these proceedings are secret and you are prohibited from disclosing to anyone anything that has transpired before us, including evidence and statements presented to the Grand Jury, any event occurring or statement made in the

presence of the Grand Jury, and information obtained by the Grand Jury.

Failure to comply with this admonition is a gross misdemeanor punishable by up to 364 days in the Clark County Detention Center and a $2,000 fine. In addition, you may be held in contempt of court punishable by an additional $500 fine and 25 days in the Clark County Detention Center.

Do you understand this admonition?

THE WITNESS: I do.

THE FOREPERSON: Thank you very much for your time. You are excused.

Please raise your right hand.

You do solemnly swear the testimony you are about to give upon the investigation now pending before this Grand Jury shall be the truth, the whole truth, and nothing but the truth, so help you God?

THE WITNESS: Yes.

THE FOREPERSON: Please be seated.

Sir, you are advised that you are here today to give testimony in the investigation pertaining to the offenses of attempt robbery, and robbery-victim 60 years of age or older, involving Joshua Croft.

Do you understand this advisement?

THE WITNESS: Yes.

09:23 THE FOREPERSON: Please state your first and last name and then spell both for the record.

THE WITNESS: Patricio Solorzano. P-A-T-R-I-C-I-O, S-O-L-O-R-Z-A-N-O.

09:23 THE FOREPERSON: Thank you.

PATRICIO SOLORZANO,

having been first duly sworn by the Foreperson of the Grand Jury to testify to the truth, the whole truth, and nothing but the truth, testified as follows:

09:23

EXAMINATION

BY MR. ALLMON:

Q. Good morning, sir.

09:23 Sir, who is Lorgia? I believe I'm saying it correct.

A. Lorgia, yes.

Q. Who is Lorgia to you?

A. My mother.

09:24 Q. And where does your mom work?

A. She works at Tivoli Village.

Q. Do you remember September 14, 2021?

A. Yes.

Q. Were you picking her up that night?

09:24 A. Yes.

Q. What car do you drive? Or did you drive?
A. I drove a Volkswagen Jetta.
Q. Did you keep a dash cam on your, in your vehicle?
A. Yes.
Q. And would that record from time to time? Did you ever use that to record while you were driving?
A. Yes.
Q. Did you meet with anyone from law enforcement to give them a video of that?
A. Yes.
Q. If I could direct your attention to the screen.
Do you recognize that video that's playing?
A. Yes.
Q. Is that your dash cam recording from that night?
A. Yes.
Q. And is it looking on Tivoli Village right now?
A. Yes.
Q. So for the record I played that from the start to the 1:14. What were we seeing in that video?
A. Well, I saw that there was danger. You couldn't see too clearly but I saw that the man had a

weapon.

Q. Okay. And what else did you see?

A. That he was pulling the, pulling someone's purse.

Q. Did you recognize those two people that he was standing near at the moment?

A. Can you repeat the question?

Q. At that moment when we're looking from far back, did you know who the two women were?

A. Oh, yes.

Q. Who were the two women standing there?

A. My mother and her co-worker.

Q. And what did you do in response to seeing that danger?

A. Protect her. I saw she was in danger and they were pointing a weapon at her.

Q. And how did you do that?

A. I go at him. Going at him.

Q. Did you ram your vehicle into that Mercedes?

A. Yes.

Q. I'm going to show you two exhibits that have already been admitted. Exhibit 7 and 11. Do you recognize Exhibit 7?

A. Yes.

09:29 Q. What is it?
A. It's a Mercedes.
Q. Do you see your vehicle there?
A. Yes.
09:30 Q. So if we look on this photo here, the main view is a Mercedes. Is that the Mercedes that you rammed?
A. Yes.
Q. And then is your vehicle in view here on
09:30 this?
A. Yes.
Q. Where is it?
A. On the top right hand side.
Q. So right up here, this white vehicle?
09:30 A. Uh-huh. Yes.
Q. Do you recognize that photo, Exhibit 11?
A. Yes, sir.
Q. Is that the Mercedes that you rammed?
A. Yes.
09:31 Q. When you rammed that Mercedes, how many people were inside of it?
A. Two. I mean one. One was inside at the driver's side and then there was another person that was going in once he had snatched the bags.
09:31 Q. Okay. And then when you rammed that

vehicle what did the driver do?

A. Can you repeat the question?

Q. When you rammed the Mercedes did you see what the driver did?

A. The air bag exploded in his face.

Q. And then what happened?

A. I couldn't see because my glasses had fallen.

Q. Did those, could you see the race of that person in the driver's seat?

A. I think he was dark skin but I couldn't see because he had a mask on and a hoodie, but he was dark skin.

Q. And then the other man that was near your mother and her friend, did you get a chance to see him?

A. I just saw his hands only.

Q. And what would you describe that as?

A. They were of a dark skin person. That was it.

Q. Did those two people, the driver and the person that got back in the passenger seat, did they stay and wait for the police?

A. No.

Q. So if you would just tell me to pause when you see the man.

09:33 So I paused it at 12 seconds actually. Do you see the man.

A. Yes. And you could say that in the camera you can't see as clearly, but I was able to see clear. I have that image still in my head.

Q. Okay. And can you just point to the jurors, for the jurors, on the screen where that's at?

You can stand up and point.

A. Here.

Q. So at the bottom of the screen slightly to the right of center?

A. This is the car.

Q. Okay. Just as far as the screen goes, I'm trying to make a record and someone has to review the transcript, would you agree with me that that is at the bottom of the screen and to the right of center?

Where you pointed.

A. Can you repeat that one more time?

Q. As far as top, bottom; is it at the bottom or the top?

A. Down here.

Q. So right here you would agree with me that that is at the bottom and to the right of center?

A. Uh-huh. Yes, right here.

Q. So we're going to play that.

09:35 For the record I paused it at 24 seconds.

That video again, just to make sure, fair and accurate depiction of what you saw that night?

A. Can you repeat the question?

09:36 Q. Is it a true depiction of what you saw that night?

A. Yes.

MR. ALLMON: We're going to admit that one into evidence as well and that was Exhibit 4.

09:36 I have no further questions. Do the members of the Grand Jury have any?

THE FOREPERSON: Sir, by law, these proceedings are secret and you are prohibited from disclosing to anyone anything that has transpired before 09:36 us, including evidence and statements presented to the Grand Jury, any event occurring or statement made in the presence of the Grand Jury, and information obtained by the Grand Jury.

Failure to comply with this admonition is a 09:36 gross misdemeanor punishable by up to 364 days in the Clark County Detention Center and a $2,000 fine. In addition, you may be held in contempt of court punishable by an additional $500 fine and 25 days in the Clark County Detention Center.

09:36 Do you understand this admonition?

THE WITNESS: Yes.

THE FOREPERSON: Thank you very much for your time. You are excused.

THE WITNESS: Thank you.

MR. ALLMON: Our next witness is Lorgia Briones.

THE FOREPERSON: Please raise your right hand.

You do solemnly swear the testimony you are about to give upon the investigation now pending before this Grand Jury shall be the truth, the whole truth, and nothing but the truth, so help you God?

THE WITNESS: Yes, I swear before God.

THE FOREPERSON: Please be seated.

Miss, you are advised that you are here today to give testimony in the investigation pertaining to the offenses of attempt robbery, and robbery-victim 60 years of age or older, involving Joshua Croft.

Do you understand this advisement?

THE WITNESS: Yes.

THE FOREPERSON: Would you please state your first and last name and then spell both for the record.

THE WITNESS: Lorgia A. Briones. L-O-R-G-I-A, A., B-R-I-O-N-E-S.

09:40 THE FOREPERSON: Thank you.

LORGIA A. BRIONES,

having been first duly sworn by the Foreperson of the Grand Jury to testify to the truth, the whole truth, and nothing but the truth, testified as follows:

EXAMINATION

BY MR. ALLMON:

09:40 Q. Ma'am, I see you're here with the assistance of a court interpreter.

A. Yes.

Q. Now do you remember the night of September 14, 2021?

09:40 A. Yes.

Q. Where do you work?

A. Tivoli Village.

Q. Is that in Clark County, Nevada?

A. Yes.

09:40 Q. Ma'am, how old are you?

A. Sixty-two years old.

Q. So on September 14, 2021 you were over 60?

A. Yes.

Q. Who were you with as you were getting off shift?

09:41

A. I was with a co-worker.
Q. Do you know her name?
A. Yes, Mari Guzman.
Q. Were you waiting for anyone at the end of your shift?
A. Yes, my son.
Q. What's his name?
A. Patricio Solorzano.
Q. Was he going to pick you up in his car?
A. Yes.
Q. Now as you were waiting for your son to pick you up in your car, what happened?
A. I was with my co-worker who wanted me to give her a ride and he was a little behind so I told my co-worker first to walk a little bit, maybe like 20 feet or so.
Q. What time of night was this?
A. I get out at 10:30. He was a little bit behind, maybe about eight minutes or so, so it was maybe 10:38, 10:40, something like that.
Q. Ma'am, that microphone is very sensitive. And I have bumped it a few times. So if you would back up a little bit so you don't bump it up with hands.
A. Okay.
Q. You can put your purse down actually.

A. Okay.

Q. Perfect. So while you were waiting for your son, what happened?

A. We were walking when all of a sudden somebody came from behind in a car and a guy got out of it and then he pointed at my co-worker and took away her things.

Q. What did he point with?

A. With a weapon.

Q. What kind of weapon; can you describe it?

A. It was a gun.

Q. And what happened after that?

A. After that he took my things and he pointed it at me too.

Q. Did he take items from Mari?

A. Yes, he took both of our stuff.

Q. What did he take from Mari?

A. He took her purse, and I'm not sure if her phone was in her hand but he took everything that was in her hand too.

Q. What did he take from you?

A. He took my purse and he took my lunch bag.

Q. Can you describe the male that took this from you?

A. Well, he had like a sweatshirt on, a

hoodie, and he had a black mask. But I can describe him as a tall, thin person and of color.

Q. Would that be Black or African American then by color?

A. I think so, African American.

Q. Was anyone driving?

A. Yes, there was another person but I wasn't able to see him.

Q. And as this was happening after they took your items, what did your son do?

A. When the man was pointing at us, he was pointing at us and my son says he had already seen them but because of the same nerves --

Q. Without anything that her son said. So I just want to know what you saw, what you saw your son do.

A. My son, by the time I saw him the man had already taken our stuff and was starting to get in the car, and because of the same nervousness there are a lot of things I can't say, but what I did see was my son, he came at him and he impacted their car.

Q. What did the passenger do after that?

A. Who, my son?

Q. No, the passenger of the Mercedes.

A. He was getting on, into the car already. I

think he was already in. But when I saw my son get out of the car all I told him was run, run, because he had a weapon and I was afraid that he was going to get out of the car and shoot him so I told him run and he ran.

Q. And you told him to run meaning you told your son to run?

A. Yes. Yes. I was telling my son, I wanted my son to run and that was my fear in that moment. I kind of blocked out my co-worker, I just wanted to save my son.

Q. And did the passenger that had just robbed you, did he stick around after that?

A. After I said run I was kind of stuck. I sort of paused and then I tried to look back at the car and what I saw was that the air bags had exploded so they were sort of just kind of stuck there, a little out of it I think you could say, and they stayed there and then I ran. I don't know what else. But I ran to go ask help at a restaurant nearby.

MR. ALLMON: I have no further questions. Do members of the jury have any?

THE FOREPERSON: Miss, by law, these proceedings are secret and you are prohibited from disclosing to anyone anything that has transpired before us, including evidence and statements presented to the

Grand Jury, any event occurring or statement made in the presence of the Grand Jury, and information obtained by the Grand Jury.

Failure to comply with this admonition is a gross misdemeanor punishable by up to 364 days in the Clark County Detention Center and a $2,000 fine. In addition, you may be held in contempt of court punishable by an additional $500 fine and 25 days in the Clark County Detention Center.

Do you understand this admonition?

THE WITNESS: Yes, sir.

THE FOREPERSON: Thank you very much. You're excused.

Can we get the interpreter's name on the record?

THE INTERPRETER: Jeannette Encinas. Court certified interpreter. NVEJ519. J-E-A-N-N-E-T-T-E, E-N-C-I-N-A-S.

THE FOREPERSON: Please raise your right hand.

You do solemnly swear the testimony you are about to give upon the investigation now pending before this Grand Jury shall be the truth, the whole truth, and nothing but the truth, so help you God?

THE WITNESS: Yes.

09:52 THE FOREPERSON: Please be seated.

Miss, you are advised that you are here today to give testimony in the investigation pertaining to the offenses of attempt robbery, robbery-victim 60 years of age or older, involving Joshua Croft.

Do you understand this advisement?

THE WITNESS: Yes.

THE FOREPERSON: Could you please state your first and last name and spell both for the record.

09:53 THE WITNESS: Mari Guzman. M-A-R-I, Guzman, G-U-Z-M-A-N.

MARI GUZMAN,

having been first duly sworn by the Foreperson of the Grand Jury to testify to the truth, the whole truth, and nothing but the truth, testified as follows:

EXAMINATION

BY MR. ALLMON:

09:54 Q. Thank you, ma'am. Ma'am, how old are you?

A. Sixty-seven.

Q. So on September 14, 2021 you were over 60?

A. Yes.

Q. Do you work at Tivoli Village?

09:54 A. Yes.

Q. Were you working there on September 14, 2021?

A. Yes.

Q. Ma'am, do you know Lorgia?

A. Yes, she is my co-worker.

Q. On September 14, 2021 were you with her to get a ride?

A. Yes, a ride.

Q. While you were waiting for that ride did somebody in a Mercedes or two people in a Mercedes pull up next to you?

A. Yes.

Q. What happened then?

A. We were waiting. When the car pulled up a person got out and threatened us with a revolver and I was the first person whose stuff he took away.

Q. What did he take from you?

A. My purse and inside of it was my phone and my bank card.

Q. Did he take anything from your friend?

A. Yes, the purse as well.

Q. Was he able to get back in the car?

A. No, because her son came and crashed into their car and they ran.

Q. Did you see where they ran?

THE INTERPRETER: I'm sorry, interpreter is going to request quick clarification.

THE WITNESS: Yes, I saw one of them jump over a small wall as he ran away.

BY MR. ALLMON:

Q. Was that towards Tivoli Village or away from Tivoli Village?

A. That little wall divides the parking lot to houses.

Q. Do you know your cardinal directions; north, south?

A. Yes.

Q. Would it be north, south, west or east?

A. Toward east.

Q. And that was both males?

A. Well, I just saw one that jumped over the wall and the other one I didn't see where he went.

Q. Could you tell if that was the passenger or the driver?

A. I don't remember.

Q. I'm going to -- I'm on Exhibit 4 and I paused it at 16 seconds. Do you see where you were standing? Do you recognize this as Tivoli Village?

A. Yeah. It's a little dark in that parking lot. There wasn't much light.

09:59 Q. Okay. For the record I played it from 14 to 18 seconds. Is that the black Mercedes that the two people that robbed you were in?

A. Yes.

09:59 Q. Now from here where is the wall that you're talking about?

A. Behind this, behind all this.

Q. So like to the right then?

A. Left.

09:59 Q. So if I'm looking, if you look at it from my view, where is the wall? From the screen I'm talking about.

Can you just stand up and point to where the wall would be?

10:00 A. I don't have my glasses so I don't see too well.

Q. Okay.

A. This is kind of like the entrance of Tivoli parking and back here.

10:00 Q. That's okay. I didn't realize you didn't have your glasses.

All right. Now you had some difficulty identifying the two men inside the vehicle; correct?

A. Yes.

10:01 MR. ALLMON: I have no further questions

for this witness. Do any members of Grand Jury?

THE FOREPERSON: Miss, by law, these proceedings are secret and you are prohibited from disclosing to anyone anything that has transpired before us, including evidence and statements presented to the Grand Jury, any event occurring or statement made in the presence of the Grand Jury, and information obtained by the Grand Jury.

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Do you understand this admonition?

THE WITNESS: Yes.

THE FOREPERSON: Thank you very much for your time. You are excused.

Please raise your right hand.

You do solemnly swear the testimony you are about to give upon the investigation now pending before this Grand Jury shall be the truth, the whole truth, and nothing but the truth, so help you God?

THE WITNESS: I do.

THE FOREPERSON: Please be seated.

10:03 THE WITNESS: Thank you.

THE FOREPERSON: Sir, you are advised that you are here today to give testimony in the investigation pertaining to the offenses of attempt
10:03 robbery, robbery-victim 60 years of age or older, involving a Joshua Croft.

Do you understand this advisement?

THE WITNESS: Yes.

THE FOREPERSON: Could you please state
10:03 your first and last name and then spell both for the record.

THE WITNESS: First name is Branden, last name is Bourque. Branden is spelled B-R-A-N-D-E-N, last name is spelled B-O-U-R-Q-U-E.

10:03 THE FOREPERSON: Thank you.

BRANDEN BOURQUE,

having been first duly sworn by the Foreperson of the Grand Jury to testify to the truth, the whole truth, and nothing but the truth, testified as follows:

10:03 EXAMINATION

BY MR. ALLMON:

Q. All right. Officer Bourque, how are you employed?

A. I'm a police officer with Las Vegas
10:04 Metropolitan Police Department.

Q. How long have you been doing that?
A. Approximately six years.
Q. Are you assigned to patrol?
A. Yes.
Q. Were you assigned to patrol on September 14, 2021?
A. Yes, I was.
Q. Were you patrolling in the area of Rampart Casino and Tivoli Village?
A. Yes, I was.
Q. What did you hear about any robberies on September 14th?
A. I heard that --
Q. Did you receive any notifications through dispatch?
A. Yes, there was a dispatch that a robbery had occurred in the area of the Rampart Casino.
Q. Did you receive any other robberies in the area?
A. Yes, there was a second one that came out in the area of Tivoli Village.
Q. Approximately what time was the one at Rampart?
A. It was later in the evening. I don't recall the specific time.

Q. And was the one at Tivoli Village later in the evening as well?

A. Yes, and it came out very shortly after the Rampart one.

Q. So within minutes we would say?

A. Yes.

Q. Do you patrol this area regularly?

A. Yes, I do.

Q. Approximately what is the distance between Tivoli Village and Rampart Casino?

A. I'm sorry, one more time.

Q. What's the approximate distance between Tivoli Village and Rampart Casino?

A. It's across the street just down the road, less than a block.

Q. Now did you receive a description of anyone that was identified as possibly being involved in the robbery?

A. Yes, I received multiple descriptions in the initial radio traffic.

Q. Did you identify anyone in the area that matched the description you felt was worth stopping?

A. Yes, I did.

Q. Where did you stop them at?

A. I stopped them at Durango and Westcliff

which was a Chevron gas station.

Q. How close is that to Tivoli Village?

A. That's approximately one block away and it was in the direction that we last knew the suspects to be fleeing.

Q. I'm going to show you Exhibit 5. So if I pointed out that's Tivoli Village that's marked and Rampart Casino, would you agree with me?

A. Yes.

Q. Can you identify approximately where the Chevron was that you located them?

A. Yes. I'm pointing to Durango and Westcliff.

Q. So I'm going to put that up on the Elmo. What I'm going to do is I'm going to have you mark a circle on the intersection approximately where you saw them.

So if I'm pointing on the screen here, that would be with my pen, that's Tivoli Village, the Rampart up at the top of the screen, and then we have a partial circle, it looks like the ink kind of died out, at approximately Westcliff and Durango?

A. Yes.

Q. Where you saw them. Did you see two men together?

10:07 A. Initially I had seen two men running across the street from the west side to the east side.

Q. I'm going to show you a few exhibits. So 20, I'm sorry, 19 through 21. Go ahead and look at those.

10:08 Do you recognize those?

A. Yes.

Q. Starting with 19 and 20, I'll put those up on the screen. That's 19. And that's 20. Who did you identify that person as?

10:08 If you didn't identify him by name that's fine.

A. I identified him as one of the people that were running across the street that I initially saw.

10:09 Q. Okay. And then 21. Was that same person, was the person in 21 with the person in 19 and 20?

A. Yes, this person is the second person I saw running across the street.

Q. What happened when you saw them, the two 10:09 males running across the street?

A. We had to drive to catch up to them in the area. After they saw us they split up. The person wearing the white shirt walked toward the neighborhood away from the Chevron and the person wearing the all 10:09 black clothing walked toward the Chevron which is where

we had made our U-turn.

Q. And was the person wearing the white shirt, was he wearing that white shirt when you saw him?

A. Yes.

Q. And this is late at night on September 14th; correct?

A. Yes.

Q. And the other person was wearing a jacket though?

A. Yes, he was wearing the clothing in the picture.

Q. And the male in the picture with the jacket on, did he come and talk to you?

A. He did.

Q. What did he say?

A. He came across the street and met me at the Chevron, he was hailing me down and he was trying to tell me that he was carjacked.

Q. And that second male, he didn't stop and talk to you, he left. Did he later come back?

A. He did later come back in a vehicle.

Q. Was he with anyone?

A. He was with a female who identified herself as the girlfriend of the person wearing the black jumpsuit.

10:10 Q. Now you said that this male here in 19 and 21 (sic), you said that he said he was carjacked?
A. Yes.
Q. Did you happen to pat him down for anything
10:11 or see anyone patting him down?
A. My partner pat him down, yes.
Q. And did your partner pull anything out of his pockets?
A. A key was recovered out of his pocket.
10:11 Q. Do you remember what type of car that was going to?
A. It belonged to a Mercedes.
Q. So he was claiming that he was carjacked even though he had a Mercedes key in his pocket?
10:11 A. Yes.
Q. All right. And then 19 through 21, fair and accurate depictions of the two males that saw that night?
A. Yes.
10:11 Q. And then Exhibit 5 which was the map where you indicated, fair and accurate depiction of the overall layout of Rampart, Tivoli Village and where you stopped the two men?
A. Yes.
10:12 MR. ALLMON: So those will all be admitted.

10:12 I have no further questions for this officer. Does anyone else have a question for him?

THE FOREPERSON: Sir, by law, these proceedings are secret and you are prohibited from 10:12 disclosing to anyone anything that has transpired before us, including evidence and statements presented to the Grand Jury, any event occurring or statement made in the presence of the Grand Jury, and information obtained by the Grand Jury.

10:12 Failure to comply with this admonition is a gross misdemeanor punishable by up to 364 days in the Clark County Detention Center and a $2,000 fine. In addition, you may be held in contempt of court punishable by an additional $500 fine and 25 days in the 10:12 Clark County Detention Center.

Do you understand this admonition?

THE WITNESS: I understand.

THE FOREPERSON: Thank you very much for your time, sir. You are excused.

10:12 THE WITNESS: Thank you all.

MR. ALLMON: All right next witness is Detective Izzo.

THE FOREPERSON: Please raise your right hand.

10:13 You do solemnly swear the testimony you are

about to give upon the investigation now pending before this Grand Jury shall be the truth, the whole truth, and nothing but the truth, so help you God?

THE WITNESS: I do.

THE FOREPERSON: Please be seated.

You are advised that you are here today to give testimony in the investigation pertaining to the offenses of attempt robbery, and robbery-victim 60 years of age or older, involving Joshua Croft.

Do you understand this advisement?

THE WITNESS: Yes.

THE FOREPERSON: Could you please state your first and last name and spell both for the record.

THE WITNESS: Shawn Izzo. S-H-A-W-N, last name is I-Z-Z-O.

THE FOREPERSON: Thank you.

SHAWN IZZO,

having been first duly sworn by the Foreperson of the Grand Jury to testify to the truth, the whole truth, and nothing but the truth, testified as follows:

EXAMINATION

BY MR. ALLMON:

Q. All right. Detective Izzo, how long have you been employed with the Las Vegas Metropolitan Police Department?

10:13 A. Just under 16 years.
Q. Were you working as a detective on September 14, 2021?
A. I was.
10:14 Q. Were you assigned to investigate two robberies, one that took place at the Rampart and the other one that took place at Tivoli Village?
A. I was.
Q. Were those calls for robbery, were they in
10:14 close succession?
A. Yes, it was about 10 to 15 minutes apart from each other.
Q. And did you receive information that the same vehicle was involved in both of those?
10:14 A. Yes.
Q. Now did you receive a notification from any patrol officers that they had two suspects detained that they thought might be of interest to you?
A. We did, yes.
10:14 Q. Did you meet with those two suspects that patrol had?
A. Yes.
Q. I'm going to show you Exhibits 19 through 21. Do you recognize those?
10:14 A. The first one here, the heavy guy is Joshua

Croft, and the other one is Hill, Aleohano, something Hill.

Q. I'm going to start with 19 and 21. Nineteen, you said that's Joshua Croft?

A. Correct.

Q. And 20?

A. Joshua Croft.

Q. Another picture of Joshua Croft?

A. Yes.

Q. Do you see the hair that he had?

A. Yes.

Q. What kind of hair does he have?

A. Braided, corn rows.

Q. And the second person, even if you can't say his name correctly, how would you say his name?

A. Al I remember it's Hill. It's like Aleohano or Alejandro Hill.

Q. And does it appear to be spelled as this jacket has?

A. Yes.

Q. Did you identify if he was an adult or juvenile?

A. Juvenile.

Q. That's Aleohano Hill is a juvenile?

A. Correct.

Q. Now did you look at the Mercedes?
A. We did, yes.
Q. And did you notice if the air bags were deployed?
A. I did.
Q. Now you met with Joshua Croft. Had you previously worked in traffic?
A. I did, yes.
Q. How long did you work in traffic?
A. About three or four years.
Q. So you've had both training and experience in seeing air bag injuries?
A. Correct.
Q. When you looked at Joshua Croft, did you notice any air bag injuries?
A. I did. It came across the radio that he wanted medical, said he had shoulder injuries, whatever. So based -- we had already seen the Mercedes so we decided to send me over there because I had the accident investigation to see if the injuries were consistent with a motor vehicle crash. When I showed up he was complaining of left shoulder pain, chest pain, face pain, consistent with air bag deployment and seatbelts being locked, and he had powder from the air bag deployment on his clothing.

Q. Were you there when a key was taken out of his pocket?

A. Yes.

Q. And that was out of Joshua Croft's pocket, right?

A. Correct.

Q. Did you take that key and try to match it up to the disabled Mercedes?

A. We did.

Q. To your knowledge would that Mercedes require the key to run?

A. Yes.

Q. Now did you collect a buccal swab?

A. I did.

Q. What is a buccal swab?

A. It's two Q-tips basically to take DNA from inside of the cheek, impound it as evidence. It takes DNA samples from the inside of the cheek of a certain subject.

Q. So you're swabbing the inside of a mouth, you're trying to get DNA from the person you're swabbing, and you're going to compare it to some piece of evidence?

A. Correct.

Q. Did you submit the buccal swab from Joshua

Croft to be tested for DNA evidence against the air bag that was deployed in the Mercedes?

A. Yes. There was blood on the air bag of, the driver air bag of the Mercedes that we impounded, so we did a comparison DNA test on Croft with the air bag deployment.

MR. ALLMON: Okay. I have nothing further for this witness if the members of the jury do.

THE FOREPERSON: Sir, by law, these proceedings are secret and you are prohibited from disclosing to anyone anything that has transpired before us, including evidence and statements presented to the Grand Jury, any event occurring or statement made in the presence of the Grand Jury, and information obtained by the Grand Jury.

Failure to comply with this admonition is a gross misdemeanor punishable by up to 364 days in the Clark County Detention Center and a $2,000 fine. In addition, you may be held in contempt of court punishable by an additional $500 fine and 25 days in the Clark County Detention Center.

Do you understand this advisement?

THE WITNESS: I do.

THE FOREPERSON: Thank you very much for your time, sir. You are excused.

10:18 MR. ALLMON: Our next witness is going to be Allison Rubino.

THE FOREPERSON: Please raise your right hand.

10:19 You do solemnly swear the testimony you are about to give upon the investigation now pending before this Grand Jury shall be the truth, the whole truth, and nothing but the truth, so help you God?

THE WITNESS: Yes.

10:19 THE FOREPERSON: Please be seated.

Miss, you are advised that you are here today to give testimony in the investigation pertaining to the offenses of attempt robbery, and robbery-victim 60 years of age or older, involving a Joshua Croft.

10:19 Do you understand this advisement?

THE WITNESS: Yes.

THE FOREPERSON: Could you please state your first and last name and spell both for the record.

THE WITNESS: My name is Allison Rubino. 10:19 A-L-L-I-S-O-N, R-U-B-I-N-O.

THE FOREPERSON: Thank you.

ALLISON RUBINO,

having been first duly sworn by the Foreperson of the Grand Jury to testify to the truth, the whole truth, 10:20 and nothing but the truth, testified as follows:

EXAMINATION

BY MR. ALLMON:

Q. Miss Rubino, how are you employed?

A. I am a forensic scientist in the Biology DNA Detail at the Las Vegas Metropolitan Police Department Forensic Laboratory.

Q. Did you analyze DNA collected from Joshua Croft, a buccal swab and an air bag collected in that case?

A. Yes.

Q. And what were the findings of your DNA examination?

A. So for the reference standard or buccal swab from Joshua Croft there was a full male DNA profile to be used as a reference for comparison. And then with the air bag I did a swabbing of that front side of the air bag, it was a circular air bag so most likely the steering wheel, and I obtained a DNA profile of one contributor and that contributor was male. So after I interpreted that DNA profile it was compared to that reference standard of Joshua Croft and it was determined that he was individually included as being a contributor to that DNA profile.

Q. Do you remember the probability?

10:21 A. Yes. So whenever there is an association to a, between a reference standard and an evidence DNA profile, we calculate a statistic. The statistic we use is called a likelihood ratio and what it does is it really answers the question how many more or less times likely is it to observe an evidence DNA profile if an individual is a contributor than if a listed individual is not a contributor. So the probability of observing this particular DNA profile is approximately 78.1 septillion times more likely if it originated from Joshua Croft than if it originated from an unknown random contributor.

Q. Can you explain septillion in relation to million or billion?

10:22 A. Sure. So if we start at a million, one million has six zeros, a billion has nine zeros, a trillion has 12 zeros, a quadrillion has 15 zeros, a quintillion has 18 zeros, and then a sextillion has 21 zeros, and then one septillion has 24 zeros.

10:22 Q. So you found it to be one in 78 or 78.1 septillion?

A. The probability of observing that mixture, of observing that DNA profile is approximately 78.1 septillion times more likely if it originated from Joshua Croft than if it originated from an unknown

random contributor.

MR. ALLMON: Thank you for correcting that.

I have no further questions for this witness. It looks like I have some from the jury. Go ahead.

BY A JUROR:

Q. What kind of training have you had for your current position?

A. I have a Bachelor's of Science in Biochemistry from the University of Scranton in Pennsylvania. I have a Master's of Science in Forensic Science from the University of New Haven in Connecticut. I've been with Metro for about, for a little over eight years now and in order to perform my normal duties and responsibilities we go through this well-documented training program that involves examining different types of samples as we would routinely see during the day, based on going through our manuals and our procedures and going through different parts of a process and passing various exams, competency tests, before being released into independent case work. And prior to being here in Las Vegas, my experience, I worked at the Armed Forces DNA Identification Laboratory in Dover, Delaware. I was there for about a year and a half. And before that I was a research associate and forensic scientist

at the Suffolk County Crime Laboratory in Hauppauge, New York. So between my education, my previous experience and the training that I undergo here, it fulfills the requirements to perform my daily job duties.

MR. ALLMON: Thank you, sir.

Q. And how long have you been employed in total with all of those roles?

A. Over a decade now.

MR. ALLMON: Thank you.

Any other questions?

THE FOREPERSON: Miss, by law, these proceedings are secret and you are prohibited from disclosing to anyone anything that has transpired before us, including evidence and statements presented to the Grand Jury, any event occurring or statement made in the presence of the Grand Jury, and information obtained by the Grand Jury.

Failure to comply with this admonition is a gross misdemeanor punishable by up to 364 days in the Clark County Detention Center and a $2,000 fine. In addition, you may be held in contempt of court punishable by an additional $500 fine and 25 days in the Clark County Detention Center.

Do you understand this admonition?

THE WITNESS: Yes.

10:25 THE FOREPERSON: Thank you very much for your time. You're excused.

MR. ALLMON: That's my last witness. I'm going to turn it over to you unless you have any
10:25 questions.

THE FOREPERSON: Back to the Indictment on the part you struck.

MR. ALLMON: Yes.

THE FOREPERSON: Do you want for the record
10:25 to strike the same references on page 1, 18, 19 and 20?

MR. ALLMON: I'm sorry, what?

THE FOREPERSON: Same references you made earlier, but on page 1, lines 18, 19 and 20, it's just the same stuff. Do you want to make a record of
10:25 striking those too?

MR. ALLMON: Yes, the very first header. Thank you very much for doing that.

Any other questions for me?

All right. I will step out for your
10:26 deliberation. The exhibits are up front.

(At this time, all persons, other than members of the Grand Jury, exit the room at 10:26 a.m. and return at 10:28 a.m.)

THE FOREPERSON: Mr. District Attorney, by
10:28 a vote of 12 other more grand jurors a true bill has

10:28 been returned against defendant Joshua Isiah Croft on all charges in Grand Jury case number 21BGJ121X. We instruct you to prepare an Indictment in conformance with the proposed Indictment and changes previously 10:28 submitted to us.

MR. ALLMON: Thank you.

(Proceedings concluded.)

--oo0oo--

10:28

REPORTER'S CERTIFICATE

STATE OF NEVADA)
: ss
COUNTY OF CLARK)

10:28

I, Danette L. Antonacci, C.C.R. 222, do hereby certify that I took down in Shorthand (Stenotype) all of the proceedings had in the before-entitled matter at the time and place indicated and thereafter said

10:28

shorthand notes were transcribed at and under my direction and supervision and that the foregoing transcript constitutes a full, true, and accurate record of the proceedings had.

Dated at Las Vegas, Nevada,

10:28

April 20, 2022.

/s/ Danette L. Antonacci

Danette L. Antonacci, C.C.R. 222

10:28

AFFIRMATION

Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding TRANSCRIPT filed in GRAND JURY CASE NUMBER 21BGJ121X:

_X_ Does not contain the social security number of any person,

-OR-

___ Contains the social security number of a person as required by:

A. A specific state or federal law, to-wit: NRS 656.250.

-OR-

B. For the administration of a public program or for an application for a federal or state grant.

/s/ Danette L. Antonacci
Signature

4-20-22
Date

Danette L. Antonacci
Print Name

Official Court Reporter
Title

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Electronically Filed
04/26/2022 4:17 PM
CLERK OF THE COURT

SUMM
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
MICHAEL ALLMON
Deputy District Attorney
Nevada Bar #15169
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff
STATE OF NEVADA

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

JOSHUA ISIAH CROFT, aka,
Joshua Isaiah Croft,
#2649506

Defendant.

CASE NO: C-22-364245-1

DEPT NO: XV

SUMMONS
(INDICTMENT)

DATE OF HEARING: May 5, 2022
TIME OF HEARING: 8:30 am

THE STATE OF NEVADA TO: JOSHUA ISIAH CROFT
c/o DAMIAN SHEETS
dsheets@defendingnevada.com

YOU ARE HEREBY SUMMONED to appear before the Eighth Judicial District Court, Department 15, Courtroom 11D, Las Vegas, Clark County, Nevada, at 8:30 AM, on the 5th day of May, 2022, to answer charge(s) of 1) CT - ATTEMPT ROBBERY (Category B Felony - NRS 200.380, 193.330 - NOC 50144); (2) CTS - ROBBERY, VICTIM 60 YEARS OF AGE OR OLDER (Category B Felony - NRS 200.380, 193.167 - NOC 50139). DATED this 21st day of April, 2022.

Dated this 26th day of April, 2022

High Level Electronic Monitoring

LINDA MARIE BELL
CHIEF JUDGE
B69 623 1E8E 5B9D
Linda Marie Bell
District Court Judge

V:\2021\442\22\202[illegible]UA ISAIAH CROFT)-001.DOCX

STATE OF NEVADA)
) ss:
COUNTY OF CLARK)

I hereby certify that pursuant to N.R.C.P. 5(b), I have served the within Summons on the 21st day of April, 2022, by emailing said Summons as noted above.

District Attorney's Office

mcb/GJ

CSERV

DISTRICT COURT
CLARK COUNTY, NEVADA

State of Nevada	CASE NO: C-22-364245-1
vs	DEPT. NO. Department 15
Joshua Croft	

AUTOMATED CERTIFICATE OF SERVICE

Electronic service was attempted through the Eighth Judicial District Court's electronic filing system, but there were no registered users on the case. The filer has been notified to serve all parties by traditional means.

Electronically Filed
04/29/2022 10:31 AM
CLERK OF THE COURT

ORDR
STEVEN B. WOLFSON
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(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

JOSHUA ISIAH CROFT, AKA,
JOSHUA ISAIAH CROFT,
#2649506

Defendant.

CASE NO: C-22-364245-1
DEPT NO: XV

ORDER STRIKING FILING

COURT FINDS after review on 27TH day of April, 2022, the State's INDICTMENT WARRANT was filed with the Court.

COURT FURTHER FINDS after review, the State's INDICTMENT WARRANT was filed in the wrong case and/or filed in error.

THEREFORE, COURT ORDERS for good cause appearing and after review the State's INDICTMENT WARRANT filed on 25th day of April, 2022, is hereby **STRICKEN.**

DATED this _____ day of April, 2022. Dated this 29th day of April, 2022

DISTRICT JUDGE

0AB AD1 EE33 685E
Linda Marie Bell
District Court Judge

\\CLARKCOUNTYDA.NET\CRMCASE2\2021\442\22\202144222C-ORDR-(JOSHUA ISAIAH CROFT)-001.DOCX

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that service of the above and foregoing was made this 25th day of April, Year, by Electronic Filing to:

DAMIAN SHEETS
DSHEETS@DEFENDINGNEVADA.COM

BY: _____

Secretary for the District Attorney's Office

mcb/GJ

CSERV

DISTRICT COURT
CLARK COUNTY, NEVADA

State of Nevada	CASE NO: C-22-364245-1
vs	DEPT. NO. Department 15
Joshua Croft	

AUTOMATED CERTIFICATE OF SERVICE

Electronic service was attempted through the Eighth Judicial District Court's electronic filing system, but there were no registered users on the case. The filer has been notified to serve all parties by traditional means.

Electronically Filed
05/09/2022 11:17 AM
CLERK OF THE COURT

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Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

JOSHUA ISIAH CROFT, aka,
Joshua Isaiah Croft,
#2649506
USMS# 47530048

Defendant.

CASE NO: C-22-364245-1

DEPT NO: XV

ORDER FOR ISSUANCE OF WRIT OF HABEAS CORPUS ad PROSEQUENDUM FOR FEDERAL PRISONER

Upon reading the Petition of MICHAEL ALLMON, Deputy District Attorney, and good cause appearing therefor,

IT IS HEREBY ORDERED that a Writ of Habeas Corpus ad Prosequendum be issued directing the production of the body of JOSHUA ISIAH CROFT, aka, Joshua Isaiah Croft, before the Eighth Judicial District Court of the State of Nevada, in and for the County of Clark, on Thursday, the 19th day of May, 2022, at the hour of 8:30 o'clock A.M., and on such future dates as may be necessary, for the confirmation of counsel of the said JOSHUA ISIAH CROFT, aka, Joshua Isaiah Croft, for the crime(s) of ATTEMPT ROBBERY (Category B

///

///

///

Felony - NRS 200.380, 193.330, 193.162 - NOC 50144) ROBBERY, VICTIM 60 YEARS OF AGE OR OLDER (Category B Felony - NRS 200.380, 193.162, 193.167 - NOC 50139).

DATED this _____ day of May, 2022.

Dated this 9th day of May, 2022

Joe Hardy

DISTRICT JUDGE

949 3F0 C5CF F3A0
Joe Hardy
District Court Judge

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

BY _____
MICHAEL ALLMON
Deputy District Attorney
Nevada Bar #015169

21CR042894/erg/L-2

WRIT

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
MICHAEL ALLMON
Deputy District Attorney
Nevada Bar #015169
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Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

JOSHUA ISIAH CROFT, aka,
Joshua Isaiah Croft,
#2649506
USMS# 47530048

Defendant.

CASE NO: C-22-364245-1

DEPT NO: XV

WRIT OF HABEAS CORPUS ad PROSEQUENDUM FOR FEDERAL PRISONER

TO: THE UNITED STATES MARSHAL
DISTRICT OF NEVADA
AND ANY OTHER UNITED STATES MARSHAL

GREETINGS:

The Ex Parte Petition of MICHAEL ALLMON, Deputy District Attorney of Clark County, Nevada, wherein the above-entitled Court was petitioned to grant a Writ of Habeas Corpus ad Prosequendum for the production of the body of JOSHUA ISIAH CROFT, aka, Joshua Isaiah Croft, before the Eighth Judicial District Court of the State of Nevada, 200 Lewis Avenue, Las Vegas, Clark County, Nevada, on the 19th day of May, 2022, at the hour of 8:30 o'clock A.M., for the purpose of the confirmation of counsel for the crime(s) of ATTEMPT ROBBERY (Category B Felony - NRS 200.380, 193.330, 193.162 - NOC 50144) ROBBERY, VICTIM 60 YEARS OF AGE OR OLDER (Category B Felony - NRS 200.380, 193.162, 193.167 - NOC 50139), and for such other and further proceedings as may be necessary for the purpose of prosecuting the said JOSHUA ISIAH CROFT, aka, Joshua Isaiah Croft for said

crime(s), and it appearing that JOSHUA ISIAH CROFT, aka, Joshua Isaiah Croft is now confined as a Federal Prisoner at the Nevada Southern Detention Center in the custody of the Director;

NOW, THEREFORE, we command you to have and produce the above-named prisoner on Thursday, the 19th day of May, 2022, in Department XV of the Eighth Judicial District Court of the State of Nevada, in and for the County of Clark.

DISTRICT JUDGE

ATTEST:

STEVEN D. GRIERSON
CLERK OF THE COURT

BY _____

21CR042894/erg/L-2

EXPP
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
MICHAEL ALLMON
Deputy District Attorney
Nevada Bar #015169
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-

JOSHUA ISIAH CROFT, aka,
Joshua Isaiah Croft,
#2649506
USMS# 47530048

Defendant.

CASE NO: C-22-364245-1

DEPT NO: XV

STATE'S EX PARTE PETITION FOR WRIT OF HABEAS CORPUS ad PROSEQUENDUM FOR FEDERAL PRISONER

COMES NOW, the STATE OF NEVADA, by STEVEN B. WOLFSON, Clark County District Attorney, through MICHAEL ALLMON, Deputy District Attorney, and petitions the Court to issue a Writ of Habeas Corpus ad Prosequendum commanding the United States Marshal, District of Nevada, to produce the body of JOSHUA ISIAH CROFT, aka, Joshua Isaiah Croft, previously committed by due process of law in the custody of the Director; that it is necessary that said JOSHUA ISIAH CROFT, aka, Joshua Isaiah Croft be temporarily released under a Writ of Habeas Corpus de Prosequendum so that JOSHUA ISIAH CROFT, aka, Joshua Isaiah Croft may be present before the Eighth Judicial District Court of the State of Nevada, in and for the County of Clark, Department XV, for the confirmation of counsel and any other further proceedings arising out of an Indictment charging the said JOSHUA ISIAH CROFT, aka, Joshua Isaiah Croft with the crime of ATTEMPT ROBBERY (Category

///

B Felony - NRS 200.380, 193.330, 193.162 - NOC 50144) ROBBERY, VICTIM 60 YEARS OF AGE OR OLDER (Category B Felony - NRS 200.380, 193.162, 193.167 - NOC 50139), being Case Number C-22-364245-1:

1. Your Petitioner further states that JOSHUA ISIAH CROFT, aka, Joshua Isaiah Croft is scheduled for the 19th day of May, 2022, in the Eighth Judicial District Court of the State of Nevada, in and for the County of Clark.

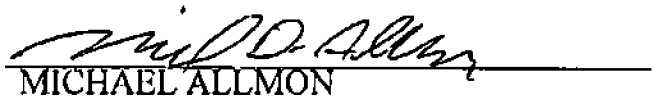
2. Your Petitioner further states that the said JOSHUA ISIAH CROFT, aka, Joshua Isaiah Croft is presently in the custody of the Federal authorities and is incarcerated in the Nevada Southern Detention Center.

3. Your Petitioner further states that he is desirous of proceeding to the confirmation of counsel on this matter forthwith, and to any and all subsequent hearings in the above-entitled case.

WHEREFORE, your Petitioner prays that this Honorable Court issue a Writ of Habeas Corpus ad Prosequendum directing the United States Marshal, District of Nevada, to bring forth the body of JOSHUA ISIAH CROFT, aka, Joshua Isaiah Croft before the Eighth Judicial District Court of the State of Nevada, in and for the County of Clark, Department XV thereof, on the 19th day of May, 2022, at the hour of 8:30 o'clock A.M., or as soon thereafter as counsel can be heard, and for such other and further proceedings as may be necessary.

DATED this 6th day of May, 2022.

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

BY 
MICHAEL ALLMON
Deputy District Attorney
Nevada Bar #015169

21CR042894/erg/L-2

AFFIDAVIT

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

MICHAEL ALLMON being first duly sworn, deposes and says:

That he is the Petitioner herein and that he has read the foregoing Petition and knows the contents thereof; that the statements therein contained are true of his own knowledge, information and belief, and as to those, he believes same to be true.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 6th day of May, 2022.

MICHAEL ALLMON
Deputy District Attorney
Nevada Bar #015169

CSERV

DISTRICT COURT
CLARK COUNTY, NEVADA

State of Nevada	CASE NO: C-22-364245-1
vs	DEPT. NO. Department 15
Joshua Croft	

AUTOMATED CERTIFICATE OF SERVICE

Electronic service was attempted through the Eighth Judicial District Court's electronic filing system, but there were no registered users on the case. The filer has been notified to serve all parties by traditional means.

Electronically Filed
5/10/2022 10:48 AM
Steven D. Grierson
CLERK OF THE COURT

EXPP
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
MICHAEL ALLMON
Deputy District Attorney
Nevada Bar #015169
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-

JOSHUA ISIAH CROFT, aka,
Joshua Isaiah Croft,
#2649506
USMS# 47530048

Defendant.

CASE NO: C-22-364245-1

DEPT NO: XV

STATE'S EX PARTE PETITION FOR WRIT OF HABEAS CORPUS ad PROSEQUENDUM FOR FEDERAL PRISONER

COMES NOW, the STATE OF NEVADA, by STEVEN B. WOLFSON, Clark County District Attorney, through MICHAEL ALLMON, Deputy District Attorney, and petitions the Court to issue a Writ of Habeas Corpus ad Prosequendum commanding the United States Marshal, District of Nevada, to produce the body of JOSHUA ISIAH CROFT, aka, Joshua Isaiah Croft, previously committed by due process of law in the custody of the Director; that it is necessary that said JOSHUA ISIAH CROFT, aka, Joshua Isaiah Croft be temporarily released under a Writ of Habeas Corpus de Prosequendum so that JOSHUA ISIAH CROFT, aka, Joshua Isaiah Croft may be present before the Eighth Judicial District Court of the State of Nevada, in and for the County of Clark, Department XV, for the confirmation of counsel and any other further proceedings arising out of an Indictment charging the said JOSHUA ISIAH CROFT, aka, Joshua Isaiah Croft with the crime of ATTEMPT ROBBERY (Category

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B Felony - NRS 200.380, 193.330, 193.162 - NOC 50144) ROBBERY, VICTIM 60 YEARS OF AGE OR OLDER (Category B Felony - NRS 200.380, 193.162, 193.167 - NOC 50139), being Case Number C-22-364245-1:

1. Your Petitioner further states that JOSHUA ISIAH CROFT, aka, Joshua Isaiah Croft is scheduled for the 19th day of May, 2022, in the Eighth Judicial District Court of the State of Nevada, in and for the County of Clark.

2. Your Petitioner further states that the said JOSHUA ISIAH CROFT, aka, Joshua Isaiah Croft is presently in the custody of the Federal authorities and is incarcerated in the Nevada Southern Detention Center.

3. Your Petitioner further states that he is desirous of proceeding to the confirmation of counsel on this matter forthwith, and to any and all subsequent hearings in the above-entitled case.

WHEREFORE, your Petitioner prays that this Honorable Court issue a Writ of Habeas Corpus ad Prosequendum directing the United States Marshal, District of Nevada, to bring forth the body of JOSHUA ISIAH CROFT, aka, Joshua Isaiah Croft before the Eighth Judicial District Court of the State of Nevada, in and for the County of Clark, Department XV thereof, on the 19th day of May, 2022, at the hour of 8:30 o'clock A.M., or as soon thereafter as counsel can be heard, and for such other and further proceedings as may be necessary.

DATED this 6th day of May, 2022.

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

BY 
MICHAEL ALLMON
Deputy District Attorney
Nevada Bar #015169

21CR042894/erg/L-2

AFFIDAVIT

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

MICHAEL ALLMON being first duly sworn, deposes and says:

That he is the Petitioner herein and that he has read the foregoing Petition and knows the contents thereof; that the statements therein contained are true of his own knowledge, information and belief, and as to those, he believes same to be true.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 6th day of May, 2022.

MICHAEL ALLMON
Deputy District Attorney
Nevada Bar #015169

Electronically Filed
05/11/2022 12:58 PM
CLERK OF THE COURT

ORDR
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
MICHAEL ALLMON
Deputy District Attorney
Nevada Bar #015169
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-

JOSHUA ISIAH CROFT, aka,
Joshua Isaiah Croft,
#2649506
USMS# 47530048

Defendant.

CASE NO: C-22-364245-1

DEPT NO: XV

ORDER FOR ISSUANCE OF WRIT OF HABEAS CORPUS ad PROSEQUENDUM FOR FEDERAL PRISONER

Upon reading the Petition of MICHAEL ALLMON, Deputy District Attorney, and good cause appearing therefor,

IT IS HEREBY ORDERED that a Writ of Habeas Corpus ad Prosequendum be issued directing the production of the body of JOSHUA ISIAH CROFT, aka, Joshua Isaiah Croft, before the Eighth Judicial District Court of the State of Nevada, in and for the County of Clark, on Thursday, the 19th day of May, 2022, at the hour of 8:30 o'clock A.M., and on such future dates as may be necessary, for the confirmation of counsel of the said JOSHUA ISIAH CROFT, aka, Joshua Isaiah Croft, for the crime(s) of ATTEMPT ROBBERY (Category B

///

///

///

Felony - NRS 200.380, 193.330, 193.162 - NOC 50144) ROBBERY, VICTIM 60 YEARS OF AGE OR OLDER (Category B Felony - NRS 200.380, 193.162, 193.167 - NOC 50139).

DATED this _____ day of May, 2022.

Dated this 11th day of May, 2022

DISTRICT JUDGE

A9B FC3 B4F7 C18F
Joe Hardy
District Court Judge

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

BY
MICHAEL ALLMON
Deputy District Attorney
Nevada Bar #015169

21CR042894/erg/L-2

WRIT
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
MICHAEL ALLMON
Deputy District Attorney
Nevada Bar #015169
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-

JOSHUA ISIAH CROFT, aka,
Joshua Isaiah Croft,
#2649506
USMS# 47530048

Defendant.

CASE NO: C-22-364245-1

DEPT NO: XV

WRIT OF HABEAS CORPUS ad PROSEQUENDUM FOR FEDERAL PRISONER

TO: THE UNITED STATES MARSHAL
DISTRICT OF NEVADA
AND ANY OTHER UNITED STATES MARSHAL

GREETINGS:

The Ex Parte Petition of MICHAEL ALLMON, Deputy District Attorney of Clark County, Nevada, wherein the above-entitled Court was petitioned to grant a Writ of Habeas Corpus ad Prosequendum for the production of the body of JOSHUA ISIAH CROFT, aka, Joshua Isaiah Croft, before the Eighth Judicial District Court of the State of Nevada, 200 Lewis Avenue, Las Vegas, Clark County, Nevada, on the 19th day of May, 2022, at the hour of 8:30 o'clock A.M., for the purpose of the confirmation of counsel for the crime(s) of ATTEMPT ROBBERY (Category B Felony - NRS 200.380, 193.330, 193.162 - NOC 50144) ROBBERY, VICTIM 60 YEARS OF AGE OR OLDER (Category B Felony - NRS 200.380, 193.162, 193.167 - NOC 50139), and for such other and further proceedings as may be necessary for the purpose of prosecuting the said JOSHUA ISIAH CROFT, aka, Joshua Isaiah Croft for said

crime(s), and it appearing that JOSHUA ISIAH CROFT, aka, Joshua Isaiah Croft is now confined as a Federal Prisoner at the Nevada Southern Detention Center in the custody of the Director;

NOW, THEREFORE, we command you to have and produce the above-named prisoner on Thursday, the 19th day of May, 2022, in Department XV of the Eighth Judicial District Court of the State of Nevada, in and for the County of Clark.

Dated this 11th day of May, 2022

DISTRICT JUDGE

F89 6BD 4205 9950
Joe Hardy
District Court Judge

ATTEST:

STEVEN D. GRIERSON
CLERK OF THE COURT

BY _____

21CR042894/erg/L-2

EXPP
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
MICHAEL ALLMON
Deputy District Attorney
Nevada Bar #015169
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-

JOSHUA ISIAH CROFT, aka,
Joshua Isaiah Croft,
#2649506
USMS# 47530048

Defendant.

CASE NO: C-22-364245-1

DEPT NO: XV

STATE'S EX PARTE PETITION FOR WRIT OF HABEAS CORPUS ad PROSEQUENDUM FOR FEDERAL PRISONER

COMES NOW, the STATE OF NEVADA, by STEVEN B. WOLFSON, Clark County District Attorney, through MICHAEL ALLMON, Deputy District Attorney, and petitions the Court to issue a Writ of Habeas Corpus ad Prosequendum commanding the United States Marshal, District of Nevada, to produce the body of JOSHUA ISIAH CROFT, aka, Joshua Isaiah Croft, previously committed by due process of law in the custody of the Director; that it is necessary that said JOSHUA ISIAH CROFT, aka, Joshua Isaiah Croft be temporarily released under a Writ of Habeas Corpus de Prosequendum so that JOSHUA ISIAH CROFT, aka, Joshua Isaiah Croft may be present before the Eighth Judicial District Court of the State of Nevada, in and for the County of Clark, Department XV, for the confirmation of counsel and any other further proceedings arising out of an Indictment charging the said JOSHUA ISIAH CROFT, aka, Joshua Isaiah Croft with the crime of ATTEMPT ROBBERY (Category

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B Felony - NRS 200.380, 193.330, 193.162 - NOC 50144) ROBBERY, VICTIM 60 YEARS OF AGE OR OLDER (Category B Felony - NRS 200.380, 193.162, 193.167 - NOC 50139), being Case Number C-22-364245-1:

1. Your Petitioner further states that JOSHUA ISIAH CROFT, aka, Joshua Isaiah Croft is scheduled for the 19th day of May, 2022, in the Eighth Judicial District Court of the State of Nevada, in and for the County of Clark.

2. Your Petitioner further states that the said JOSHUA ISIAH CROFT, aka, Joshua Isaiah Croft is presently in the custody of the Federal authorities and is incarcerated in the Nevada Southern Detention Center.

3. Your Petitioner further states that he is desirous of proceeding to the confirmation of counsel on this matter forthwith, and to any and all subsequent hearings in the above-entitled case.

WHEREFORE, your Petitioner prays that this Honorable Court issue a Writ of Habeas Corpus ad Prosequendum directing the United States Marshal, District of Nevada, to bring forth the body of JOSHUA ISIAH CROFT, aka, Joshua Isaiah Croft before the Eighth Judicial District Court of the State of Nevada, in and for the County of Clark, Department XV thereof, on the 19th day of May, 2022, at the hour of 8:30 o'clock A.M., or as soon thereafter as counsel can be heard, and for such other and further proceedings as may be necessary.

DATED this 6th day of May, 2022.

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

BY _____
MICHAEL ALLMON
Deputy District Attorney
Nevada Bar #015169

21CR042894/erg/L-2

AFFIDAVIT

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

MICHAEL ALLMON being first duly sworn, deposes and says:

That he is the Petitioner herein and that he has read the foregoing Petition and knows the contents thereof; that the statements therein contained are true of his own knowledge, information and belief, and as to those, he believes same to be true.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 6th day of May, 2022.

MICHAEL ALLMON
Deputy District Attorney
Nevada Bar #015169

CSERV

DISTRICT COURT
CLARK COUNTY, NEVADA

State of Nevada	CASE NO: C-22-364245-1
vs	DEPT. NO. Department 15
Joshua Croft	

AUTOMATED CERTIFICATE OF SERVICE

Electronic service was attempted through the Eighth Judicial District Court's electronic filing system, but there were no registered users on the case. The filer has been notified to serve all parties by traditional means.

Electronically Filed
6/20/2022 4:17 PM
Steven D. Grierson
CLERK OF THE COURT

NOTC
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
MICHAEL D. ALLMON
Deputy District Attorney
Nevada Bar #015169
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-

JOSHUA ISIAH CROFT, aka, Joshua Isaiah Croft, aka,"Truth," aka, "King Truth", #2649506

Defendant.

CASE NO: C-22-364245-1

DEPT NO: XV

STATE'S NOTICE OF INTENT TO SEEK PUNISHMENT AS A VIOLENT HABITUAL FELON

TO: JOSHUA ISIAH CROFT, aka, Joshua Isaiah Croft, aka, "Truth," aka, "King Truth", Defendant; and

TO: JESS MATSUDA, Counsel of Record:

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that Defendant JOSHUA ISIAH CROFT, aka, Joshua Isaiah Croft, aka,"Truth," aka, "King Truth", hereinbefore named, is placed on notice that, in accordance with the authorization of NRS 207.012, punishment imposed pursuant to the above-stated habitual criminal statute is mandatory if said Defendant is found guilty on the primary offenses of ROBBERY (Category B Felony - NRS 200.380 - NOC 50137), and/or ROBBERY, VICTIM 60 YEARS OF AGE OR OLDER (Category B Felony - NRS 200.380, 193.167 - NOC 50139), for which Defendant is presently charged, as Defendant, has previously been convicted of TWO PRIOR violent offenses, as stated in 207.012(2), to-wit:

1. That on or about the 14th day of January, 2008, the Defendant was convicted in the Eighth Judicial District Court of Nevada for the crime of ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.380, 193.165 - NOC 50138) and SECOND DEGREE KIDNAPPING WITH USE OF DEADLY WEAPON (Category B Felony - NRS 200.310, 200.330, 193.165 - NOC 50076), in Case No. C238809.

2. That on or about the 13th day of March, 2014, the Defendant was convicted in United States District Court, District of Nevada, for the crime of INTERFERENCE WITH COMMERCE BY ROBBERY, 18 USC 1951, a crime that constitutes a violation of ROBBERY (Category B Felony - NRS 200.380 - NOC 50137) in Case No. 2:13-CR-0019-RCJ-GWF.

In addition, NRS 207.012(2) provides in relevant part, "that the District Attorney shall include a count under this section in any information or shall...file a notice of habitual criminality if an Indictment/Information is found." Furthermore, NRS 202.012(3) provides that the trial judge may not dismiss a count under this section that is included in the indictment or information.

Defendant, hereinbefore named, is placed on notice that, in accordance with the authorization of NRS 207.010, punishment imposed pursuant to the above-stated habitual criminal statute will be urged upon the Court if said Defendant is found guilty on the primary offense of any felony.

This page concerning the prior convictions hereinbelow set forth is to be considered by the Court in its discretion ONLY after the finding of guilty of Defendant on the primary charge herein.

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

BY /s/ Michael D. Allmon
MICHAEL D. ALLMON
Deputy District Attorney
Nevada Bar #015169

//

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that service of the above and foregoing was made this 20th day of June, 2022, by Electronic Filing to:

JESS Y. MATSUDA, ESQ.
EMAIL: jess@jesslaw.com

BY: _____
Secretary for the District Attorney's Office

21CR042894/MA/dh/L1

JOCP

ORIGINAL

FILED
JAN 16 1 14 PM '08
CLERK OF THE COURT

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

JOSHUA CROFT
aka Joshua Isaiah Croft
#2649506

Defendant.

CASE NO. C238809

DEPT. NO. XIV

JUDGMENT OF CONVICTION

(PLEA OF GUILTY)

The Defendant previously appeared before the Court with counsel and entered a plea of guilty to the crimes of COUNT 1 – CONSPIRACY TO COMMIT ROBBERY (Category B Felony) in violation of NRS 199.480, 200.380, COUNT 2 – ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony) in violation of NRS 193.165, 200.380, and COUNT 3 – SECOND DEGREE KIDNAPING WITH USE OF A DEADLY WEAPON (Category B Felony) in violation of NRS 193.165, 200.310, 200.330; thereafter, on the 9th day of January, 2008, the Defendant was present in court for sentencing with his counsel, KENNETH FRIZZELL, ESQ., and good cause appearing,

RECEIVED
JAN 16 2008
CLERK OF THE COURT

THE DEFENDANT IS HEREBY ADJUDGED guilty of said offenses and, in addition to the $25.00 Administrative Assessment Fee and $150.00 DNA Analysis Fee including testing to determine genetic markers, the Defendant is sentenced to the Nevada Department of Corrections (NDC) as follows: AS TO COUNT 1 - TO A MAXIMUM of FORTY-EIGHT (48) MONTHS with a MINIMUM parole eligibility of TWELVE (12) MONTHS; AS TO COUNT 2 - TO A MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS with a MINIMUM parole eligibility of TWENTY-FOUR (24) MONTHS, plus a CONSECUTIVE term of SEVENTY-TWO (72) MONTHS MAXIMUM and EIGHTEEN (18) MONTHS MINIMUM for Use of a Deadly Weapon, COUNT 2 to run CONCURRENT with COUNT 1, and $7,619.00 Restitution to be paid jointly and severally with co-defendant; AS TO COUNT 3 - TO A MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS and a MINIMUM parole eligibility of TWENTY-FOUR (24) MONTHS, plus a CONSECUTIVE term of SEVENTY-TWO (72) MONTHS MAXIMUM and EIGHTEEN (18) MONTHS MINIMUM for the Use of a Deadly Weapon, COUNT 3 to run CONCURRENT with COUNT 2; with NINETY-FOUR (94) DAYS credit for time served.

Defendant to participate in the 184 Program.

DATED this 14th day of January, 2008

April 22, 2022

UNITED STATES OF AMERICA DISTRICT COURT OF THE EIGHTH JUDICIAL DISTRICT COUNTY OF CLARK STATE OF NEVADA

CERTIFIED COPY
ELECTRONIC SEAL (NRS 1.190(3))

DONALD M. MOSLEY
DISTRICT JUDGE

FILED ____ RECEIVED
ENTERED ____ SERVED ON
COUNSEL/PARTIES OF RECORD

JAN 15 2013

CLERK US DISTRICT COURT
DISTRICT OF NEVADA
BY: _____ DEPUTY

DANIEL G. BOGDEN
United States Attorney
CRISTINA D. SILVA
Assistant United States Attorney
333 Las Vegas Blvd. South, Suite 5000
Las Vegas, Nevada 89101
(702) 388-6336/Fax: (702) 388-6020

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
-oOo-

UNITED STATES OF AMERICA,

PLAINTIFF,

VS.

JOSHUA CROFT, aka "Truth," and CHILICIA JAMERSON

DEFENDANTS.

CRIMINAL INDICTMENT

2:13-CR - 019

VIOLATION:
18 United States Code § 1951(a) - Hobbs Robbery Conspiracy (Count I); 18 United States Code § 1951(a) - Interference with Commerce by Robbery (Count III, V, VII, IX, XI); 18 United States Code § 924(c)(1)(A) - Use and Carry of Firearm in Relation to a Crime of Violence (Counts II, IV, VI, VIII, X, XII); and 18 United States Code § 2 - Aiding and Abetting; Forfeiture Allegation

THE GRAND JURY CHARGES THAT:

Count One
(Conspiracy to Interfere with Commerce by Robbery)

Beginning on a date unknown and continuing through on or about December 28, 2012, in the State and Federal District of Nevada,

JOSHUA CROFT, aka "Truth," and CHILICIA JAMERSON,

defendants herein, did agree and conspire together and with others known and unknown, to unlawfully obstruct, delay or affect commerce, as that term is defined in Title 18, United States Code, Section 1951, and the movement of articles and commodities in such commerce, by robbery,

as that term is defined in Title18, United States Code, Section 1951, in that the defendants did unlawfully take and obtain property, consisting of cash monies and other property, from 7-11, 9755 W. Russell Road, Las Vegas, NV 89148; Speedee Mart, 3480 S. Hualapai Way, Las Vegas, NV 89117; 7-11, 4395 North Las Vegas Boulevard, Las Vegas, NV 89115; Circle K, 5400 West Vegas Drive, Las Vegas, NV 89108; and Circle K, 700 E. Naples, Las Vegas, NV 89109; all businesses that affect interstate commerce, from the persons of employees of these businesses, against their will, by means of actual or threatened force or violence; all in violation of Title 18, United States Code, Section 1951.

Count Two
(Brandishing a Firearm in Furtherance of a Crime of Violence)

Beginning on a date unknown and continuing through on or about December 28, 2012, in the State and Federal District of Nevada,

JOSHUA CROFT, aka "Truth," and CHILICIA JAMERSON,

defendants herein, during and in relation to the crime of violence charged in Count One of this indictment, knowingly and intentionally used and carried a firearm to wit: a Taurus semi-automatic, .40 caliber handgun, with a silver slide and black bottom, bearing serial number SYJ44555, and said firearm was brandished. All in violation of Title 18, United States Code, Section 924(c)(1)(A)(ii) and (iii) and Title 18, United States Code, Section 2.

Count Three
(Interference with Commerce by Robbery)

On or about December 21, 2012, in the State and Federal District of Nevada,

JOSHUA CROFT, aka "Truth,"

defendants herein, did unlawfully obstruct, delay or affect commerce, as that term is defined in Title 18, United States Code, Section 1951, and the movement of articles and commodities in such

commerce, by robbery, as that term is defined in Title18, United States Code, Section 1951, in that the defendants did unlawfully take and obtain property, consisting of cash monies, from the person of R.S., an employee of the 7-11 located at 9755 W. Russell Road, Las Vegas, NV 89148, against his will, by means of actual or threatened force or violence; all in violation of Title 18, United States Code, Section 1951; and Title 18, United States Code, Section 2.

Count Four
(Brandishing a Firearm During a Crime of Violence)

On or about December 21, 2012, in the State and Federal District of Nevada,

JOSHUA CROFT, aka "Truth,"

defendants herein, during and in relation to the crime of violence charged in Count Three of this indictment, knowingly and intentionally used and carried a firearm to wit: a Taurus semi-automatic, .40 caliber handgun, with a silver slide and black bottom, bearing serial number SYJ44555, and said firearm was brandished. All in violation of Title 18, United States Code, Section 924(c)(1)(A)(ii); and Title 18, United States Code, Section 2.

Count Five
(Interference with Commerce by Robbery)

On or about December 21, 2012, in the State and Federal District of Nevada,

JOSHUA CROFT, aka "Truth,"

defendant herein, did unlawfully obstruct, delay or affect commerce, as that term is defined in Title 18, United States Code, Section 1951, and the movement of articles and commodities in such commerce, by robbery, as that term is defined in Title18, United States Code, Section 1951, in that the defendants did unlawfully take and obtain property, consisting of cash monies, from the person of C.W., an employee of the Speedee Mart located at 3480 S. Hualapai Way, Las Vegas, NV 89117, against his will, by means of actual or threatened force or violence; all in violation of Title

18, United States Code, Section 1951; and Title 18, United States Code, Section 2.

Count Six
(Brandishing a Firearm During a Crime of Violence)

On or about December 21, 2012, in the State and Federal District of Nevada,

JOSHUA CROFT, aka "Truth,"

defendant herein, during and in relation to the crime of violence charged in Count Three of this indictment, knowingly and intentionally used and carried a firearm to wit: a Taurus semi-automatic, .40 caliber handgun, with a silver slide and black bottom, bearing serial number SYJ44555, and said firearm was brandished. All in violation of Title 18, United States Code, Section 924(c)(1)(A)(ii); and Title 18, United States Code, Section 2.

Count Seven
(Interference with Commerce by Robbery)

On or about December 22, 2012, in the State and Federal District of Nevada,

JOSHUA CROFT, aka "Truth,"

defendants herein, did unlawfully obstruct, delay or affect commerce, as that term is defined in Title 18, United States Code, Section 1951, and the movement of articles and commodities in such commerce, by robbery, as that term is defined in Title18, United States Code, Section 1951, in that the defendants did unlawfully take and obtain property, consisting of cash monies and other property, from the person of R.H., an employee of the 7-11 located at 4395 North Las Vegas Boulevard, Las Vegas, NV 89115, against his will, by means of actual or threatened force or violence; all in violation of Title 18, United States Code, Section 1951; and Title 18, United States Code, Section 2.

Count Eight
(Brandishing a Firearm During a Crime of Violence)

On or about December 22, 2012, in the State and Federal District of Nevada,

JOSHUA CROFT, aka "Truth,"

defendants herein, during and in relation to the crime of violence charged in Count Five of this

indictment, knowingly and intentionally used and carried a firearm to wit: a Taurus semi-automatic, .40 caliber handgun, with a silver slide and black bottom, bearing serial number SYJ44555, and said firearm was brandished. All in violation of Title 18, United States Code, Section 924(c)(1)(A)(ii); and Title 18, United States Code, Section 2.

Count Nine
(Interference with Commerce by Robbery)

On or about December 27, 2012, in the State and Federal District of Nevada,

JOSHUA CROFT, aka "Truth,"

defendants herein, did unlawfully obstruct, delay or affect commerce, as that term is defined in Title 18, United States Code, Section 1951, and the movement of articles and commodities in such commerce, by robbery, as that term is defined in Title18, United States Code, Section 1951, in that the defendants did unlawfully take and obtain property, consisting of cash monies and other property, from the person of M.B., an employee of the Circle K located at 5400 West Vegas Drive, Las Vegas, NV 89108, against his will, by means of actual or threatened force or violence; all in violation of Title 18, United States Code, Section 1951; and Title 18, United States Code, Section 2.

Count Ten
(Brandishing a Firearm During a Crime of Violence)

On or about December 27, 2012, in the State and Federal District of Nevada,

JOSHUA CROFT, aka "Truth,"

defendants herein, during and in relation to the crime of violence charged in Count Seven of this indictment, knowingly and intentionally used and carried a firearm to wit: a Taurus semi-automatic, .40 caliber handgun, with a silver slide and black bottom, bearing serial number SYJ44555, and said firearm was brandished. All in violation of Title 18, United States Code, Section 924(c)(1)(A)(ii); and Title 18, United States Code, Section 2.

Count Eleven
(Interference with Commerce by Robbery)

On or about December 28, 2012, in the State and Federal District of Nevada,

JOSHUA CROFT, aka "Truth," and CHILICIA JAMERSON,

defendants herein, did unlawfully obstruct, delay or affect commerce, as that term is defined in Title 18, United States Code, Section 1951, and the movement of articles and commodities in such commerce, by robbery, as that term is defined in Title18, United States Code, Section 1951, in that the defendants did unlawfully take and obtain property, consisting of cash monies and other property, from the person of R.G., an employee of the Circle K located at 700 E. Naples, Las Vegas, NV 89109, against his will, by means of actual or threatened force or violence; all in violation of Title 18, United States Code, Section 1951; and Title 18, United States Code, Section 2.

Count Twelve
(Brandishing a Firearm During a Crime of Violence)

On or about December 28, 2012, in the State and Federal District of Nevada,

JOSHUA CROFT, aka "Truth," and CHILICIA JAMERSON,

defendants herein, during and in relation to the crime of violence charged in Count Nine of this indictment, knowingly and intentionally used and carried a firearm to wit: a Taurus semi-automatic, .40 caliber handgun, with a silver slide and black bottom, bearing serial number SYJ44555, and said firearm was brandished. All in violation of Title 18, United States Code, Section 924(c)(1)(A)(ii); and Title 18, United States Code, Section 2.

. . .

. . .

. . .

. . .

. . .

Forfeiture Allegation One
(Brandishing a Firearm During a Crime of Violence, and
Brandishing a Firearm in Furtherance of a Crime of Violence)

1. The allegations of Counts Two, Four, Six, Eight, Ten and Twelve of this Criminal Indictment are hereby realleged and incorporated herein by reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c).

2. Upon a conviction of the felony offenses charged in Counts Two, Four, Six, Eight, Ten, and Twelve of this Criminal Indictment,

JOSHUA CROFT, aka "Truth" and CHILICIA JAMERSON,

defendants herein, shall forfeit to the United States of America, any firearm or ammunition involved in or used in any knowing violation of Title 18, United States Code, Section 924(c)(1)(A)(ii) and (iii):

a) a Taurus semi-automatic, .40 caliber handgun, with a silver slide and black bottom, bearing serial number SYJ44555; and

b) any and all ammunition involved in the above robberies.

All pursuant to Title 18, United States Code, Section 924(c)(1)(A)(ii) and (iii); and Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c).

Dated this 15th day of JANUARY, 2013.

A TRUE BILL:

/s/
FOREPERSON OF THE GRAND JURY

DANIEL G. BOGDEN
United States Attorney

CRISTINA D. SILVA
Assistant United States Attorney

CLOSED,APPEAL,STAYED,Manual Distribution,CUSTODY-Federal

United States District Court
District of Nevada (Las Vegas)
CRIMINAL DOCKET FOR CASE #: 2:13-cr-00019-KJD-DJA All Defendants

Case title: USA v. Croft et al

Date Filed: 01/15/2013

Related Cases: 2:15-cv-00715-RCJ
2:17-cv-00646-RCJ

Date Terminated: 05/28/2014

Date Filed	#	Docket Text
03/13/2014	78	MINUTES OF PROCEEDINGS - Sentencing and Disposition as to Joshua Croft held on 3/13/2014 before Judge Robert C. Jones. Crtrm Administrator: *Lesa Ettinger*; AUSA: *Cristina Silva*; Def Counsel: *Gabriel Grasso, CJA*; USPO: *Bridger Franzen*; Court Reporter/FTR #: *Margaret Griener*; Time of Hearing: *1:07 - 2:06 p.m.*; Courtroom: *4B*; Defendant is present. Defendant is present in custody. The Court formally accepts defendant's guilty plea and adjudicates him guilty. The Court then inquires as to whether there are any objections to the PSR and hears representations of counsel in relation to recommended sentence. The Court makes findings. Sentence is imposed as to Count One, Two and Eleven of the Indictment in case 2:13-CR-0019-RCJ-GWF and to Count One of the single count Indictment in case 2:13-CR-0054-RCJ-CWH. (See judgment for specifics). USPO delivers a copy of the terms of supervision to defendant. Defendant is advised of right to file an appeal. The Court makes recommendation for designation to a FCI facility in Phoenix, Arizona. Final Order of Forfeiture is signed and made part of the judgment. Defendant is remanded to custody. **(no image attached)** (Copies have been distributed pursuant to the NEF - LE) (Entered: 03/20/2014)

AO 245B (Rev. 09/11) Judgment in a Criminal Case
Sheet 1

UNITED STATES DISTRICT COURT

District of Nevada

UNITED STATES OF AMERICA	)	**JUDGMENT IN A CRIMINAL CASE**
v.	)	
	)	Case Number: 2:13-CR-0019-RCJ-GWF
JOSHUA CROFT *aka: Truth*	)	USM Number: 47530-048
	)	Gabriel Grasso, CJA Defendant's Attorney

THE DEFENDANT:

X pleaded guilty to count(s) One, Two, and Eleven of the Indictment

☐ pleaded nolo contendere to count(s) _____ which was accepted by the court.

☐ was found guilty on count(s) _____ After a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18 U.S.C. § 1951	Conspiracy to Interfere with Commerce by Robbery	12/28/2012	ONE
18 U.S.C. § 924(c)(1)(A)(ii) and 2	Brandishing a Firearm in Furtherance of a Crime of Violence and Aiding and Abetting	12/28/2012	TWO
18 U.S.C §§ 1951 and 2	Interference with Commerce by Robbery and Aiding and Abetting	12/28/2012	ELEVEN

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) _____

X Count(s) all remaining ☐ is X are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

MARCH 13, 2014
Date of Imposition of Judgment

Signature of Judge
ROBERT C. JONES
CHIEF UNITED STATES DISTRICT JUDGE
Name and Title of Judge

Date April 15, 2014

✓ FILED ____ RECEIVED
____ ENTERED ____ SERVED ON
COUNSEL/PARTIES OF RECORD
APR 16 2014
CLERK US DISTRICT COURT
DISTRICT OF NEVADA
BY: _____ DEPUTY

DEFENDANT: JOSHUA CROFT *aka: Truth*
CASE NUMBER: 2:13-CR-0019-RCJ-GWF

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of: 71 months as to Counts One and Eleven of Case No.: 2:13-cr-0019-RCH-GWF, and Count One of Case No.: 2:13-cr-0054-RCJ-CWH, concurrently on each count; 84 months as to Count Two of Case No.: 2:13-cr-0019-RCJ-GWF, consecutive to Counts One and Eleven of Case No.: 2:13-cr-0019-RCH-GWF, and Count One of Case No.: 2:13-cr-0054-RCJ-CWH, for a total sentence of 155 months; and consecutive to the undischarged sentence imposed by the Eighth Judicial District Court, Clark County, Nevada, in Case No.: C283556.

X The court makes the following recommendations to the Bureau of Prisons:

that the defendant be designated to a FCI facility in Phoenix, Arizona.

X The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____.

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on _____.

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____ a _____

_____, with a certified copy of this judgment.

_____

UNITED STATES MARSHAL

By _____

DEPUTY UNTIED STATES MARSHAL

DEFENDANT: JOSHUA CROFT *aka: Truth*
CASE NUMBER: 2:13-CR-0019-RCJ-GWF

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of: Case No(s).: 2:13-cr-0019-RCJ-GWF; 2:13-cr-0054-RCJ-CWH; Counts One, Two, Eleven, and One (respectively); three years per count; all counts concurrently.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court, not to exceed 104 tests annually.

☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. *(Check, if applicable.)*

☐ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. *(Check, if applicable.)*

X The defendant shall cooperate in the collection of DNA as directed by the probation officer. *(Check, if applicable.)*

☐ The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides, works, is a student, or was convicted of a qualifying offense. *(Check, if applicable.)*

☐ The defendant shall participate in an approved program for domestic violence. *(Check, if applicable.)*

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
2) the defendant shall report to the probation officer in a manner and frequency directed by the court or probation officer;
3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
4) the defendant shall support his or her dependents and meet other family responsibilities;
5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: JOSHUA CROFT *aka: Truth*
CASE NUMBER: 2:13-CR-0019-RCJ-GWF

SPECIAL CONDITIONS OF SUPERVISION

1. **Possession of Weapons** - You shall not possess, have under your control, or have access to any firearm, explosive device, or other dangerous weapons, as defined by federal, state, or local law.

2. **Warrantless Search** - You shall submit to the search of your person, property, residence or automobile under your control by the probation officer or any other authorized person under the immediate and personal supervision of the probation officer, without a search warrant to ensure compliance with all conditions of release.

3. **Mental Health Treatment** - You shall participate in and successfully complete a mental health treatment program, which may include testing, evaluation, and/or outpatient counseling, as approved and directed by the probation office. You shall refrain from the use and possession of beer, wine, liquor, and other forms of intoxicants while participating in mental health treatment. Further, you shall be required to contribute to the costs of services for such treatment, as approved and directed by the probation office based upon your ability to pay.

4. **No Contact Condition** - You shall not have contact, directly or indirectly, associate with or be within 500 feet of Chilicia Jamerson, their residence or business, and if confronted by Chilicia Jamerson in a public place, you shall immediately remove yourself from the area.

5. **Report to Probation Officer After Release from Custody** - You shall report, in person, to the probation office in the district to which you are released within 72 hours of discharge from custody.

Upon a finding of a violation of probation or supervised release, I understand that the court may (1) revoke supervision, (2) extend the term of supervision, and/or (3) modify the conditions of supervision.

These conditions have been read to me. I fully understand the conditions and have been provided a copy of them.

Defendant's signature _____ Date _____

Signature of the U.S. Probation Officer/Designated Witness _____ Date _____

AO 245B (Rev. 09/11) Judgment in a Criminal Case
Sheet 5 - Criminal Monetary Penalties

DEFENDANT: JOSHUA CROFT *aka: Truth*
CASE NUMBER: 2:13-CR-0019-RCJ-GWF

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	Assessment	Fine	Restitution
TOTALS	$ 300.00 ($100.00 per count)	$ WAIVED	$ N/A

☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

Name of Payee	Total Loss*	Restitution Ordered	Priority or Percentage

Clerk of the Court
Attention: Finance
Case No. 2:13-CR-0019-RCJ-GWF
333 Las Vegas Blvd. South, Room 1334
Las Vegas, NV 89101

TOTALS	$_____	$_____

☐ Restitution amount ordered pursuant to plea agreement $ _____

☐ The defendant must pay interest on restitution and a fine of more than $2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

AO 245B (Rev. 09/11) Judgment in a Criminal Case
Sheet 6- Schedule of Payments

DEFENDANT: JOSHUA CROFT *aka: Truth*
CASE NUMBER: 2:13-CR-0019-RCJ-GWF

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

A X Lump sum payment of $ 300.00 due immediately, balance due

☐ Not later than _____, or
☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or

B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or

C ☐ Payment in equal _____ *(e.g., weekly, monthly, quarterly)* installments of $ _____ over a period of _____ *(e.g., months or years)*, to commence _____ *(e.g., 30 or 60 days)* after the date of this judgment; or

D ☐ Payment in equal _____ *(e.g., weekly, monthly, quarterly)* installments of $ _____ over a period of _____ *(e.g., months or years)*, to commence _____ *(e.g., 30 or 60 days)* after release from imprisonment to a term of supervision; or

E ☐ Payment during the term of supervised release will commence within _____ *(e.g., 30 or 60 days)* after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or

F ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers *(including defendant number)*, Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

☐ The defendant shall pay the cost of prosecution.

☐ The defendant shall pay the following court cost(s):

X The defendant shall forfeit the defendant's interest in the following property to the United States:
SEE ATTACHED ORDER OF FORFEITURE

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

FILED ___RECEIVED
ENTERED ___SERVED ON
COUNSEL/PARTIES OF RECORD

MAR 13 2014

CLERK US DISTRICT COURT
DISTRICT OF NEVADA
BY: _____ DEPUTY

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSHUA CROFT,
aka "Truth",

Defendant.

2:13-CR-019-RCJ-(GWF)

FINAL ORDER OF FORFEITURE

On December 13, 2013, the United States District Court for the District of Nevada entered a Preliminary Order of Forfeiture pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2) and Title 18, United States Code, Section 2461(c) based upon the plea of guilty by defendant JOSHUA CROFT aka "Truth" to the criminal offenses, forfeiting the property set forth in the Plea Agreement and the Forfeiture Allegation of the Criminal Indictment and shown by the United States to have the requisite nexus to the offenses to which defendant JOSHUA CROFT aka "Truth" pled guilty. Criminal Indictment, ECF No. 1; Change of Plea, ECF No. 60; Plea Agreement, ECF No. 62; Preliminary Order of Forfeiture, ECF No. 63.

This Court finds the United States of America published the notice of forfeiture in accordance with the law via the official government internet forfeiture site, www.forfeiture.gov, consecutively from December 18, 2013, through January 16, 2014, notifying all potential third parties of their right to petition the Court. Notice of Filing Proof of Publication, ECF No. 71.

This Court finds no petition was filed herein by or on behalf of any person or entity and the time for filing such petitions and claims has expired.

This Court finds no petitions are pending with regard to the assets named herein and the time for presenting such petitions has expired.

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that all right, title, and interest in the property hereinafter described is condemned, forfeited, and vested in the United States of America pursuant to Fed. R. Crim. P. 32.2(b)(4)(A) and (B); Fed. R. Crim. P. 32.2(c)(2); Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c); and Title 21, United States Code, Section 853(n)(7) and shall be disposed of according to law:

1. a Taurus semi-automatic, .40 caliber handgun, with a silver slide and black bottom, bearing serial number SYJ44555; and
2. any and all ammunition.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any and all forfeited funds, including but not limited to, currency, currency equivalents, certificates of deposit, as well as any income derived as a result of the United States of America's management of any property forfeited herein, and the proceeds from the sale of any forfeited property shall be disposed of according to law.

The Clerk is hereby directed to send copies of this Order to all counsel of record and three certified copies to the United States Attorney's Office.

DATED this 15th day of March, 2014.

UNITED STATES DISTRICT JUDGE

Electronically Filed
6/23/2022 3:40 PM
Steven D. Grierson
CLERK OF THE COURT

WRIT
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
MICHAEL ALLMON
Deputy District Attorney
Nevada Bar #015169
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-

JOSHUA ISIAH CROFT, aka,
Joshua Isaiah Croft,
#2649506
USMS# 47530048

Defendant.

CASE NO: C-22-364245-1

DEPT NO: XV

WRIT OF HABEAS CORPUS ad PROSEQUENDUM FOR FEDERAL PRISONER

TO: THE UNITED STATES MARSHAL
DISTRICT OF NEVADA
AND ANY OTHER UNITED STATES MARSHAL

GREETINGS:

The Ex Parte Petition of MICHAEL ALLMON, Deputy District Attorney of Clark County, Nevada, wherein the above-entitled Court was petitioned to grant a Writ of Habeas Corpus ad Prosequendum for the production of the body of JOSHUA ISIAH CROFT, aka, Joshua Isaiah Croft, before the Eighth Judicial District Court of the State of Nevada, 200 Lewis Avenue, Las Vegas, Clark County, Nevada, on the 19th day of ~~May~~ July, 2022, at the hour of 8:30 o'clock A.M., for the purpose of the confirmation of counsel for the crime(s) of ATTEMPT ROBBERY (Category B Felony - NRS 200.380, 193.330, 193.162 - NOC 50144) ROBBERY, VICTIM 60 YEARS OF AGE OR OLDER (Category B Felony - NRS 200.380, 193.162, 193.167 - NOC 50139), and for such other and further proceedings as may be necessary for the purpose of prosecuting the said JOSHUA ISIAH CROFT, aka, Joshua Isaiah Croft for said

crime(s), and it appearing that JOSHUA ISIAH CROFT, aka, Joshua Isaiah Croft is now confined as a Federal Prisoner at the Nevada Southern Detention Center in the custody of the Director;

NOW, THEREFORE, we command you to have and produce the above-named prisoner on ~~Thursday~~ Tuesday, the 19th day of ~~May~~ July, 2022, in Department XV of the Eighth Judicial District Court of the State of Nevada, in and for the County of Clark.

Dated this 11th day of May, 2022

Joe Hardy

DISTRICT JUDGE

F89 6BD 4205 9950
Joe Hardy
District Court Judge

ATTEST:

STEVEN D. GRIERSON
CLERK OF THE COURT

BY _____

21CR042894/erg/L-2

EIGHTH JUDICIAL DISTRICT COURT
CLERK OF THE COURT
REGIONAL JUSTICE CENTER
200 LEWIS AVENUE, 3rd FL.
LAS VEGAS, NEVADA 89155-1160
(702) 671-4554

Steven D. Grierson
Clerk of the Court

Anntoinette Naumec-Miller
Court Division Administrator

July 12, 2022

Attorney: JESS Y. MATSUDA
520 S 4th ST STE 340
Las Vegas NV 89101

Case Number: C-22-364245-1
Department: Department 15

Defendant: Joshua Isiah Croft

Attached are pleadings received by the Office of the District Court Clerk which are being forwarded to your office pursuant to Rule 3.70.

Pleadings: **Writ Of Habeas Motion To Dismiss Indictment**

Rule 3.70. Papers which May Not be Filed

Except as may be required by the provisions of NRS 34.730 to 34.830, inclusive, all motions, petitions, pleadings or other papers delivered to the clerk of the court by a defendant who has counsel of record will not be filed but must be marked with the date received and a copy forwarded to the attorney for such consideration as counsel deems appropriate. This rule does not apply to applications made pursuant to Rule 7.40(b)(2)(ii).

Cordially yours,

DC Criminal Desk # 7

Deputy Clerk of the Court

Joshua Croft #47530048
Nevada Southern Detention Center
2190 E. Mesquite Ave.
Pahrump, NV 89060

EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

***

STATE OF NEVADA,

Plaintiff,

V.

JOSHUA CROFT

Defendant.

CASE NO. C-22-364345-1

WRIT OF HABEAS CORPUS MOTION TO DISMISS INDICTMENT

COMES NOW, Joshua Croft ("Defendant" or "Mr. Croft"), **Pro Se**, moves this Honorable Court, and hereby files his WRIT OF HABEAS CORPUS MOTION TO DISMISS *INDICTMENT.* This motion is supported by the following Points and Authorities, The Sixth Amendment right to speedy trial and Fourteenth Amendment Due Process, all pleadings and papers on file herein, and any oral arguments the Court may entertain at the time on this motion.

RECEIVED
JUL 11 2022
CLERK OF THE COURT

Valdez-Jimenez v. Eighth Judicial Dist. Court of Nev, 460 P.3d 976 (We recognize, however, that an accused is entitled to a prompt individualized hearing on his or her custody status after arrest. Generally, such a hearing occurs at the initial appearance, or arraignment. Though "Where is no statutory designation of a specific time within which an arraignment shall be held after the arrest of an accused under an indictment," this court presumes that an arraignment will be conducted within "a reasonable time." Tellis v. Sheriff of Clark Cty., 85 Nev. 557, 559-60, 459 P.2d 364, 365 (1969). We have explained that one of the primary reasons for a speedy arraignment by a judicial officer is to inform the accused of his privilege against self-incrimination; his right to a speedy trial; his right to due process of law and to assure that he is not left to languish in jail. Accordingly, we stress that where a defendant remains in custody following indictment, he or she must be brought promptly before the district court for an individualized custody status determination.**)**

In **Brown v. Justice Court, 83 Nev. 272, 428 P.2d 376 (1967),** (this court held that there must be a showing of prejudice by the defendant; that some essential element of his defense was lost to him or minimized, and that he was thereby deprived of due process of law)

Historically the need for an arraignment was to determine which prisoners wanted to be put to a jury and which of them would confess in open court. **NRS 173.195** is the only statute touching upon the disposition of an accused after an arrest upon a bench warrant issued pursuant to an indictment. An alternative procedure is prescribed. The arrested person must be either brought promptly before the court or before a magistrate for the purpose of admission to bail.

Background

On September 15th 2021 petitioner was arrested for robbery in Las Vegas, Nevada. September 17th 2021 I was released on 1,100$ bail. On or about a week later an arrest warrant was out for my arrest in violation of my federal probation for "catching a new case while on probation". September 28th 2021 I checked myself in to my probation officer Mr. Cecil McCarrol and was arrested and has remained in federal custody since. September 30th I went to my pretrial release hearing where I was detained because I had a pending "violent crime" and that made me a danger to the community and a flight risk. On October 15th 2021 petitioner was officially charged in state court for robbery (Case No. 21-CR-

042894).

On March 10th 2022 in Las Vegas Justice Court before Judge Diana Sullivan was a Preliminary Hearing in which to see whether or not there is probable cause to hold defendant for the robbery charges. Case No. 21-CR-042894. *At a preliminary hearing, the State must show "probable cause to believe that an offense has been committed and that the defendant has committed it."* ***NRS 171.206; Graves v. Sheriff, 88 Nev. 436, 439, 498 P.2d 1324, 1326 (1972).*** *Probable cause requires presenting only slight or marginal "evidence to support a reasonable inference that the accused committed the offense."* ***Sheriff v. Milton,109 Nev. 412, 414, 851 P.2d 417, 418 (1993)*** *(internal quotation marks omitted). When evaluating the probable cause determination, "a reviewing court should assume the truth of the state's evidence and all reasonable inferences from it in a light most favorable to the state."* ***Sheriff v. Dhadda,115 Nev. 175, 180, 980 P.2d 1062, 1065 (1999).***

Despite the challenges of arguing against such a minimum amount of evidence needed to bind the case over to the District Court, Judge Sullivan nevertheless DISMISSED the case (**see attached**)

MEMORANDUM OF POINTS AND AUTHORITIES

Brown "this court held that there must be a showing of prejudice by the defendant; that some essential element of his defense was lost to him or minimized, and that he was thereby deprived of due process of law"

(1)- Defendant was prejudice in multiple ways because of the delayed arraignment. Defendant hasn't went to court AT ALL since hes been indicted by the grand jury. Hasn't been assigned an attorney. Doesn't even know whats hes officially being charged with because he hasn't been sent a copy of his charges. Defendant is in federal custody and has been continuing his probation violation hearing, as customary in the federal system, because the judge wanted to see what became of my state case. This method is used widely because in cases where defendant get their case dismissed or goes to trial and succeed it shows that your innocent and usually defendants get reinstated and get released. My counsel and I have took this same approach and continued my hearing to AFTER the state case was final. On February 17, 2022 my younger brother was

brought into my previous attorney office, Damien Sheets, along with our father. He made a full confession under oath that while he was in possession of my vehicle the night of the alleged robbery, it was him who committed the robbery with a friend and not me, completely exonerating me. He went into detail that while I was at a party with friends, when he asked me to borrow my car to make a run, he committed the robberies without my knowledge. So we were confident that we'd beat my false allegations. When the case was dismissed on March 10th we proceeded to my probation hearing on April 28th. I was set to be released because there was no reason to violate me on "catching a new case" when the case was ultimately dismissed. During the hearing the district attorney notified us that id been recharged through grand jury and that the charges were reinstated. This was a shock to me because I didn't know I was recharged the week prior to my probation hearing. Ultimately I was found guilty of violation and sentenced to 24 months in the BOP. Had defendant been arraigned in a "reasonable time" as the law says, defendant could have continued his probation hearing and dealt with his state case 1st. Defendant was extremely prejudiced because now he has to suffer a new prison sentence because the unconstitutional delay. Defendant doesn't know the exact day he was grand jury'd but the district attorney said it was around April 19th or so. We are now at June 14th and STILL

no arraignment. Almost 60 days later. Had it not been for the District attorney I still wouldn't have known that I was indicted. Defendant was prejudiced because there was a strong chance he would be released but because of this "secret indictment" that nobody knew about, iv been violated even though my state case was previously dismissed because of lack of probable cause.

(2)- "some essential element of his defense was lost to him or minimized". Defendant was prejudiced and lost a extremely viable element of his defense because also on the day of my probation hearing the individual who confessed to the charges im being illegally/falsely charged with was incarcerated for the robbery charges. At the time when he made the recorded confession he was free and during the probation hearing he was free aswell now hes incarcerated. His exanorating testimony has always been crucial as it is rare that someone confesses to charges that their not guilty of. My situation is identical to what happened in **Luqris Thompson v. Las Vegas Metropolitan Police Department, 2016 U.S. Dist. LEXIS 84436** (More than four years after Thompson's conviction, in April 2012, Thompson's stepfather David Williams contacted Metro, stating that Jamey Manning (co-defendant) (who had been paroled after serving four years) had reached out to him because he "found God" and wanted to help Thompson. Manning confessed to him that Thompson was

not involved in the robbery. This prompted Metro to investigate Thompson's possible innocence, noting that the only evidence against Thompson was Coppola's positive identification. Metro detective Stout met with Manning, who implicated another man named "Dell" in the robbery and stated that he was willing to take a polygraph and do whatever he could to exonerate Thompson. Detective Stout then spoke with Thompson's defense attorney Gerald Ciciliano. Ciciliano confirmed that the only evidence the state had against Thompson was Coppola's identification and indicated that Thompson steadfastly claimed he was innocent and refused to take a deal in the case. Ciliano also stated that he had another client who overheard Manning say that he committed the robbery but did not know who Thompson was. Ciciliano even stated that of the thousand or so defendants he had represented in his career, he thought that only two of them were innocent, and Thompson was one of them. But despite his belief in his client's innocence, Ciciliano said that he did not have Thompson testify because Thompson was a "druggy" and would not be believed.

Finally, Detective Stout met with Thompson in prison. Thompson stated that at the time of trial, he asked Ciciliano to have his brother testify to his whereabouts the night of the robbery, to have Manning testify, to check the surveillance video at the Target store he was at the night of the robbery, which would have shown

him buying a video with his friend Derrick Johnson, and to arrange for Thompson to take a polygraph. Ciciliano told him that none of the witnesses would help, that a polygraph would not be admissible, and that he could not get the video.

Both Manning and Thompson passed polygraph tests. Detective Stout was eventually able to make contact with "Dell," who was identified as Delaun Jackson, at his new residence in Iowa. Jackson was uncooperative until Detective Stout told him that the statute of limitations for the robbery had run, so Jackson could not be charged. Jackson then gave a detailed statement implicating himself and Manning in the robbery, and he volunteered to take a polygraph test. Based on this information, Detective Stout requested that the crime lab compare Jackson's fingerprints to the unmatched fingerprints found in Coppola's car on the night of the robbery. The fingerprints matched. On August 8, 2012, the state court granted the state's ex parte motion to vacate Thompson's judgment of conviction, and Thompson was finally released from prison.)

Defendant shouldn't have to wait until he has done over 4 years of his life in prison as Mr. Thompson has done before justice is served when defendant already has a confessional statement recorded. This evidence was put on record

at the Preliminary Hearing in Justice Court.

Petitioner arguing continued detention violates the Due Process Clause of the 5th Amendment of the Constitution of the United States.

Petitioner also argues hes being illegally held in violation of 14th Amendment protection against deprivations of liberty without due process of law.

Citing, ***Potts v. City of Philadelphia, 224 F.Supp. 2D 919*** *"Unlawful Detention, however, also implicates the 14th Amendment protection against deprivation of liberty without due process of law. See* ***Baker, 443 U.S. At 142****. The Supreme Court suggested in Baker that prolonged detention in the face of a persons protestation of innocence may violate the 14th Amendment"*

CONCLUSION

Defendant hasnt been served charges. Hasn't been appointed counselor nor been contacted by counsel. Hasnt had the opportunity to know ANY information in regards to his new charges and because of this delayed Arraignment (at 60 days and counting without arraignment), his constitutions are being violated and warrants a dismissal of the indictment **With Prejudice.**

Dated this 14th day of June, 2022

Respectfully Submitted,



Joshua Croft

JOSHUA CROFT #47530048
Nevada Southern Detention Center
2190 E. Mesquite Ave.
Pahrump, NV 89060

Joshua Croft #47530048
N.S.D.C.
2190 E. Mesquite Ave.
Pahrump, NV 89060



152

RECEIVED
JUL 11 2022
CLERK OF THE COURT

This correspondence originated from a detention facility. The facility is not responsible for the contents herein.

Regional Justice Center
Eighth Judicial District Court Dept. 15
200 Lewis Ave
Las Vegas, Nevada 89155

Electronically Filed
08/10/2022 12:49 PM
CLERK OF THE COURT

DANIEL HILL
HILL FIRM PLLC
Nevada State Bar No. 12773
228 S. 4th Street, 3rd Floor
Las Vegas, NV 89101
P: (702) 848-5000
F: (702) 442-8338
Attorney for Defendant

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

STATE OF NEVADA, Plaintiff, vs. JOSHUA CROFT, Defendant.	C-22-364245-1 Dept. 15 **STIPULATION TO EXTEND PRETRIAL WRIT DEADLINE**

The State of Nevada, through Michael Allmon, and Joshua Croft, through Dan Hill, do hereby stipulate and agree as follows:

1. The grand jury transcripts in this matter were filed on April 25, 2022. Mr. Croft was arraigned on July 19, 2022. The current pretrial writ deadline is August 9, 2022.
2. Defense counsel was recently retained to investigate possible pretrial writ issues.
3. Defense counsel discovered a possible issue under Woods v. State, pursuit of which requires production of the preliminary hearing transcript that preceded this indictment.
4. Mr. Croft is aware of this request and does not oppose it.
5. Such continuance of the pretrial writ deadline is expressly permitted by statute, NRS 34.700(3), upon demonstration and finding of good cause.

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//

6. Good cause exists here because the preliminary hearing transcripts have not yet been produced.

7. Accordingly, the parties stipulate and agree that the pretrial writ deadline in this case be extended up to and including September 8, 2022.

DATED this 9th day of August 2022.

/s/ Daniel Hill

DANIEL HILL
Attorney for Defendant

/s/ Michael Allmon

MICHAEL ALLMON
Attorney for State of Nevada

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

STATE OF NEVADA, Plaintiff, vs. JOSHUA CROFT, Defendant.	C-22-364245-1 Dept. 15 **ORDER**

Upon Stipulation of the parties and upon a finding of good cause pursuant to NRS 34.700(3),

IT IS HEREBY ORDERED that the stipulation of the parties is GRANTED.

IT IS FRUTHER ORDERED that any pretrial petition for writ of habeas corpus in this matter shall be filed on or before September 8, 2022.

DATED this _____ day of August 2022.

Dated this 10th day of August, 2022

HON. JOSEPH HARDY
DISTRICT COURT JUDGE

ADB 2AA 71E6 69E0
Joe Hardy
District Court Judge

Submitted by:

/s/ Dan Hill
DAN HILL
Nevada Bar No. 12773

Gmail

Dan Hill <dan@hillfirmlawyers.com>

RE: Croft C-22-364245-1

1 message

Michael Allmon <Michael.Allmon@clarkcountyda.com> Tue, Aug 9, 2022 at 4:37 PM
To: Dan Hill <dan@hillfirmlawyers.com>

Yes.

From: Dan Hill <dan@hillfirmlawyers.com>
Sent: Tuesday, August 9, 2022 4:36 PM
To: Michael Allmon <Michael.Allmon@clarkcountyda.com>
Subject: Croft C-22-364245-1

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Howdy sir. Can I affix your e-signature to this attached stip to extend the writ deadline in this case?

--

Dan Hill, Esq.

HILL FIRM

228 S. 4th Street

Third Floor

Las Vegas, NV 89101

(702) 848-5000

www.hillfirmlawyers.com

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CSERV

DISTRICT COURT
CLARK COUNTY, NEVADA

State of Nevada	CASE NO: C-22-364245-1
vs	DEPT. NO. Department 15
Joshua Croft	

AUTOMATED CERTIFICATE OF SERVICE

This automated certificate of service was generated by the Eighth Judicial District Court. The foregoing Stipulation and Order was served via the court's electronic eFile system to all recipients registered for e-Service on the above entitled case as listed below:

Service Date: 8/10/2022

Jess Matsuda	jess@jesslaw.com

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09/08/2022 4:48 PM
CLERK OF THE COURT

DANIEL HILL
HILL FIRM PLLC
Nevada State Bar No. 12773
228 S. 4th Street, 3rd Floor
Las Vegas, NV 89101
P: (702) 848-5000
F: (702) 442-8338
Attorney for Defendant

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

STATE OF NEVADA, Plaintiff, vs. JOSHUA CROFT, Defendant.	C-22-364245-1 Dept. 15 **STIPULATION TO EXTEND PRETRIAL WRIT DEADLINE**

The State of Nevada, through Michael Allmon, and Joshua Croft, through Dan Hill, do hereby stipulate and agree as follows:

1. The grand jury transcripts in this matter were filed on April 25, 2022. Mr. Croft was arraigned on July 19, 2022. The current pretrial writ deadline is September 8, 2022.
2. Defense counsel was recently retained to investigate possible pretrial writ issues.
3. Defense counsel discovered a possible issue under Woods v. State, pursuit of which requires production of the preliminary hearing transcript that preceded this indictment.
4. Mr. Croft is aware of this request and does not oppose it.
5. Such continuance of the pretrial writ deadline is expressly permitted by statute, NRS 34.700(3), upon demonstration and finding of good cause.

//

//

//

6. Good cause exists here because the preliminary hearing transcripts have not yet been produced, but have been ordered and are expected shortly.

7. Accordingly, the parties stipulate and agree that the pretrial writ deadline in this case be extended up to and including September 22, 2022.

DATED this 8th day of September 2022.

/s/ Daniel Hill

DANIEL HILL
Attorney for Defendant

/s/ Michael Allmon

MICHAEL ALLMON
Attorney for State of Nevada

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

STATE OF NEVADA, Plaintiff, vs. JOSHUA CROFT, Defendant.	C-22-364245-1 Dept. 15 **ORDER**

Upon Stipulation of the parties and upon a finding of good cause pursuant to NRS 34.700(3),

IT IS HEREBY ORDERED that the stipulation of the parties is GRANTED.

IT IS FRUTHER ORDERED that any pretrial petition for writ of habeas corpus in this matter shall be filed on or before September 22, 2022.

DATED this _____ day of September 2022.

Dated this 8th day of September, 2022

HON. JOSEPH HARDY
DISTRICT COURT JUDGE

06A FA8 51B8 3C14
Joe Hardy
District Court Judge

Submitted by:

/s/ Dan Hill
DAN HILL
Nevada Bar No. 12773

Gmail

Dan Hill <dan@hillfirmlawyers.com>

RE: Joshua croft writ

1 message

Michael Allmon <Michael.Allmon@clarkcountyda.com> Thu, Sep 8, 2022 at 3:04 PM
To: Dan Hill <dan@hillfirmlawyers.com>

Sure, no problem.

And here is a copy of the transcript.

From: Dan Hill <dan@hillfirmlawyers.com>
Sent: Thursday, September 8, 2022 12:37 PM
To: Michael Allmon <Michael.Allmon@clarkcountyda.com>
Subject: Joshua croft writ

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Howdy sir, can I affix your signature to this two-week stipulation? The PH transcripts have not been turned over yet.

--

Dan Hill, Esq.

HILL FIRM

228 S. 4th Street

Third Floor

Las Vegas, NV 89101

(702) 848-5000

www.hillfirmlawyers.com

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C-22-364245-1 - Transcript of Proceedings - TRANS CRM (3).pdf
210K

CSERV

DISTRICT COURT
CLARK COUNTY, NEVADA

State of Nevada	CASE NO: C-22-364245-1
vs	DEPT. NO. Department 15
Joshua Croft	

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Jess Matsuda	jess@jesslaw.com

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09/22/2022 4:08 PM
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DANIEL HILL
HILL FIRM PLLC
Nevada State Bar No. 12773
228 S. 4th Street, 3rd Floor
Las Vegas, NV 89101
P: (702) 848-5000
F: (702) 442-8338
Attorney for Defendant

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

STATE OF NEVADA, Plaintiff, vs. JOSHUA CROFT, Defendant.	C-22-364245-1 Dept. 15 **STIPULATION TO EXTEND PRETRIAL WRIT DEADLINE**

The State of Nevada, through Michael Allmon, and Joshua Croft, through Dan Hill, do hereby stipulate and agree as follows:

1. The grand jury transcripts in this matter were filed on April 25, 2022. Mr. Croft was arraigned on July 19, 2022. The current pretrial writ deadline is September 22, 2022.
2. Defense counsel was recently retained to investigate possible pretrial writ issues.
3. Defense counsel discovered a possible issue under Woods v. State, pursuit of which requires production of the preliminary hearing transcript that preceded this indictment.
4. Mr. Croft is aware of this request and does not oppose it.
5. Such continuance of the pretrial writ deadline is expressly permitted by statute, NRS 34.700(3), upon demonstration and finding of good cause.

//

//

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6. Good cause exists here because the preliminary hearing transcripts have not yet been produced, but the Court Reporter advises she will produce them on 9/26/22.

7. Accordingly, the parties stipulate and agree that the pretrial writ deadline in this case be extended up to and including September 30, 2022. This should be the final stipulation.

DATED this 21st day of September 2022.

/s/ Daniel Hill

DANIEL HILL
Attorney for Defendant

/s/ Michael Allmon

MICHAEL ALLMON
Attorney for State of Nevada

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

STATE OF NEVADA, Plaintiff, vs. JOSHUA CROFT, Defendant.	C-22-364245-1 Dept. 15 **ORDER**

Upon Stipulation of the parties and upon a finding of good cause pursuant to NRS 34.700(3),

IT IS HEREBY ORDERED that the stipulation of the parties is GRANTED.

IT IS FRUTHER ORDERED that any pretrial petition for writ of habeas corpus in this matter shall be filed on or before September 30, 2022.

DATED this _____ day of September 2022.

Dated this 22nd day of September, 2022

HON. JOSEPH HARDY
DISTRICT COURT JUDGE

389 297 02B7 EA2F
Joe Hardy
District Court Judge

Submitted by:

/s/ Dan Hill
DAN HILL
Nevada Bar No. 12773

Gmail

Dan Hill <dan@hillfirmlawyers.com>

Re: Joshua Croft Stipulation

1 message

Michael Allmon <Michael.Allmon@clarkcountyda.com> Wed, Sep 21, 2022 at 1:24 PM
To: Dan Hill <dan@hillfirmlawyers.com>

Ok, got it. Sure. I'll stipulate to the continuance.

Michael D. Allmon
Deputy District Attorney
Clark County District Attorney's Office
Team L-5
Phone:702-671-2741
Michael.Allmon@ClarkCountyDA.com

From: Dan Hill <dan@hillfirmlawyers.com>
Sent: Wednesday, September 21, 2022 1:04:29 PM
To: Michael Allmon <Michael.Allmon@clarkcountyda.com>
Subject: Re: Joshua Croft Stipulation

CAUTION: This email originated from an **External Source**. Please **use caution** before opening attachments, clicking links, or responding to this email. **Do not sign-in with your DA account credentials.**

That was the GJ transcript. I need the JC transcript

On Wed, Sep 21, 2022 at 1:03 PM Michael Allmon <Michael.Allmon@clarkcountyda.com> wrote:
I sent you a copy of it last time.

Michael D. Allmon
Deputy District Attorney
Clark County District Attorney's Office
Team L-5
Phone:702-671-2741
Michael.Allmon@ClarkCountyDA.com

From: Dan Hill <dan@hillfirmlawyers.com>
Sent: Wednesday, September 21, 2022 11:37:06 AM
To: Michael Allmon <Michael.Allmon@clarkcountyda.com>
Subject: Joshua Croft Stipulation

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Can I do this one more stip? I talked to Gerri in JC12 and she says she will have the prelim transcript to me by Monday.

--
Dan Hill, Esq.
HILL FIRM
228 S. 4th Street
Third Floor
Las Vegas, NV 89101
(702) 848-5000
www.hillfirmlawyers.com

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--
Dan Hill, Esq.
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CSERV

DISTRICT COURT
CLARK COUNTY, NEVADA

State of Nevada	CASE NO: C-22-364245-1
vs	DEPT. NO. Department 15
Joshua Croft	

AUTOMATED CERTIFICATE OF SERVICE

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Service Date: 9/22/2022

Jess Matsuda	jess@jesslaw.com

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9/30/2022 6:51 PM
Steven D. Grierson
CLERK OF THE COURT

DANIEL HILL, ESQ.
Nevada Bar No. 12773
HILL FIRM PLLC
411 E. Bonneville Ave., Ste. 360
Las Vegas, NV 89101
Tel. (702) 848-5000
Counsel for Defendant

DISTRICT COURT

CLARK COUNTY

THE STATE OF NEVADA,

Plaintiff,

vs.

JOSHUA CROFT,

Defendant.

Case No: C-22-364245-1

Department No.: 15

PRE-TRIAL PETITION FOR WRIT OF HABEAS CORPUS

COMES NOW, Defendant, JOSHUA CROFT, by and through his counsel, DANIEL HILL, ESQ., and hereby submits this Petition for Writ of Habeas Corpus challenging the jurisdiction of this court due to a lack of due diligence at the preliminary hearing on the part of the State. Furthermore, the State failed to present exculpatory evidence to the grand jury.

Defendant JOSHUA CROFT hereby files this Pre-Trial Petition for Writ of Habeas Corpus, and respectfully shows:

1. That Defendant ("Croft") is the petitioner in the above entitled matter;

2. That Croft makes application herein for a Writ of Habeas Corpus; that the place where Petitioner is restrained in his liberty through a criminal information and indictment is in

Clark County, Nevada and the officer by whom he is restrained is Clark County Sheriff Department;

3. That the restraint upon Croft's liberty through the criminal information and indictment is unlawful and illegal in that the State was barred from bringing this case before the grand jury under Woods v. State, 291 P.3d 1284 (Nev. 2013) and, alternatively, because the State failed to present exculpatory evidence to the grand jury in violation of Sheriff v. Frank, 103 Nev. 160 (1987) and NRS 172.145(2).

4. That Croft waives the 60-day limitation for bringing said matter to trial;

5. That Petitioner Croft consents that if the Petition is not decided within 15 days before the date set for trial the Court may, without notice or hearing, continue the trial indefinitely to a date designated by the Court, and that Petitioner consents that if this Petition is not decided within 15 days before the date set for trial, the Court may, without notice of hearing, continue the trial indefinitely to a date designated by the Court;

6. That Croft consents that if any party appeals the Court's ruling and the appeal is not determined before the date set for trial, the trial date will be automatically vacated and the trial postponed unless the Court orders otherwise;

7. That no other Petition for Writ of Habeas Corpus has heretofore been filed on behalf of Petitioner on this issue;

8. That the Grand Jury Hearing Transcripts for the Indictment in this matter were filed on April 25, 2022, and that Croft's initial appearance was on July 19, 2022. The preliminary hearing transcript forming partial basis of this writ was filed on September 27, 2022.

9. That Petitioner personally authorized his attorney to commence this action and that the undersigned declares that the undersigned has been authorized to file the related Petition on behalf of Defendant and knows the contents thereof; that the pleading is true of the undersigned's own knowledge, except as to those matters stated on information and belief, and as to such matters the undersigned believes them to be true

DATED this 30th day of September 2022

/s/ Dan Hill

DANIEL HILL, ESQ.
HILL FIRM PLLC
dan@hillfirmlawyers.com

MEMORANDUM OF POINTS AND AUTHORITIES

I. Procedural History

This case involves alleged robberies said to have occurred on September 14, 2021. Croft was initially charged by criminal complaint on October 14, 2021. After a series of continuances due to Croft's primary federal custody, the preliminary hearing was scheduled for March 10, 2022, for which Croft was transported.[1]

At the preliminary hearing, the State moved the Court orally under Hill to continue the preliminary hearing due to witness unavailability (Croft stipulated to the oral nature of the motion but objected to the motion itself). See Transcript of Preliminary hearing, attached as **Exhibit 1**, at 6:1-4. The State testified that Detective Izzo ("Izzo") was unavailable due to a family emergency. Id. The State had not subpoenaed Izzo but had spoken to him on the phone the night before the preliminary hearing. Id. Izzo did not promise to appear because of the family emergency. Id. The State conceded that Izzo was not under subpoena for the preliminary hearing. Id. at 7:10-13.

The State further testified that Izzo was a necessary witness because he was the only witness who supposedly could tie Croft to the robbery for two reasons. Only Izzo could establish foundation for a DNA buccal swab allegedly identifying the assailant as Croft. Id. at 6:5-11. Izzo was also a necessary witness, according to the State's sworn proffer, because he could testify that a key fob related to the robbery was found on Croft. The State, based upon an

[1] The first preliminary hearing setting was scheduled for January 26, 2022. The second preliminary hearing setting was scheduled for February 9, 2022. Both settings were continued because Croft was not transported.

email, was aware that Izzo was the appropriate witness for the key fob as early as January 26, 2022. Id. at 16:12-17:2.

The State, through various DAs, had access to the DNA report since November 22, 2021 at the latest. Id. at 11:9-10. That report identified the case's lead detective. Id. The State did not subpoena Izzo for earlier preliminary hearing settings, at least one of which did not proceed only because Croft was not transported from federal custody. Id. at 12:11-15.

When the assigned DA received the file, he could not identify based on the reports which officer obtained the buccal swab from Croft. The assigned DA then sent an email on March 4, 2022 (six days before the preliminary hearing) to other officers on the case in attempt to discover who took the buccal swab. Id at 8:11-17. After receiving no response, the assigned DA contacted the DNA examiner on March 9, 2022 (the day before the preliminary hearing). Id. at 9:1-5. The DNA examiner told the DA it was Izzo, and the DA called Izzo whereupon he refused to promise to appear the next day. Id. at 9:6-11. The State explained, "all I can say is that it gets assigned to a different Deputy District Attorney and when it's done there then that person looks into it separately and so when I received it that's when I looked into it." Id. at 17:10-14.

The Justice of the Peace stated, "This case has been pending for quite some time. You guys can't figure out who you need and who you don't need." Id. at 20:2-4. Judge Sullivan continued, "I do not believe in any idea of the imagination that there has been due diligence on behalf of the State to proceed today against Mr. Croft[.]" Id. at 20:12-14. Ultimately Judge Sullivan denied the Hill motion and dismissed the criminal complaint. Id. at 20:17-18.

Also at the preliminary hearing, there was discussion about some technical deficiencies

regarding a subpoena for a juvenile detainee issued by Croft's defense attorney. Id. at 2:20-24. Ultimately, the issue of the deficient subpoena was tabled because the State was moving for a continuance. Id. at 4:20-25. During the discussion, however, defense counsel advised the subpoena was for an individual (since booked into juvenile detention) who had come into counsel's office and confessed that he, in fact, was the person who committed the offenses in this case. Id. at 3:1-5. Defense counsel represented that the entire interview was recorded. Id. at 4:1-3. Defense counsel committed to turning the recorded interview over to the State as part of reciprocal discovery. Id. at 5:5-12.

The State brought the same dismissed case to the grand jury and obtained an indictment on April 21, 2022.

II. Legal Argument

This indictment should be dismissed because well-established caselaw precluded the State from bringing this case before the grand jury for indictment. Specifically, the State failed to exercise due diligence in Justice Court resulting in dismissal of the criminal complaint and foreclosing any other avenues of bringing charges. In the event this Court disagrees and proceeds to further analysis, the indictment should also be dismissed because the State failed to present exculpatory evidence to the grand jury.

A. The State was barred from bringing this case to the grand jury

Prosecutors must be prepared to present their cases at the times scheduled or show good cause for their inability to do so. Bustos v. Sheriff, 87 Nev. 622, 624 (1971). There is no presumption that good cause exists. Ex Parte Morris, 78 Nev. 123, 125 (1962). The Nevada Supreme Court has indicated "our criminal justice system can ill afford to bestow on

prosecutors, or on defense counsel, largesse through continuances for which no cause is shown." McNair v. Sheriff, 89 Nev. 434, 436-37 (1973).

A prosecutor seeking a continuance because of an absent witness can demonstrate good cause by submitting an affidavit stating (1) the names of the absent witnesses and their present residences, if known; (2) the diligence used to procure their attendance; (3) a brief summary of the expected testimony of such witnesses and whether the same facts can be proven by other witnesses; (4) when the affiant first learned that the attendance of such witness could not be obtained; and (5) that the motion is made in good faith and not for delay. Hill v. Sheriff, 85 Nev. 234, 235-36 (1969). A sworn oral affidavit is sufficient when the prosecutor is surprised by the absence of a subpoenaed witness and has no time to prepare a written affidavit. Bustos v. Sheriff, 87 Nev. 622 (1971).

The Nevada Supreme Court for 50 years has held a "conscious-indifference" rule wherein "[a] new proceeding for the same offense (whether by complaint, indictment or information) is not allowable when the original proceeding has been dismissed due to the willful failure of the prosecutor to comply with important procedural rules." Maes v. Sheriff, 86 Nev. 317, 319 (1970). This rule was initially promulgated to strictly limit continuances in justice court so that cases could be handled in a timely manner. See, e.g., McNair v. Sheriff, 89 Nev. 434, 436–37 (1973). The conscious-indifference analysis "is appropriately applied where some action or inaction by the State results in the dismissal of a criminal complaint." Woods v. State, 291 P.3d 1284, 1288 (Nev. 2013).

"Conscious indifference" is described as conscious indifference to a defendant's procedural rights, or "willful failure of the prosecution to comply with important procedural

rules." Bustos, 87 Nev. at 623. "To demonstrate conscious indifference, a defendant need not show that the prosecution acted intentionally or with calculated bad faith." Woods, 291 P.3d at 1288. A finding of conscious indifference is warranted when the State substantially fails "to comply with a procedural rule…or engages in outlandish or clearly deficient behavior that results in a delay of the proceedings." Id. (internal quotations and citations omitted).

The facts in this case are analogous to facts previously analyzed by the Nevada Supreme Court in Joseph John H., a Minor v. State, 113 Nev. 621 (Nev. 1997). There, the State mailed a subpoena to the victim fifteen days before the contested hearing (it was a juvenile case), but the subpoena was never returned. Id. at 622. On the day of the hearing the prosecutor drove to the victim's house and learned he had moved. Id. The victim did not appear at the hearing and the State moved for a continuance. Id. The judge granted the continuance because she found the State had shown due diligence in trying to locate the victim and because the prosecutor had received the case from another prosecutor the day before the hearing. Id. The continued hearing was conducted and a finding of guilt was entered. Id. At the hearing, the victim testified that he received the first subpoena and called the State to advise he could not make it. Id.

The Court found that "the state failed to use proper legal means to compel the victim's attendance and failed to use informal means of compulsion until immediately before the hearing was scheduled to begin." Id. at 623. The Court concluded that "these uncontradicted facts evince the state's conscious indifference to rules of procedure affecting appellant's rights as a juvenile defendant." Id. at 624 (internal quotations and citations omitted). Accordingly, the Court reversed the finding of guilt because the case should have been dismissed at the first setting. Id.

Here, the State substantially failed to comply with procedural rules and did not exercise due diligence in securing the presence of necessary witnesses. The State, through two other prosecutors who were once assigned this case, was aware of the DNA report and that Izzo was the detective who could testify as to the key fob. The State was aware of the DNA report as early as November 2021 and was aware of Izzo's involvement with the key fob as early as January 2022. Nevertheless, no subpoenas were ever issued for Izzo. Like the prosecutor in Joseph John H., the prosecutor here waited until the day before the preliminary hearing to reach out to Izzo. Our DA fell even shorter of the mark though: at least a subpoena had been mailed out in that case.[2]

The DA here is sure to argue the short amount of time he was assigned to the case should be taken into consideration for due-diligence analysis. Undersigned counsel sympathizes with the assigned DA's position. He is an assiduous, honest, and effective prosecutor. The DA had the case for at least a week before the preliminary hearing, though, and the prosecutors who had the case before him were aware of the DNA report and Izzo's role with the key fob (even if they didn't know he took the buccal swab, they still knew he needed to be subpoenaed). More importantly, our Supreme Court has previously been unmoved by this argument. The prosecutor in Joseph John H. received the case the day before the hearing, but the Court still analyzed the facts against the DA's Office as a unit. See Joseph John H., supra.

[2] It is worth emphasizing here that the State did not subpoena Izzo for the January 26, 2022 preliminary hearing either. The only reason the hearing didn't move forward that day was because Croft was not transported from federal custody.

Accordingly, the State was prohibited from taking this case to the grand jury after it was dismissed in Justice Court for failure to exercise due diligence in conscious indifference to Croft's rights.

B. The State failed to present exculpatory evidence to the grand jury

NRS 172.145(2) provides: "If the district attorney is aware of any evidence which will explain away the charge, he shall submit it to the grand jury." Nevada's Supreme Court has held that a district attorney violates the statute if he "fails to present to the grand jury evidence which has a tendency to explain away the charge." Sherriff v. Frank, 103 Nev. 160, 165 (1987). The determination of whether particular evidence is exculpatory is "generally left to the discretion of the district court." Ostman v. District Court, 107 Nev. 563, 564 (Nev. 1991).

Ostman was a sexual assault case. 107 Nev. at 564. The only witness before the grand jury there was the alleged victim of the assault. Id. The alleged victim testified that Ostman repeatedly forced her to engage in sexual conduct on a particular night. Id. The grand jury was not informed of a voluntary statement Ostman made to the police, wherein he acknowledged sexual activity but claimed the victim voluntarily participated. Id. The Supreme Court found "as a matter of law, that the evidence in question was exculpatory." Id. Specifically, Ostman's statement had "a tendency to explain away the charge" of sexual assault. Id. Accordingly, the Court issued a writ of mandamus directing the district court to dismiss the indictment. Id. at 565.

Here, the evidence the State failed to present to the grand jury is far more compelling and exculpatory. Specifically, there is a recorded confession from an alternative suspect who claims to have been the true perpetrator of the crimes charged here. There is no doubt the State

was aware of the evidence.[3] It was discussed on the record at the preliminary hearing, where a recording of the interview was mentioned and offered to the State, and where the same DA who brought the case before the grand jury was present. Yet, the State did not mention anything of it to the grand jury. See generally Transcript of Grand Jury Proceedings, attached as **Exhibit 2**.

The analysis here is straightforward: Croft had a recorded interview of someone else confessing to the crimes charged here. Such evidence is indisputably exculpatory. The DA was aware of the evidence and didn't present it to the grand jury. This scenario presents a patent violation of NRS 172.145(2).

CONCLUSION

Respectfully, for the foregoing reasons, Mr. Croft requests that this Court dismiss the indictment.

DATED this 30th day of September 2022

/s/ Dan Hill
DANIEL HILL, ESQ.
HILL FIRM PLLC

[3] The State may or may not claim it never received the recording. That's immaterial. The statute doesn't require the evidence to be in the State's possession, only that the State be "aware" of the evidence. The Nevada Supreme Court has specifically explained—in this very context—that being "aware" of evidence and having evidence "in a file" or in one's possession are not the same. See Mayo v. Eighth Judicial Dist. Court of Nev., 384 P.3d 486, 490 (Nev. 2016).

CERTIFICATE OF SERVICE

I hereby certify that I am a person competent to serve papers, that I am not a party to the above-entitled action, and that on September 30, 2022, I filed a true and correct copy of the foregoing document by way of the Court's electronic filing system and served the same to:

Clark County District Attorney's Office — motions@clarkcountyda.com
Department XV — dept15lc@clarkcountycourts.us

/s/ Daisy Mendoza
An employee of HILL FIRM PLLC

DEPT. NO. 12

IN THE JUSTICE COURT OF LAS VEGAS TOWNSHIP

COUNTY OF CLARK, STATE OF NEVADA

STATE OF NEVADA,

Plaintiff,

vs. Case No. 21-CR-042894

JOSHUA ISAIAH CROFT,

Defendant.

REPORTER'S TRANSCRIPT
OF
PROCEEDINGS

BEFORE THE HONORABLE DIANA L. SULLIVAN
JUSTICE OF THE PEACE

TAKEN ON THURSDAY, MARCH 10, 2022
AT 9:00 A.M.

APPEARANCES:

For the State: MICHAEL D. ALLMON
Deputy District Attorney

For the Defendant: DAMIAN R. SHEETS

Reported by: Gerri De Lucca, C.C.R. #82
Official Court Reporter

LAS VEGAS, NEVADA, THURSDAY, MARCH 10, 2022

* * * * *

THE COURT: Joshua Croft, 21-CR-42894.

MR. SHEETS: Good morning, your Honor. Damian Sheets on behalf of Mr. Croft. They actually transported him from federal today so he's present.

THE COURT: Well, there's a waiver.

MR. SHEETS: So just so you know it was signed by me because I didn't have access to visit him in person. I had gotten permission from the Court at the last hearing to do a declaration on his behalf. I had a reported conversation advising him of his rights. I didn't think they were going to bring him. They didn't bring him last time.

THE COURT: Well, he's here. So he's going to waive?

MR. SHEETS: No, it's not a waiver. It was permission for me to proceed in his absence.

THE COURT: So I want to address one issue with you, Mr. Sheets, because my chambers was contacted this morning I don't even know by whom but trying to address a subpoena that you served on somebody at the Clark County juvenile detention.

MR. SHEETS: Yes. We have a witness who

came into our office and indicated that he was the one who committed the underlying offenses and he was then booked on a -- he was subsequently then recently, last couple of days, booked into juvenile detention.

THE COURT: Okay, well, the subpoena is not appropriate under 174.315. You're supposed to put a motion on my calendar to see if there's an objection by the District Attorney.

MR. SHEETS: Understood, your Honor. We didn't have --

THE COURT: So there's a lot of issues on your subpoena.

No. 1, it doesn't comply with 174.315.

No. 2, what they were contacting us for was it was served way too late to have somebody transported.

No. 3, in looking at this person who you're trying to subpoena I mean if this is an alleged alternative suspect or something I mean that's a major problem. We need to make sure this person has counsel if that's going to happen. I mean I don't understand any of this.

MR. SHEETS: The whole interview I

believe was interviewed. I didn't do the interview. I believe the whole interview was recorded and he was advised he had a right to counsel.

THE COURT: I'm saying he's going to testify. If you're going to subpoena somebody to testify and that person is an alternative suspect?

MR. SHEETS: Your Honor, it's not my job to decide whether or not a witness should or should not have counsel. I can't give that witness --

THE COURT: That's why you file a motion before the Court so I can digest who you're trying to subpoena, why you're trying to subpoena them, what the proffer of the testimony is going to be, and get that person counsel if it's exactly what this is about.

So needless to say this person who I'm not doing to say on the record because they're a juvenile was not transported.

MR. SHEETS: Right.

The State was going to be moving to continue it today anyways. They advised me yesterday. I told the State I would have an objection to the continuance but I was not going to object to the form of the continuance today.

THE COURT: That's fair.

MR. SHEETS: They were asking not to have to write it up.

THE COURT: Okay. So you have a motion.

Would you like to be sworn in?

MR. ALLMON: Before I do that I do want to make a couple points on the record here, your Honor.

So that statement if it's recorded, if that person's going to testify at preliminary hearing, the State is entitled to that under discovery and is requesting it at this point.

MR. SHEETS: No objection.

MR. ALLMON: We'll oppose any testimony if we don't receive that. I'd like to be sworn in.

M I C H A E L A L L M O N, having been first duly sworn to testify to the truth, the whole truth, and nothing but the truth, testified as follows:

MR. ALLMON: Your Honor, my name is Deputy District Attorney Michael Allmon. I am responsible for prosecuting the case of State of Nevada v. Joshua Croft.

Your Honor, in looking into this case I found out that the witness that I needed is

Detective Izzo. I asked for Detective Izzo's appearance however he was unable to give me an oral promise to appear. The reason for that is he had a family emergency.

Your Honor, that witness would testify to an essential fact which I need which is the custody of a buccal swab from the defendant, how I was intending to prove identity of the defendant in this case. That was through DNA. And the buccal swab chain of custody would be needed from Detective Izzo from the defendant to the lab.

Your Honor, he is currently a Las Vegas Metropolitan Police Department detective and I am not surprised however this is by stipulation that I can make an oral Hill and he's the only person that would be able to testify to those facts.

I make this motion in good faith and not for the purpose of delay.

THE COURT: Is it my understanding you sent out the subpoena in the ordinary course that you would send out to Metro and then he contacted you and said he's not available today?

MR. ALLMON: No, your Honor. I didn't know who the person was. I was trying to find that out.

THE COURT: You mean the person who took the swab, the detective who took the swab?

MR. ALLMON: Yes, your Honor. I do not have any reports indicating who that was specifically and so I've been trying to get an answer on that for a couple weeks now.

THE COURT: So better articulate to me when you -- I don't even understand. Did you even send a subpoena?

MR. ALLMON: The subpoena would have been the oral promise to appear when I talked to him yesterday, your Honor, however he refused an oral promise to appear.

THE COURT: And why did he refuse?

MR. ALLMON: Because he has a family emergency that I'd like to not go into, your Honor.

THE COURT: Okay, and so that was yesterday though.

MR. ALLMON: Yes, your Honor.

THE COURT: So let me understand this.

You first made contact with him yesterday about testimony today and he told you he cannot appear today.

MR. ALLMON: Yes, your Honor. And so one of the problems is not necessarily that someone's

subpoenaed but that the State represents due diligence in trying to obtain that person's appearance.

THE COURT: I agree.

MR. ALLMON: That's the standard and that's my proffer here.

THE COURT: What was the due diligence to try to find out who he is other than --

MR. ALLMON: The due diligence was that I will let you know, your Honor.

The due diligence was that we found out that the DNA came back to the defendant. That that was submitted however there was no written report of the buccal swab. I sent out several emails asking -- I sent an email out to several officers in this case asking them if they knew who performed that. I sent that out on March 4.

I did not receive any responses. I received some response indicating that nobody knew who it was. I called the DNA examiner yesterday and asked the DNA examiner to look through the records to see who submitted the DNA buccal swab. Of course that would not tell me who obtained the buccal swab from the defendant at that point.

In that email on March 4 as well I

had included Detective Isso. Yesterday, March 9, I talked to the DNA examiner who told me that it was submitted by Detective Izzo. I then obtained Detectives Izzo's personal cellphone number and called him.

So I had an email to him on March 4 and a phone call with him on March 9. I confirmed that he was the person that collected the buccal swab and asked for his oral promise to appear at that point and he told me that he could not because of a family emergency.

THE COURT: Okay, I'm going to ask one more question.

MR. ALLMON: Yes, your Honor.

THE COURT: This case, I mean it started to grow legs sometime in January. His prelim was set for -- his first prelim was set for January 26.

MR. ALLMON: Yes, your Honor, and I can tell you that --

THE COURT: So why is it on 3-4 there's a big scurry around to figure out what witness you need.

MR. ALLMON: Your Honor, I know that on January 26 that Chief Deputy DA Jennifer Clemons had looked into it. She had emailed Nick Portz and I

have no update on it from there.

MR. SHEETS: I have some information that might be helpful to your Honor as well.

THE COURT: Okay. I want him to finish his oral Hill.

MR. ALLMON: Your Honor, I think that as far as the due diligence and I think that I've shown it there with the emails, the phone calls. Even if it was, you know, in March, I think that it's due diligence and I submit it there, your Honor.

THE COURT: Okay. Mr. Sheets, response.

MR. SHEETS: Yes, your Honor. I have in my possession the discovery. It's pre-filled out by the District Attorney's Office dated September 16, 2021.

The case has been operating within the District Attorney's Office since September 16 of 2021. When I spoke with the Deputy District Attorney Tyler Smith on February 8, Tyler Smith was going through his file because I had done some investigation and spoken with his witnesses and taking the position that the State was going to have real issues in identifying the defendant based on both the written statements in the discovery and in my interviews of those witnesses at the prior

preliminary hearing setting where he wasn't transported and we were ready to go forward.

At that point Tyler said, well, shoot, I've got the DNA report in my file and indicated to me that he had had it since November. He did send it over on February 8. The distribution date on that form is November 22, 2021. So the District Attorney would have had that in their possession on November 22, 2021 but I received it on February 8.

It indicates the name of the requesting officer, a Travis Busby, on that.

THE COURT: Is that the person you determined -- who's that?

MR. ALLMON: It is not, your Honor. There were two detectives on the case. It was Travis Busby was the primary detective that wrote the Declaration of Arrest however in following up and finding out who the proper witness was --

THE COURT: It was Izzo.

MR. ALLMON: Detective Izzo.

THE COURT: Okay, so go ahead, Mr. Sheets.

MR. SHEETS: But I put that forth because I think it would have been -- it would not have had

to call the DNA analyst to then try to figure out who the requester was because the form has been in the DA's possession since November 22. It self indicates the primary detective who is the requester and I'm trying to find it.

It's hard to believe that the last day before preliminary hearing you can call and get ahold of the detective, that they wouldn't have been able to get ahold of Detective Izzo between November 22 and today.

I will state to my knowledge Detective Izzo had not been subpoenaed for the prior preliminary hearing where we showed up ready to go but for the fact that the defendant had not been brought from federal custody.

At this point it seems to me a little concerning. I'm hearing that they start looking in March to try and figure out how they need to get this DNA information for a case that they've had discovery on since September and that they've had the DNA report since November.

I would also put forth that based on the statements that I read that are provided by witnesses in this particular case that they would have known as soon as they received that DNA report

or should have known that they would likely need to be able to authenticate the DNA report assuming that that DNA report will actually show identification.

If it's simply that DNA report indicates DNA found within the vehicle, then my client -- nobody's going to deny that my client owned. So one of the witness' statements indicates that looked like it was 50 percent likely.

Another Spanish speaking person indicates that it looks like the same body shape and skin color. And I spoke with that individual at the last hearing and he indicated he would be unable to identify. Then his I believe it was his mom or his grandmother, her statement translated into English says that she's unable to, she's not totally sure either.

So and then there's another one so I'm not totally sure either. These were one-on-one showups. So obviously identification is a big deal here. Identification is very important so I'm a little concerned when we're looking at it from a due diligence perspective given that I brought up the issue of identification directly to the State on February 8.

I was sent a DNA report on

February 8 and we're hearing almost all of these communications are now occurring in March and that there's not even a subpoena issued to get this information, the person most knowledgeable, nothing of the sort.

Based on kind of all of that as I look at it I don't think they've met their due diligence requirements under Myas v. State which talks about the State issuing subpoenas for witnesses that they know or should know would be present.

So based on that I don't think especially given that he has been transported from federal custody I have another witness here to testify in the back of the gallery here today.

MR. ALLMON: Who would not have been able to testify today based on discovery issues.

THE COURT: Well, it doesn't matter whether the defense is ready to go or not. They're objecting to the State's motion to continue. So I mean I guess if they weren't ready to go, we wouldn't be discussing this.

MR. ALLMON: He's claiming prejudice through that, your Honor. He has no prejudice for a witness that can't testify.

MR. SHEETS: I think we have prejudice

because we were here ready to go at a time period at a prior hearing where in fact the only reason we couldn't go forward was because my client wasn't transported from federal.

He's been transported from federal and that's not an easy thing. I'm very surprised he was here. I wouldn't have handed that in a few minutes ago if I had thought that they were going to bring him. We were certain they weren't going to bring him.

So I just don't think they met the requirements from a due diligence perspective if they had witnesses that they believed would be critical to today's hearing considering they weren't critical at the last hearing. They were never even investigated or even looked at for the last preliminary hearing.

They weren't subpoenaed for the preliminary hearing and they only start looking into it about a week before the preliminary hearing when they've known about it at the very latest on February 8 when they sent me the report.

MR. ALLMON: Your Honor, may we approach?

THE COURT: Why?

MR. ALLMON: I'd like to make a representation that I don't want to be public, your

Honor.

THE COURT: Okay.

MR. ALLMON: I think it would enlighten both defense counsel --

THE COURT: Approach.

(Side bar discussion)

I think Mr. Allmon has something to add to his motion.

MR. ALLMON: Yes, your Honor.

In reference to the due diligence the State intended originally to prove the identity through a key fob which was found on the defendant's person. That would prove identity because the proffer of the defense from the defendant at the scene was that he was carjacking the car that was used in the robberies he wasn't in possession of at the time however when he was arrested by officers he had a key fob to that car which would be required to make that car work. So indicating that nobody else could have driven that car without the key fob and that it would have to be the defendant himself.

The State's email through Chief Deputy District Attorney Jennifer Clemons on

January 26 emailed Detective Izzo asking for an answer on that and we never received a response.

THE COURT: So I have a question. Why didn't somebody follow up when you don't receive a response from apparently a pertinent witness who's a detective why is there no followup between January 22 and now you go off on some DNA rabbit hole and figure out it's the same guy. I mean I don't understand why it's six weeks, nothing's going on.

MR. ALLMON: Your Honor, all I can say is that it gets assigned to a different Deputy District Attorney and when it's done there then that person looks into it separately and so when I received it that's when I looked into it.

And I looked into also the key fob issue as well as the DNA and when I spoke to Detective Izzo yesterday he said that he was present both for the key fob being removed, he does not remember the patrol officer that personally did it but he observed it so he would be my witness for that without being able to identify a different patrol officer and he would be my witness for the buccal swab both, either one of which would be necessary to prove identity at the preliminary hearing.

THE COURT: So was he here on the last

preliminary hearing date?

MR. ALLMON: He was not.

THE COURT: And he wasn't subpoenaed.

MR. ALLMON: That's the issue is we did not realize that he was the person to subpoena and so based on that and in looking at the case the State's belief or this Deputy District Attorney's belief is that the identity would be very difficult to prove at the preliminary hearing without that.

THE COURT: Okay. I'm confused. So on January 26 you thought Izzo was the key to the key fob, no pun intended, which would have been the identity issue but then on February 8 or whatever day it was the prelim didn't go forward but Izzo wasn't subpoenaed and didn't appear on that date.

The only reason why this prelim didn't go forward was because the defendant wasn't present. Now fast forward a month now Izzo's pertinent because of a newly known DNA issue but there is not communication made with him again until a couple days before prelim.

MR. ALLMON: Your Honor, he was not identified at that time. He was only identified yesterday as a witness that could testify to that.

THE COURT: The person taking the DNA.

MR. ALLMON: Taking the DNA and also observing the key fob being taken out however Detective Izzo does not remember based off his memory without looking at extensive body cam to see who that would be.

So Detective Izzo told me that yesterday that he observed the key fob. I made a determination that he was a necessary witness to identity based on either of those theories and that's when I reached out to defense yesterday and asked that they were okay with an oral Hill.

THE COURT: Which he says he's okay with the oral Hill, the oral nature of the Hill.

MR. ALLMON: In sending out a subpoena at that point would have been futile because I had already received a response on the oral promise to appear. That is an attempt to subpoena. Oral promise to appear is valid service.

So once he told me that it would be futile to then send out a subpoena to him in an attempt to get him here. So he's unavailable as I represented based on a family emergency. I think that the State's due diligence has been demonstrated here, your Honor.

THE COURT: I guess I disagree. There is

not due diligence on behalf of the State here and it's not been established. This case has been pending for quite some time. You guys can't figure out who you need and who you don't need.

You didn't subpoena the guy for the last time which is why he wasn't here and this time even though at some point you've identified him as some material witness now you're just now figuring that out like last week and so you just reach him yesterday and, yeah, he's probably got other plans today which are family emergency.

So I do not believe in any idea of the imagination that there has been due diligence on behalf of the State to proceed today against Mr. Croft on apparently the witnesses that is a moving target on which witnesses they need to prove the case. The case is dismissed. The Hill motion is denied.

MR. ALLMON: Your Honor, at this time the State's serving Marcum on the defendant.

THE COURT: That's fine.

He'll explain the Marcum notice to you, sir, which is the notice of intent to seek Indictment.

---o0o---

ATTEST: Full, true and accurate transcript of proceedings.

/s/GERRI DE LUCCA
GERRI DE LUCCA, C.C.R. NO. 82

IN THE JUSTICE COURT OF LAS VEGAS TOWNSHIP

COUNTY OF CLARK, STATE OF NEVADA

STATE OF NEVADA,

Plaintiff,

vs.

JOSHUA ISAIAH CROFT,

Defendant.

Case No. 21-CR-042894

ATTEST RE: NRS 239B.030

STATE OF NEVADA)
) SS
COUNTY OF CLARK)

I, Gerri De Lucca, a Certified Shorthand Reporter within and for the County of Clark and the State of Nevada, do hereby certify:

That REPORTER'S TRANSCRIPT OF PROCEEDINGS was reported in open court pursuant to NRS 3.360 regarding the above proceedings in Las Vegas Justice Court, 200 Lewis Avenue, Las Vegas, Nevada.

That said TRANSCRIPT:

__X__ Does not contain the Social Security number of any person.

_____ Contains the Social Security number of a person.

---o0o---

ATTEST: I further certify that I am not interested in the events of this action.

/s/GERRI DE LUCCA
GERRI DE LUCCA, C.C.R. NO. 82

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/s/GERRI [2] 21/3 23/4

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CLERK OF THE COURT

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

JOSHUA ISIAH CROFT, aka Joshua Isaiah Croft,

Defendant.

GJ No. 21BGJ121X
DC No. C364245

Taken at Las Vegas, Nevada

Wednesday, April 20, 2022

8:52 a.m.

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Reported by: Danette L. Antonacci, C.C.R. No. 222

Case Number: C-22-364245-1

GRAND JURORS PRESENT ON APRIL 20, 2022

JASON WRIGHT, FOREPERSON
NICOLE TATE, Deputy Foreperson
LILIAN REYES, Secretary
DEBORAH ADAMS
RONALD CALLOWAY
KALIE CROSE
MEGAN GALLI
ALLEN GURLITZ
CYNTHIA SANDERS
TARA TYNANES
KRISTOFER WAGNER
JOAN WELLS
SPENCER ZAUGG
Also present at the request of the Grand Jury:
Michael Allmon, Deputy District Attorney

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LAS VEGAS, NEVADA, APRIL 20, 2022

* * * * * * *

DANETTE L. ANTONACCI,

having been first duly sworn to faithfully and accurately transcribe the following proceedings to the best of her ability.

THE FOREPERSON: Let the record reflect that I have canvassed the waiting area and no one has appeared in response to Notice of Intent to Seek Indictment.

MR. ALLMON: Good morning ladies and gentlemen. My name is Deputy District Attorney Michael Allmon. I'm presenting the case of State of Nevada versus Joshua Isiah Croft. You'll see three charges there. The first charge is attempted robbery with use of a juvenile. The second charge is attempted robbery with, or, I'm sorry, robbery-victim over 60 with use of a juvenile, and then the third charge is the same as the second charge. What I want to do now is I want to strike the with use of a child today. So you'll see Count 1, with the assistance of a child, it's just going to say attempt robbery. And then if you go down to the second page, line 3, we're going to strike with the

assistance of a child, to-wit: A.H, 16 years old. And then the remainder of that count will be the same. And then Count 2, again with the assistance of a child struck. And then on page 2, line 24, with the assistance of a child, to-wit: A.H, 16 years old, strike that out. In Count 3, with the assistance of a child in the header again, and then page 3, line 15, with the assistance of a child, to-wit: A.H, 16 years old.

Everyone has received their jury instructions; correct?

A JUROR: Yeah.

MR. ALLMON: All right. So the first witness I'm going to call is going to be Sandra Jones.

THE FOREPERSON: Please just stand up front and raise your right hand.

THE WITNESS: Right here?

THE FOREPERSON: Yes.

You do solemnly swear the testimony you are about to give upon the investigation now pending before this Grand Jury shall be the truth, the whole truth, and nothing but the truth, so help you God?

THE WITNESS: Yes, I do.

THE FOREPERSON: Please be seated.

Miss, you are advised that you are here today to give testimony in the investigation pertaining

to the offenses of attempt robbery, and robbery-victim 60 years of age or older, involving Joshua Croft.

Do you understand this advisement?

THE WITNESS: Yes.

THE FOREPERSON: Could you please state your first and last name and spell both for the record.

THE WITNESS: Sandra Jones. Sandra, S-A-N-D-R-A, Jones, J-O-N-E-S.

THE FOREPERSON: Thank you very much.

SANDRA JONES,

having been first duly sworn by the Foreperson of the Grand Jury to testify to the truth, the whole truth, and nothing but the truth, testified as follows:

EXAMINATION

BY MR. ALLMON:

Q. Good morning, Miss Jones.

A. Hi.

Q. So I want to talk to you about some events on September 14th of 2021. Do you remember those events?

A. Uh-huh.

Q. And where do you work?

A. I work at the Rampart, J.W. Marriott.

Q. Is that in Clark County, Nevada?
A. Yes.
Q. And on September 14th as you were leaving work, what happened?
A. I was walking down the sidewalk to go across the employee parking lot of our employees and end up, uhm, the car came from the stop sign and made a left and came right towards the sidewalk and the guy, the passenger came right out of the car and put a gun to me and said give me your purse.
Q. What kind of car was it?
A. It was like a charcoal Mercedes.
Q. So the color charcoal and it was a Mercedes?
A. It was a Mercedes.
Q. Car or SUV?
A. It was an S -- car, sorry.
Q. Did you see the passenger that got out?
A. Yes, he came right up to me.
Q. Can you describe the passenger?
A. About 5'10", light black skin. He was wearing a black hoodie and a black pants.
Q. And would you describe him, you may have said, I may have missed it, would you describe him as thin build, heavy build; how would you describe him?

A. He's pretty skinny, yes. Skinnier than me.
Q. Did you see the driver?
A. The driver, yes, I did. He was wearing black, he was not wearing a hoodie. He had some kind of braids on. Kind of built. Couldn't see his height because of course he's inside the car.
Q. And what did the passenger say to you when he got out, if anything?
A. He just said give me your purse.
Q. And was he holding anything when he said it?
A. With a gun.
Q. Can you describe that gun to the best of your ability? How about the color?
A. It was black and it was a handgun so.
Q. And did you resist or did you give over your purse?
A. No, I did not, I screamed.
Q. And did the driver say anything?
A. Right after he said, since I screamed he said just shoot her, and then I backed away and then that's when he grabbed my purse and then my purse broke and I fell back and I screamed again.
Q. And you said he grabbed your purse. Is that the passenger or --

A. Yeah, the passenger. Sorry.

Q. And this will seem like a dumb question. Did you willingly hand over your purse?

A. No.

MR. ALLMON: That's all I have. Do the jurors have any questions?

I'm sorry, I take that back. I'm going to play a video. So before we do that, let me play this video.

Q. So ma'am, would you look up on the screen here. I'm going to play this video.

Do you recognize this area?

A. Yeah, that's my employee parking lot. This is the crosswalk that was coming down from the sidewalk.

Q. And just tell me when you see yourself on screen if at all.

A. I see the car looking.

Q. Is it the vehicle that's moving --

A. Uh-huh.

Q. -- or is it parked?

A. No, the one that's turning around and there's me coming down right there.

Q. So for the record at 25 or 26 seconds you said that you just came on screen?

A. Yes.

Q. Can you direct the jurors to where you're at?

A. I'm right here.

Q. At the bottom of the screen?

A. Yes.

Q. And that vehicle that's facing you with its headlights on, is that the Mercedes?

A. Uh-huh.

Q. And is that video a fair and accurate depiction?

A. (No audible response.)

MR. ALLMON: At this time I'm going to admit State's Exhibit 3 into evidence.

Now are there any questions from the jurors? Yes, ma'am.

BY A JUROR:

Q. Did you have any injuries as a result of any of that?

A. I just scraped my leg a little bit, that's it.

MR. ALLMON: Anyone else?

THE FOREPERSON: Miss, by law, these proceedings are secret and you are prohibited from disclosing to anyone anything that has transpired before us, including evidence and statements presented to the

Grand Jury, any event occurring or statement made in the presence of the Grand Jury, and information obtained by the Grand Jury.

Failure to comply with this admonition is a gross misdemeanor punishable by up to 364 days in the Clark County Detention Center and a $2,000 fine. In addition, you may be held in contempt of court punishable by an additional $500 fine and 25 days in the Clark County Detention Center.

Do you understand this admonition?

THE WITNESS: Yes.

THE FOREPERSON: Thank you very much for your time. You are excused.

THE WITNESS: Thank you.

MR. ALLMON: The State is next going to call Lorgia Briones.

We're waiting on a Spanish interpreter so I'm going to call a little bit out of order so we can keep going.

THE FOREPERSON: Please raise your right hand.

You do solemnly swear the testimony you are about to give upon the investigation now pending before this Grand Jury shall be the truth, the whole truth, and nothing but the truth, so help you God?

THE WITNESS: I do.

THE FOREPERSON: Please be seated.

Miss, you are advised that you are here today to give testimony in the investigation pertaining to the offenses of attempt robbery, and robbery-victim 60 years of age or older, involving a Joshua Croft.

Do you understand this advisement?

THE WITNESS: I do.

THE FOREPERSON: Can you please state your first and last name and spell both for the record.

THE WITNESS: My name is Alexandra Draus. A-L-E-X-A-N-D-R-A, D-R-A-U-S.

THE FOREPERSON: Thank you.

ALEXANDRA DRAUS,

having been first duly sworn by the Foreperson of the Grand Jury to testify to the truth, the whole truth, and nothing but the truth, testified as follows:

EXAMINATION

BY MR. ALLMON:

Q. Miss Draus, how are you employed?

A. I am a crime scene analyst with the Metropolitan Police Department of Las Vegas.

Q. Can you tell the grand jury your training

and experience for that role?

A. So I have a Bachelor's degree in Biochemistry, a Master's degree in Forensic Science and Law. I attended an academy with Metro that lasted approximately 12 weeks, I had 14 weeks of field training.

Q. One of your duties in that role is to collect evidence; correct?

A. Correct.

Q. Do you remember responding to the Tivoli Village?

A. I do.

Q. For a robbery?

A. Yes.

Q. Was that on September 14, 2021?

A. I believe so.

Q. Would looking at your report refresh your memory?

A. Yes.

Q. So I'm just going to show you the front page of your report. Look at that and see if that refreshes your memory.

A. I responded on the 15th of September.

Q. The 15th of September. And what time was that at?

A. At midnight.

Q. At midnight so the night of the 14th leading into the 15th; would be correct?

A. Yes.

Q. Now Tivoli village, is that in Clark County, Nevada?

A. Yes.

Q. How close is that to the Rampart?

A. It is on the cross street of Rampart.

Q. So I'm going to show you an exhibit, State's Exhibit 5. Do you recognize State's Exhibit 5?

A. I do.

Q. On there there is a gold icon for Tivoli Village and Rampart Casino. Are those fair and accurate depictions of their locations?

A. Yes.

Q. So I'm going to admit Exhibit -- well, I'm not going to admit it just yet.

So if we see up on the screen here, we see Tivoli Village kind of in the top middle and then Rampart at the top of the screen. Is that correct?

A. Correct.

Q. And so when you got to the Tivoli Village, what did you see?

A. There were two vehicles in the parking lot

both with damage.

Q. Do you remember, if I show you some photos, I'm going to ask you to take a look at all of those together.

So that was State's 6 through 11. Are those fair and accurate depictions of the scene that you saw there?

A. Yes.

Q. So starting with 6, what are we looking at?

A. The two vehicles with damage. The white sedan and the Mercedes.

Q. And then 7?

A. Seven is the back of the Mercedes.

Q. Eight?

A. That is the front left door of the Mercedes.

Q. And in the steering column what do we see there?

A. Deployed air bag.

Q. Nine?

A. The front of the Mercedes.

Q. Ten?

A. The left side of the Mercedes.

Q. And 11?

A. Another front view of the Mercedes.

09:12 Q. So in Exhibit 10 here we see an air bag; correct?

A. Yes.

Q. Did you collect anything from that air bag?

09:12 A. I removed the air bag from the steering column.

Q. And that was 10. And also in 8, same thing; correct?

A. Correct.

09:12 Q. You removed the air bag from that column. Did you collect that as evidence and impound it?

A. Yes.

Q. And did you do any swabbings of it?

A. No.

09:12 Q. Now I want to show you back to Exhibit 5. We are looking, here we see the Rampart, again we see Tivoli Village. Did you find anything outside of those two locations that was probative to this case?

A. Yes, there was a jacket in Angel Park.

09:13 Q. And can you point to Angel Park on there.

You know what, I'll have you mark on this exhibit. Would you mark an X where you found the jacket, an approximate location.

All right. So we see Tivoli Village and up

09:13 to the right, which would be northeast, we see an X that

you marked where you found the jacket.

A. Correct.

Q. Now is that all a fair and accurate depiction of the locations that night?

A. Yes.

Q. I'm going to admit all of those exhibits now.

So at Angel Park you said you found a jacket?

A. Correct.

Q. Can you look through those?

That was Exhibits 14 through 18; correct?

A. Correct.

Q. Start with 14. What are we looking at here?

A. It's the jacket on the ground of the park.

Q. And that's Angel Park?

A. Correct.

Q. Fair and accurate depiction of all of those?

A. Yes.

Q. Fifteen?

A. It's a closer view of the jacket.

Q. Sixteen?

A. That's the back of the jacket.

Q. Seventeen?
A. And the front of the jacket.
Q. We can make out a name there. Can you read that name?
A. Aloehano Hill.
Q. And where is that written at? Is that the, on the tag?
A. Yeah, on the tag on the inside.
Q. And then 18.
A. A closer view of the tag.
Q. Now I want to talk about some things that were found inside the Mercedes. Did you find any items or documents that would show possessory interest?
A. Yes.
Q. So I will show you Exhibit 12. Do you recognize that?
A. Yes.
Q. What is that?
A. It's paperwork from the glove box bearing the name Joshua Croft.
Q. Did you take that photo?
A. Yes.
Q. Fair and accurate depiction of the document that you saw?
A. Yes.

Q. And this was where?
A. In the glove box.
Q. And so can you just point out to the jurors where his name is listed?
A. It's in the top left corner.
Q. And where is this document from, what business?
A. Fletcher Importers.
Q. And does it reference the model of the vehicle?
A. Yes.
Q. What does it say there?
A. It says Mercedes SL550.
Q. Again fair and accurate depiction on that as well?
A. Yes.
Q. Now was a firearm of any kind found? Not a firearm, I shouldn't say that. Was a gun found inside the vehicle? Or did you take a photo of a gun?
A. Patrol had possession of a pellet BB gun.
Q. Did you take a photo of that?
A. Yes.
Q. I'm showing you Exhibit 13. Do you recognize that?
A. Yes.

Q. And what is that?
A. It is the rear side of the BB gun.
Q. Fair and accurate depiction?
A. Yes.
Q. And so this was a BB gun that patrol had shown you they had on scene at the vehicle?
A. Correct.
Q. So I'm going to go through to make sure we got all these here.
So again just real quickly. Can you look at those, 6 through 18.
All fair and accurate depictions of the scene or the items that you found on location that night?
A. Yes.
Q. All right. And then we said 5. Fair and accurate depiction of the map of the locations noted?
A. Yes.
MR. ALLMON: That's all I have. Do the jurors have any questions?
THE FOREPERSON: Miss, by law, these proceedings are secret and you are prohibited from disclosing to anyone anything that has transpired before us, including evidence and statements presented to the Grand Jury, any event occurring or statement made in the

presence of the Grand Jury, and information obtained by the Grand Jury.

Failure to comply with this admonition is a gross misdemeanor punishable by up to 364 days in the Clark County Detention Center and a $2,000 fine. In addition, you may be held in contempt of court punishable by an additional $500 fine and 25 days in the Clark County Detention Center.

Do you understand this admonition?

THE WITNESS: I do.

THE FOREPERSON: Thank you very much for your time. You are excused.

Please raise your right hand.

You do solemnly swear the testimony you are about to give upon the investigation now pending before this Grand Jury shall be the truth, the whole truth, and nothing but the truth, so help you God?

THE WITNESS: Yes.

THE FOREPERSON: Please be seated.

Sir, you are advised that you are here today to give testimony in the investigation pertaining to the offenses of attempt robbery, and robbery-victim 60 years of age or older, involving Joshua Croft.

Do you understand this advisement?

THE WITNESS: Yes.

09:23 THE FOREPERSON: Please state your first and last name and then spell both for the record.

THE WITNESS: Patricio Solorzano. P-A-T-R-I-C-I-O, S-O-L-O-R-Z-A-N-O.

09:23 THE FOREPERSON: Thank you.

PATRICIO SOLORZANO,

having been first duly sworn by the Foreperson of the Grand Jury to testify to the truth, the whole truth, and nothing but the truth, testified as follows:

09:23

EXAMINATION

BY MR. ALLMON:

Q. Good morning, sir.

09:23 Sir, who is Lorgia? I believe I'm saying it correct.

A. Lorgia, yes.

Q. Who is Lorgia to you?

A. My mother.

09:24 Q. And where does your mom work?

A. She works at Tivoli Village.

Q. Do you remember September 14, 2021?

A. Yes.

Q. Were you picking her up that night?

09:24 A. Yes.

Q. What car do you drive? Or did you drive?
A. I drove a Volkswagen Jetta.
Q. Did you keep a dash cam on your, in your vehicle?
A. Yes.
Q. And would that record from time to time? Did you ever use that to record while you were driving?
A. Yes.
Q. Did you meet with anyone from law enforcement to give them a video of that?
A. Yes.
Q. If I could direct your attention to the screen.
Do you recognize that video that's playing?
A. Yes.
Q. Is that your dash cam recording from that night?
A. Yes.
Q. And is it looking on Tivoli Village right now?
A. Yes.
Q. So for the record I played that from the start to the 1:14. What were we seeing in that video?
A. Well, I saw that there was danger. You couldn't see too clearly but I saw that the man had a

weapon.

Q. Okay. And what else did you see?

A. That he was pulling the, pulling someone's purse.

Q. Did you recognize those two people that he was standing near at the moment?

A. Can you repeat the question?

Q. At that moment when we're looking from far back, did you know who the two women were?

A. Oh, yes.

Q. Who were the two women standing there?

A. My mother and her co-worker.

Q. And what did you do in response to seeing that danger?

A. Protect her. I saw she was in danger and they were pointing a weapon at her.

Q. And how did you do that?

A. I go at him. Going at him.

Q. Did you ram your vehicle into that Mercedes?

A. Yes.

Q. I'm going to show you two exhibits that have already been admitted. Exhibit 7 and 11. Do you recognize Exhibit 7?

A. Yes.

09:29 Q. What is it?
A. It's a Mercedes.
Q. Do you see your vehicle there?
A. Yes.
09:30 Q. So if we look on this photo here, the main view is a Mercedes. Is that the Mercedes that you rammed?
A. Yes.
Q. And then is your vehicle in view here on
09:30 this?
A. Yes.
Q. Where is it?
A. On the top right hand side.
Q. So right up here, this white vehicle?
09:30 A. Uh-huh. Yes.
Q. Do you recognize that photo, Exhibit 11?
A. Yes, sir.
Q. Is that the Mercedes that you rammed?
A. Yes.
09:31 Q. When you rammed that Mercedes, how many people were inside of it?
A. Two. I mean one. One was inside at the driver's side and then there was another person that was going in once he had snatched the bags.
09:31 Q. Okay. And then when you rammed that

vehicle what did the driver do?

A. Can you repeat the question?

Q. When you rammed the Mercedes did you see what the driver did?

A. The air bag exploded in his face.

Q. And then what happened?

A. I couldn't see because my glasses had fallen.

Q. Did those, could you see the race of that person in the driver's seat?

A. I think he was dark skin but I couldn't see because he had a mask on and a hoodie, but he was dark skin.

Q. And then the other man that was near your mother and her friend, did you get a chance to see him?

A. I just saw his hands only.

Q. And what would you describe that as?

A. They were of a dark skin person. That was it.

Q. Did those two people, the driver and the person that got back in the passenger seat, did they stay and wait for the police?

A. No.

Q. So if you would just tell me to pause when you see the man.

09:33 So I paused it at 12 seconds actually. Do you see the man.

A. Yes. And you could say that in the camera you can't see as clearly, but I was able to see clear. I have that image still in my head.

09:34 Q. Okay. And can you just point to the jurors, for the jurors, on the screen where that's at?

You can stand up and point.

A. Here.

09:34 Q. So at the bottom of the screen slightly to the right of center?

A. This is the car.

Q. Okay. Just as far as the screen goes, I'm trying to make a record and someone has to review the 09:34 transcript, would you agree with me that that is at the bottom of the screen and to the right of center?

Where you pointed.

A. Can you repeat that one more time?

Q. As far as top, bottom; is it at the bottom 09:35 or the top?

A. Down here.

Q. So right here you would agree with me that that is at the bottom and to the right of center?

A. Uh-huh. Yes, right here.

09:35 Q. So we're going to play that.

09:35 For the record I paused it at 24 seconds.

That video again, just to make sure, fair and accurate depiction of what you saw that night?

A. Can you repeat the question?

09:36 Q. Is it a true depiction of what you saw that night?

A. Yes.

MR. ALLMON: We're going to admit that one into evidence as well and that was Exhibit 4.

09:36 I have no further questions. Do the members of the Grand Jury have any?

THE FOREPERSON: Sir, by law, these proceedings are secret and you are prohibited from disclosing to anyone anything that has transpired before 09:36 us, including evidence and statements presented to the Grand Jury, any event occurring or statement made in the presence of the Grand Jury, and information obtained by the Grand Jury.

Failure to comply with this admonition is a 09:36 gross misdemeanor punishable by up to 364 days in the Clark County Detention Center and a $2,000 fine. In addition, you may be held in contempt of court punishable by an additional $500 fine and 25 days in the Clark County Detention Center.

09:36 Do you understand this admonition?

THE WITNESS: Yes.

THE FOREPERSON: Thank you very much for your time. You are excused.

THE WITNESS: Thank you.

MR. ALLMON: Our next witness is Lorgia Briones.

THE FOREPERSON: Please raise your right hand.

You do solemnly swear the testimony you are about to give upon the investigation now pending before this Grand Jury shall be the truth, the whole truth, and nothing but the truth, so help you God?

THE WITNESS: Yes, I swear before God.

THE FOREPERSON: Please be seated.

Miss, you are advised that you are here today to give testimony in the investigation pertaining to the offenses of attempt robbery, and robbery-victim 60 years of age or older, involving Joshua Croft.

Do you understand this advisement?

THE WITNESS: Yes.

THE FOREPERSON: Would you please state your first and last name and then spell both for the record.

THE WITNESS: Lorgia A. Briones. L-O-R-G-I-A, A., B-R-I-O-N-E-S.

09:40 THE FOREPERSON: Thank you.

LORGIA A. BRIONES,

having been first duly sworn by the Foreperson of the Grand Jury to testify to the truth, the whole truth, and nothing but the truth, testified as follows:

EXAMINATION

BY MR. ALLMON:

09:40 Q. Ma'am, I see you're here with the assistance of a court interpreter.

A. Yes.

Q. Now do you remember the night of September 14, 2021?

09:40 A. Yes.

Q. Where do you work?

A. Tivoli Village.

Q. Is that in Clark County, Nevada?

A. Yes.

09:40 Q. Ma'am, how old are you?

A. Sixty-two years old.

Q. So on September 14, 2021 you were over 60?

A. Yes.

Q. Who were you with as you were getting off

09:41 shift?

A. I was with a co-worker.
Q. Do you know her name?
A. Yes, Mari Guzman.
Q. Were you waiting for anyone at the end of your shift?
A. Yes, my son.
Q. What's his name?
A. Patricio Solorzano.
Q. Was he going to pick you up in his car?
A. Yes.
Q. Now as you were waiting for your son to pick you up in your car, what happened?
A. I was with my co-worker who wanted me to give her a ride and he was a little behind so I told my co-worker first to walk a little bit, maybe like 20 feet or so.
Q. What time of night was this?
A. I get out at 10:30. He was a little bit behind, maybe about eight minutes or so, so it was maybe 10:38, 10:40, something like that.
Q. Ma'am, that microphone is very sensitive. And I have bumped it a few times. So if you would back up a little bit so you don't bump it up with hands.
A. Okay.
Q. You can put your purse down actually.

A. Okay.

Q. Perfect. So while you were waiting for your son, what happened?

A. We were walking when all of a sudden somebody came from behind in a car and a guy got out of it and then he pointed at my co-worker and took away her things.

Q. What did he point with?

A. With a weapon.

Q. What kind of weapon; can you describe it?

A. It was a gun.

Q. And what happened after that?

A. After that he took my things and he pointed it at me too.

Q. Did he take items from Mari?

A. Yes, he took both of our stuff.

Q. What did he take from Mari?

A. He took her purse, and I'm not sure if her phone was in her hand but he took everything that was in her hand too.

Q. What did he take from you?

A. He took my purse and he took my lunch bag.

Q. Can you describe the male that took this from you?

A. Well, he had like a sweatshirt on, a

hoodie, and he had a black mask. But I can describe him as a tall, thin person and of color.

Q. Would that be Black or African American then by color?

A. I think so, African American.

Q. Was anyone driving?

A. Yes, there was another person but I wasn't able to see him.

Q. And as this was happening after they took your items, what did your son do?

A. When the man was pointing at us, he was pointing at us and my son says he had already seen them but because of the same nerves --

Q. Without anything that her son said. So I just want to know what you saw, what you saw your son do.

A. My son, by the time I saw him the man had already taken our stuff and was starting to get in the car, and because of the same nervousness there are a lot of things I can't say, but what I did see was my son, he came at him and he impacted their car.

Q. What did the passenger do after that?

A. Who, my son?

Q. No, the passenger of the Mercedes.

A. He was getting on, into the car already. I

think he was already in. But when I saw my son get out of the car all I told him was run, run, because he had a weapon and I was afraid that he was going to get out of the car and shoot him so I told him run and he ran.

Q. And you told him to run meaning you told your son to run?

A. Yes. Yes. I was telling my son, I wanted my son to run and that was my fear in that moment. I kind of blocked out my co-worker, I just wanted to save my son.

Q. And did the passenger that had just robbed you, did he stick around after that?

A. After I said run I was kind of stuck. I sort of paused and then I tried to look back at the car and what I saw was that the air bags had exploded so they were sort of just kind of stuck there, a little out of it I think you could say, and they stayed there and then I ran. I don't know what else. But I ran to go ask help at a restaurant nearby.

MR. ALLMON: I have no further questions. Do members of the jury have any?

THE FOREPERSON: Miss, by law, these proceedings are secret and you are prohibited from disclosing to anyone anything that has transpired before us, including evidence and statements presented to the

Grand Jury, any event occurring or statement made in the presence of the Grand Jury, and information obtained by the Grand Jury.

Failure to comply with this admonition is a gross misdemeanor punishable by up to 364 days in the Clark County Detention Center and a $2,000 fine. In addition, you may be held in contempt of court punishable by an additional $500 fine and 25 days in the Clark County Detention Center.

Do you understand this admonition?

THE WITNESS: Yes, sir.

THE FOREPERSON: Thank you very much. You're excused.

Can we get the interpreter's name on the record?

THE INTERPRETER: Jeannette Encinas. Court certified interpreter. NVEJ519. J-E-A-N-N-E-T-T-E, E-N-C-I-N-A-S.

THE FOREPERSON: Please raise your right hand.

You do solemnly swear the testimony you are about to give upon the investigation now pending before this Grand Jury shall be the truth, the whole truth, and nothing but the truth, so help you God?

THE WITNESS: Yes.

09:52 THE FOREPERSON: Please be seated.

Miss, you are advised that you are here today to give testimony in the investigation pertaining to the offenses of attempt robbery, robbery-victim 60 years of age or older, involving Joshua Croft.

Do you understand this advisement?

THE WITNESS: Yes.

THE FOREPERSON: Could you please state your first and last name and spell both for the record.

09:53 THE WITNESS: Mari Guzman. M-A-R-I, Guzman, G-U-Z-M-A-N.

MARI GUZMAN,

having been first duly sworn by the Foreperson of the Grand Jury to testify to the truth, the whole truth, and nothing but the truth, testified as follows:

EXAMINATION

BY MR. ALLMON:

09:54 Q. Thank you, ma'am. Ma'am, how old are you?

A. Sixty-seven.

Q. So on September 14, 2021 you were over 60?

A. Yes.

Q. Do you work at Tivoli Village?

09:54 A. Yes.

PLEADING CONTINUES IN NEXT VOLUME