IN THE SUPREME COURT OF THE STATE OF NEVADA

BENJAMINE FURLOW, Petitioner, vs. THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, COUNTY OF CLARK, THE HONORABLE MARY KAY HOLTHUS, DEPT. 18, Respondents, and THE STATE OF NEVADA, Real Party in Interest,	Electronically Filed Dec 30 2025 02:21 PM Elizabeth A. Brown Clerk of Supreme Court No. _____ Dist. Ct. No. C-25-394180-1

PETITION FOR WRIT OF MANDAMUS
PETITIONER'S APPENDIX TO THE PETITION
VOLUME 1

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Docket 91859 Document 2025-56642

CERTIFICATE OF SERVICE

The undersigned does hereby certify that on December 30, 2025, a copy of the foregoing Appendix to the Petition for Writ of Mandamus was filed with the Nevada Supreme Court. Electronic service of the foregoing documents shall be made in accordance with the Master Service List as follows:

Clark County District Attorney's Office
Regional Justice Center
200 Lewis Ave., 3rd Floor
Las Vegas, Nevada 89155
Motions@clarkcountydanv.gov

I further certify that on December 30, 2025, I served a copy of this Appendix by mailing a true and correct copy thereof, postage prepaid, addressed to:

THE HONORABLE MARY KAY HOLTHUS
Eighth Judicial District Court, Department 18
200 Lewis Avenue, 3rd Floor
Las Vegas, Nevada 89101

BY: /s/ *J. Mosley*
An Employee of the
Special Public Defender's Office

FILED

JUSTICE COURT, LAS VEGAS TOWNSHIP
CLARK COUNTY, NEVADA

2018 DEC 21 P 12:52

JUSTICE COURT
LAS VEGAS, NEVADA
JSM
DEPUTY

THE STATE OF NEVADA,

Plaintiff,

-vs-

BENJAMINE FURLOW,

Defendant.

CASE NO: 18F22760X

DEPT NO: 2

CRIMINAL COMPLAINT

The Defendant above named having committed the crimes of ATTEMPT LEWDNESS WITH A CHILD UNDER THE AGE OF 16 (Category C Felony - NRS 201.230, 193.330 - NOC 60321); LEWDNESS WITH A CHILD UNDER THE AGE OF 16 (Category B Felony - NRS 201.230 - NOC 58747) and ATTEMPT SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE (Category B Felony - NRS 200.364, 200.366, 193.330 - NOC 50124), in the manner following, to wit: That the said Defendant, on or between January 1, 2017 and July 31, 2018, at and within the County of Clark, State of Nevada,

COUNT 1 - ATTEMPT LEWDNESS WITH A CHILD UNDER THE AGE OF 16

did on or between 2017 and 2018 willfully, lewdly, unlawfully, and feloniously attempt to commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child, to wit: K.F., a child under the age of sixteen years, by attempting to rub, touch and/or fondle the said K.F.'s genitals, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of defendant, or K.F.

COUNT 2 - LEWDNESS WITH A CHILD UNDER THE AGE OF 16

did on or between March 1, 2017 and July 31, 2018 willfully, lewdly, unlawfully and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child, to wit: K.F., a child under the age of 16 years, by pulling down the said K.F.'s pant and/or underwear exposing his genitals, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of the Defendant, or K.F.

///

18F22760X
CRM
Criminal Complaint
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COUNT 3 - LEWDNESS WITH A CHILD UNDER THE AGE OF 16

did on or between March 1, 2017 and July 31, 2018 willfully, lewdly, unlawfully and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child, to wit: K.F., a child under the age of 16 years, by rubbing, touching and/or fondling the said K.F.'s genitals, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of the Defendant, or K.F.

COUNT 4 - ATTEMPT SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

did then and there willfully, unlawfully, and feloniously attempt to sexually assault and subject K.F., a child under sixteen years of age, to sexual penetration, to wit: by asking the said K.F. to perform fellatio on Defendant and grabbing K.F. on the head and moving his head towards Defendant's genitals, against his or her will, or under conditions in which Defendant knew, or should have known, that K.F. was mentally or physically incapable of resisting or understanding the nature of Defendant's conduct.

All of which is contrary to the form, force and effect of Statutes in such cases made and provided and against the peace and dignity of the State of Nevada. Said Complainant makes this declaration subject to the penalty of perjury.

Susan Dynedic

12/19/18

18F22760X/cb
LVMPD EV# 180723004465
(TK2)

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

FILED

DECLARATION OF WARRANT/SUMMONS

(N.R.S. 171.106)

(N.R.S. 53 amended 7/13/1993)

2018 DEC 21 P 12:52

JUSTICE COURT
LAS VEGAS, NEVADA

Event Number: **180723-4465**

STATE OF NEVADA)
DEPUTY
) **ss:**
COUNTY OF CLARK)

Benjamine Furlow
DOB: 06/27/1973
SSN#: 385-88-8220

18F22760X
DWS
Declaration of Warrant Summons (Affidavi
10330470

A. Martinez P#7775, being first duly sworn, deposes and says:

That he is a detective with the Las Vegas Metropolitan Police Department, being so employed for a period of 16 years, assigned to investigate the crime(s) of **Attempted Sexual Assault with Minor under 16 years, Lewdness committed by person over 18 with a Child 14 or 15 years (2-Counts) & Attempt Lewdness by a person over 18 with a Child under 16 years (2-Counts)** committed on or about 2017 to 2018, March 2017 & July 2018, which investigation has developed Benjamine Furlow as the perpetrator thereof.

THAT DECLARANT DEVELOPED THE FOLLOWING FACTS IN THE COURSE OF THE INVESTIGATION OF SAID CRIME, TO WIT:

Preliminary Investigation:

On 07/23/2018, Clark County Child Protective Services received sexual abuse information involving a male juvenile identified as Kolbion Furlow, DOB: 06/27/2003, and his adopted father Benjamine Furlow, DOB: 06/27/1973, under CPS Report # 1795415.

Kolbion reported that Benjamine had fondled him on two occasions over the past 18 months. Kolbion reported it occurred in Benjamine's office located at his previous residence at 6247 Apple Dew Avenue, Las Vegas, Nevada, 89131. Kolbion reported Benjamine touched his genitals. Kolbion's sister, Markajia Furlow, DOB: 07/18/2002, told Kolbion said she observed this incident.

Kolbion described another time when Benjamine got him into a closet and pulled his pants down. Benjamine "fondled" Kolbion. Kolbion did not disclose this information sooner because he didn't want to upset the family.

CPS notified the Las Vegas Metropolitan Police Department Sexual Assault Detail of the information. CPS Investigator Y. Greenberry and I investigated the allegations.

Victim-Kolbion's Interview:

On 07/24/2018, Kolbion was interviewed by Southern Nevada Children's Assessment Forensic Interviewer K. Amaya at the SNCAC located at 701 N Pecos Road #K, Las Vegas, Nevada. Kolbion stated the following in the summary:

On 03/14/2017, Kolbion was laying on Benjamine's bed. Benjamine advised him to go in the closet. Benjamine pulled his shorts and underwear down **(Lewdness committed by person over 18 with a Child under 16 years)**. Kolbion left the closet and went into his bedroom. Benjamine apologized shortly after. According to Kolbion, Benjamine was going to advise Marcus about what occurred, but never told him.

Kolbion recalled a sexual abuse incident. Benjmaine was in the bathroom downstairs and called Kolbion into the bathroom. Benjamine pulled his pants down and tried to get Kolbion to suck his "dick" **(Attempted Sexual Assault with Minor under 16 years Attempt)**. Benjamine grabbed his head tried to make him suck his "thing" as it was exposed. Kolbion pulled his head back which struck the wall. This occurred when he was 14 years old (2017-2018) at the listed address.

Kolbion recalled a sexual abuse incident when Benjamine tried inserting his "thing" inside him **(Attempted Lewdness committed by person over 18 with a Child under 16 years-Count 1).** Benjamine called him downstairs into the bathroom. Benjamine instructed him to pull his pants down. Kolbion pulled his pants down but then pulled them back up.

Kolbion recalled a sexual abuse incident. Kolbion walked into Benjamine's office. Benjamine attempted to grab his "dick" **(Attempted Lewdness committed by person over 18 with a Child under 16 years-Count 2)** with his hand. Kolbion moved back before Benjamine could grab him. Kolbion stated his sister Markajia observed this incident and asked Kolbion about it 2-3 days after.

Kolbion recalled a sexual abuse incident inside Benjamine's office. Benjamine hugged Kolbion and touched his "dick" **(Lewdness committed by person over 18 with a Child under 16 years-Count 2)**. Benjamine rubbed his "dick" with his hands. Kolbion felt weird. Kolbion advised him to stop. Benjamine asked if he liked it. This occurred two days before he told Marcus on or around 07/21/2018.

Benjamine would ask him for a kiss and Kolbion would kiss him. Benjmaine tried making Kolbion touch him on multiple occasions. Kolbion stated he would try to do these things with Benjamine in order to have certain privileges. Kolbion told his two sisters about the sexual abuse incidents. Kolbion told Benjamine's significant other, Marcus Laniohan-Sibley, DOB: 01/17/1971, on 07/23/2018 about the sexual abuse incidents.

Witness-Markajia Interview:

On 07/24/2018, SNCAC Forensic Interviewer K. Amaya conducted a forensic interview with Markajia at the SNCAC. Markajia stated the following in the summary:

Kolbion told Markjia about the sexual abuse incidents prior to this report but she didn't believe him. Kolbion stated Benjamine tried to suck his "dick". Benjamine called him into the master bedroom closet. Benjamine pulled Kolbion's pants down. Kolbion told him to stop. Kolbion advised Markajia not to tell anyone.

Kolbion advised Markajia that Benjamine tried kissing him. Kolbion stated he kissed Benjamine once because he wanted to play a video game. Kolbion stated Benjamine tried sucking his "area" multiple times. Kolbion told her about a time Benjamine was standing over him with his "area" over Kolbion's head as he was sleeping on his bed.

Markajia recalled a time when Benjamine touched Kolbion's "area". Kolbion was in Benjamine's office when this occurred. Markajia stated Kolbion moved Benjamine's hand as Benjamine tried touching his "area". Kolbion was hugging Benjamine good night. Markajia suspected something was going on between both because Benjamine always called Kolbion into his bedroom or office. Markajia stated her sister Tonjanique Furlow, DOB: 05/08/2005, has heard Benjamine tell Kolbion he misses his big "dick".

Witness-Tonjanique's Interview:

On 07/24/2018, SNCAC K. Amaya conducted a forensic interview with Tonjanique at the SNCAC. Tonjanique stated the following in the summary:

Kolbion told her the sexual abuse began a few weeks after moving into the new house, the previous residence, located at 6247 Apple Dew Avenue, Las Vegas, Nevada. Kolbion told her about the sexual abuse incidents. Tonjanique did not provide the specific details of the sexual abuse allegations.

Tonjanique stated they told Marcus about the sexual abuse. Benjamine denied the allegations and did not want to talk about it. Benjmaine would convince Kolbion not to tell anyone by bribing him with video games. Tonanique stated they did not want to tell anyone because they were afraid.

Witness-Riddick's Interview:

On 07/24/2018, SNCAC K. Amaya conducted a forensic interview with Kolbion's brother, Riddick Furlow, DOB: 09/28/2004, at the SNCAC. Riddick stated the following in the summary:

Riddick stated Benjamine treated Kolbion different from all the other children. Riddick stated he found out about the "touching" the last day he stayed with Marcus and Benjamine.

Witness-Marcus' Interview:

On 11/06/2018, I conducted a recorded interview with Marcus at 701 N Pecos Road #K. Marcus stated the following in the summary:

Marcus stated he was first aware of the sexual abuse allegations on 07/23/2018, the day he had jury duty. Marcus stated Markajia told him Benjamine touched Kolbion inappropriately and may have seen it when she walked in on them. Marcus stated Kolbion advised it occurred multiple times but did not give the specific details of the sexual abuse. Marcus believes the allegations are motivation for the children to leave their custody and stay with another family. The children have been adopted by Benjamine for last 3 years.

Suspect-Benjamine's Interview:

On 07/25/2018, CPS Investigator Y. Greenberry conducted a voluntary recorded interview with Benjamine. Benjamine stated the following in the summary:

Benjamine stated they had been living at 6247 Apple Dew Avenue, Las Vegas, Nevada, since February 2017. Since this allegation was made they moved out.

Benjamine stated Marcus advised him of the sexual abuse allegations. Marcus stated Markajia seen him touch Kolbion's crouch. Benjamine stated he may have touched Benjamine's crouch accidently before hugging him but not intentionally to grab it. Benjmaine stated he never grabbed his crouch. Benjmaine did not specifically remember a date he grabbed or touched his crouch.

On 11/08/2018, I conducted a voluntary recorded interview with Benjamine at 701 N Pecos Road, Las Vegas, Nevada. Benjamine stated the following in the summary:

Benjamine denied all the sexual abuse allegations. Benjamine does not know why Markajia would say she saw him touch Kolbion's groin area. Benjamine stated Kolbion made up all the allegations because they didn't want to stay there anymore. Kolbion and his sisters wanted to move to a friend's home.

Wherefore, Declarant prays that a Warrant of Arrest be issued for suspect Benjamine Furlow on the charge(s) of **Attempted Sexual Assault with Minor under 16 years, Lewdness committed by person over 18 with a Child 14 or 15 years (2-Counts) & Attempt Lewdness by a person over 18 with a Child under 16 years (2-Counts).**

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

Executed on this 30th day of November, 2018.

DECLARANT: [signature] #7775

WITNESS: [signature] 9490 **DATE:** 11/30/18

JUSTICE COURT, LAS VEGAS TOWNSHIP

CLARK COUNTY, NEVADA

FILED
2018 DEC 21 A 8:10
JUSTICE COURT
LAS VEGAS NEVADA
BY _____ DEPUTY

THE STATE OF NEVADA,

Plaintiff,

-vs-

BENJAMINE FURLOW,

Defendant.

CASE NO: 18F22760X

DEPT NO: 2

REQUEST FOR ARREST WARRANT

COMES NOW, STEVEN B. WOLFSON, District Attorney, and requests that a Warrant of Arrest be issued for the above named Defendant pursuant to NRS 171.106 and the Complaint and/or Affidavit(s) attached hereto and incorporated herein by this reference.

STEVEN B. WOLFSON
DISTRICT ATTORNEY
Nevada Bar #001565

PROBABLE CAUSE FOUND: ✓ BAIL: S.I.C

PROBABLE CAUSE NOT FOUND: _____

JUSTICE OF THE PEACE,
LAS VEGAS TOWNSHIP

18F22760X
AWR
Request for Arrest Warrant Filed
10341179

RECEIVED
DEC 21 2018
JUSTICE COURT

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Las Vegas Justice Court
Electronically Filed
8/20/2025 5:59 PM
Charles A. Mapp, Sr
CLERK OF THE COURT

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Attorneys for Defendant

JUSTICE COURT, LAS VEGAS TOWNSHIP

CLARK COUNTY, NEVADA

THE STATE OF NEVADA, Plaintiff, v. BENJAMINE FURLOW, Defendant.	CASE NO. 18F22760X DEPT. NO. 2 DATE: August 28, 2025 TIME: 8:30 a.m.

MOTION TO DISMISS FOR VIOLATION OF DEFENDANT'S STATE AND FEDERAL RIGHT TO SPEEDY TRIAL PURSUANT TO STATE V. INZUNZA[1]

COMES NOW, the Defendant, BENJAMINE FURLOW, by and through CHRISTIAN O. GONZALEZ, Deputy Public Defender, and hereby moves this Court for an Order dismissing this matter due to inexcusable delay result in a violation of the Defendant's state and federal guarantee to a speedy trial.

This Motion is made and based upon all the papers and pleadings on file herein, the attached Declaration of Counsel, and oral argument at the time set for hearing this Motion.

DATED this 20th day of August, 2025.

NANCY M. LEMCKE
CLARK COUNTY PUBLIC DEFENDER

By: */s/ Christian O. Gonzalez*
CHRISTIAN O. GONZALEZ, #16541
Deputy Public Defender

[1] 135 Nev. 513, 454 P.3f 727 (2019)

DECLARATION

CHRISTIAN O. GONZALEZ makes the following declaration:

1. I am an attorney duly licensed to practice law in the State of Nevada; I am a Deputy Public Defender for the Clark County Public Defender's Office appointed to represent Defendant Benjamine Furlow in the present matter;

2. I am more than 18 years of age and am competent to testify as to the matters stated herein. I am familiar with the procedural history of the case and the substantive allegations made by The State of Nevada. I also have personal knowledge of the facts stated herein or I have been informed of these facts and believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct. (NRS 53.045).

EXECUTED this 20th day of August, 2025.

/s/ *Christian O. Gonzalez*
CHRISTIAN O. GONZALEZ

MEMORANDUM OF POINTS AND AUTHORITIES

Statement of Allegations

This matter is before the Court by way of Criminal Complaint dated December 21, 2018. *See Exhibit A – Criminal Complaint.* The Complaint charges the Defendant with one (1) count of Attempt Lewdness with a Child Under the Age of 16, one (1) count of Lewdness with a Child under the Age of 16, and one (1) count of Attempt Sexual Assault with a Minor Under Sixteen Years of Age. *See id.* The complaint further alleges the conduct occurred somewhere between 2017 and 2018. *See id.*

Per the Courts Register of Actions, an arrest warrant Request was filed and granted on December 26, 2018. *See Exhibit B - Register of Actions.* A warrant was issued on December 27, 2018. An Arrest warrant return hearing was held on August 17, 2025. *See id.* The Court set bail in the amount of $100,000 with high level electronic monitoring. *See id.* Defendant appeared for initial arraignment on August 18, 2025, where a preliminary hearing was set for September 2, 2025. *See id.*

Looking at the allegations of the case, CPS conducted a voluntary interview with Mr. Furlow. *See Exhibit C – Declaration of Warrant/Summons at 4.* This interview took place on November 8, 2018. See id. This motion follows.

Legal Argument

The Court has jurisdiction to hear this case under *Koller v. State*, 122 Nev. 223, 228, 130 P.3d 653, 656 (2006) (finding that the Court has the power to rule on a motion to dismiss based on a violation of the interstate agreement on detainers) and *Grace v. Eighth Jud. Dist. Ct*., 132 Nev. 511, 519, 375 P.3d 1017, 1022 (2016) (finding that the Court has the inherent authority to exercise power as necessary to carry out is judicial function and thus gives the Courts power to hear issues affecting Fourth Amendment violations).

The Sixth Amendment to the U.S. Constitution guarantees to the accused the right to a speedy trial. *U.S. Const. amend VI.* Potential violations of that right are evaluated under a four-part test announced by the U.S. Supreme Court in the case *Barker v. Wingo*, 407 U.S. 514

(1972), and later clarified under *Doggett v. United States*, 505 U.S. 647 (1992) (termed the *Barker-Doggett* test). The four factors to consider are as follows:

> 1. The length of the delay;
> 2. The reason for the delay;
> 3. The defendant's assertion of his right to a speedy trial; and
> 4. The prejudice to the defendant.
>
> *Barker*, 407 U.S. at 530.

Doggett discussed the presumption of prejudice that attaches to a delay in bringing an accused to trial. "Simply to trigger a speedy trial analysis, an accused must allege that the interval between accusation and trial has crossed the threshold dividing ordinary from 'presumptively prejudicial' delay…" *Doggett*, 505 U.S. at 651-52 (citing *Barker*, 470 U.S. at 530-31). Once a defendant has shown such delay, "the court must then consider, as one factor among several, the extent to which the delay stretches beyond the bare minimum needed to trigger judicial examination of the claim. *Doggett*, 505 U.S. at 652. As the pretrial delay between accusation and prosecution grows, the prejudice likewise "intensifies over time." *Id.*

With regard to the second factor—the reason for the delay—the *Doggett* court focused on the government's inaction in finding and arresting Doggett on his indictment. The *Doggett* court went so far as to term the government's lack of prosecution (of searching for, finding, and arresting Doggett) as "negligence" and "lethargy." *Id.* "For six years, the Government's investigators made no serious effort to test their progressively more questionable assumption that Doggett was living abroad, and, had they done so, they could have found him within minutes." *Id.* at 652-53. The court was also careful to note that had Doggett actively been avoiding prosecution, this factor "would be weighed heavily against him." *Id.* at 653.

The significance in the invocation of a speedy trial is based in several rationales:

> We have observed in prior cases that unreasonable delay between formal accusation and trial threatens to produce more than one sort of harm, including "oppressive pretrial incarceration," "anxiety and concern of the accused," and "the possibility that the [accused's] defense will be impaired" by dimming memories and loss of exculpatory evidence. [Citations omitted]. Of these forms of prejudice, "the most serious is the last, because the inability of a defendant adequately to prepare his case skews the fairness of the entire system."
>
> *Doggett*, 505 U.S. at 654.

The *Barker* court considered different reasons for delay, and how they impact analysis of prejudice:

> A deliberate attempt to delay the trial in order to hamper the defense should be weighted heavily against the government. A more neutral reason such as negligence or overcrowded courts should be weighted less heavily but nevertheless should be considered since the ultimate responsibility for such circumstances must rest with the government rather than with the defendant. Finally, a valid reason, such as a missing witness, should serve to justify appropriate delay.
> *Barker*, 407 U.S. at 531 (footnote omitted).

Thus, prejudice can be presumed from the delay itself, and the accused is under no obligation to articulate specific prejudice to his rights in order to raise a violation of his right to a speedy trial. Indeed, the *Doggett* court specifically rejected attempts by the government to impose upon similarly-situated defendants *any* obligation to make an "affirmative showing that the delay weakened his ability to raise specific defenses, elicit specific testimony, or produce specific items of evidence." *Doggett*, 505 U.S. at 655. Instead, "consideration of prejudice is not limited to the specifically demonstrable…" *Id.* Ultimately, the *Doggett* court held that "excessive delay presumptively compromises the reliability of a trial in ways that neither party can prove or, for that matter, identify." *Id.*

The *Doggett* court then clarified, again, that this presumption "increases with the length of the delay." *Id.* at 656.

The Nevada Supreme Court agrees. In *State v. Inzunza*, 135 Nev. 513, 454 P.3d 727, the NSC used the *Barker-Doggett* factors to determine the prejudice presented to the defendant, Rigoberto Inzunza, that attached following a delay of over two years. In *Inzunza*, the defendant was accused of sexual assault of a minor six years after the alleged assaults occurred. *Inzunza*, 135 Nev. at 514. A police detective attempted to located Inzunza locally, despite evidence that Inzunza was now living and working in the New Jersey area, to include pictures of Inzunza's work truck, the business name, and the business number. *Id.* One month later, the State filed a criminal complaint against Inzunza. *Id.* The warrant was entered into NCIC but local law enforcement made no further efforts to follow up. *Id.* at 514-15. Inzunza was arrested on the warrant, in New Jersey, over two years later. *Id.* at 515. Inzunza moved for dismissal, claiming a

violation of his Sixth Amendment rights. The district court granted dismissal and the State appealed. *Id.*

The NSC applied the *Barker-Doggett* analysis, and considered the four factors with regard to Inzunza.

Citing *Doggett*, the NSC held that "the length of the delay must be presumptively prejudicial," and that "A post-accusation delay meets this standard 'as it approaches one year.'" *Inzunza*, 135 Nev. at 516 (citing *Doggett*, 505 U.S. at 651, 652 n.1). The NSC further held that "The length of time extending beyond the threshold one-year mark tends to correlate with the degree of prejudice the defendant suffers and will be considered under factor four—the prejudice to the defendant." *Inzunza*, 135 Nev. at 517 (citing *Doggett*, 505 U.S. at 652).

The NSC also considered the invocation or assertion of the speedy trial right, and how that would weigh on an *Inzunza* and/or *Barker-Doggett* analysis. In *Inzunza*, the State argued that this factor cut against the defendant because "he did not assert his right to a speedy trial during the period of time between the filing of charges and his arrest." 135 Nev. at 518. The NSC rejected this argument and clarified that "a defendant must know that the State had filed charges against him to have" this factor weighed against the accused. *Id.* In doing so, the NSC again relied on *Doggett*- specifically "that a defendant who is ignorant as to the formal charges against him 'is not to be taxed for invoking his speedy trial right only after his arrest.'" *Inzunza*, 135 Nev. at 518 (citing *Doggett*, 505 U.S. at 653-54).

The NSC then turned to the final factor: prejudice to the defendant. The NSC adopted each of the harms to be prevented by appropriate deference to an accused's speedy trial rights: oppressive pretrial detention; anxiety and concern of the accused; and the damage done to the accused's defense. *Inzunza*, 135 Nev. at 518. Following the holding in *Doggett* and *Barker*, the NSC reaffirmed that presumptive prejudice attaches based on a delay of *one year or more*. *Id.* at 519. The Court clarified that under Nevada jurisprudence, a defendant is only relieved "of showing actual prejudice … in cases in which the delay is five years or more." *Id.* (citing *United States v. Serna-Villareal*, 352 F.3d 225, 232 (5th Cir. 2003)). In defining how much of an affirmative showing a defendant must make, *Inzunza* held that the amount of prejudice that must

be shown by the defendant "is inversely proportional to the length and reason for the delay." *Id.* at 519 (citing *United States v. Alexander*, 817 F.3d 1178, 1183 (9th Cir. 2016)).

The NSC acknowledged "the difficult task of analyzing contextually a delay that is greater than one year but less than five, coupled with a reason for the delay that is something more than mere negligence, but less than bad-faith intentional misconduct on the government's part." 135 Nev. at 519-20. In *Inzunza*, the NSC was confronted with what it termed "gross negligence"- that law enforcement should have been fully aware of Inzunza's location but otherwise failed to follow up on his arrest warrant once it was loaded into NCIC. The NSC specifically cited to case law bemoaning law enforcement's disregard of suspects that it has termed as "low priority." *Id.* at 52 ("Condoning prolonged and unjustifiable delays in prosecution would both penalize many defendants for the state's fault and simply encourage the government to gamble with the interests of criminal suspects assigned a low prosecutorial priority.").

Once the *Barker-Doggett* factors are weighed in relation to one another, and the presumption of prejudice has shifted to the State, the State bears a burden to justify the delay and to excuse the violation of the accused's right to a speedy trial.

Argument

A. The delay in this case is significant enough to trigger presumptive prejudice.

Here, the instant charge against the Defendant stems from allegations of an incident occurring between 2017 and 2018. – roughly eight years ago. Moreover, the Complaint was filed December 21, 2018, roughly seven years ago. This exceeds the period sufficient to trigger presumptive prejudice (one year) and even exceeds the two-year delay that was present in the *Inzunza* case (wherein the Court held that such delay was prejudicial in that case). Upon such a showing of presumptive prejudice, the burden then shifts to the State to justify the delay.

B. The delays are attributable to law enforcement and/or the State.

Based on the foregoing, and upon review of the docket in this matter, it is unclear what caused the eight-year delay from the time of the alleged incident to August 17, 2025. However, it is clear that the delay is attributable to the State.

First, the State had made contact with Mr. Furlow at the time it was investigating this incident. This is crucial as it had a potential suspect who was cooperating. The State cannot claim that they could not find Mr. Furlow when he indeed cooperated with the investigation.

Second, the State had means to find Mr. Furlow. CPS had an address where he was staying at the time of Mr. Furlow's interview. It is unclear from the arrest report on whether the State followed up on that address.

The State may argue that because Mr. Furlow indicated he would be moving, that it made it more difficult for Mr. Furlow to be found. However, it is unclear from the report if CPS had asked Mr. Furlow where he would be moving to. Failing to ascertain where Mr. Furlow would be moving to constitutes extreme negligence on behalf of the State.

If Mr. Furlow indicated that where he would be moving to, then the Declaration of Warrant/Summons does not indicate what steps were taken to find Mr. Furlow. For these reasons, the delay is attributable to law enforcement.

C. The Defendant has asserted his right to a speedy trial.

Upon appearing before the Court on February 10, 2025, the Defendant requested a "date certain" for the preliminary hearing on this matter. Accordingly, the Court set a preliminary hearing on September 2, 2025. The Defendant has not waived his right to a speedy trial and intends to invoke his right to speedy trial in District Court should this case survive Justice Court.

D. Actual prejudice has attached against the Defendant

The delay in this matter is significant enough to trigger presumptive prejudice.

NOTICE OF MOTION

TO: CLARK COUNTY DISTRICT ATTORNEY, Attorney for Plaintiff:

YOU WILL PLEASE TAKE NOTICE that the Public Defender's Office will bring the above and foregoing MOTION on for hearing before the Court on the 28th day of August, 2025, at 9:30 a.m.

DATED this 20th day of August, 2025.

NANCY M. LEMCKE
CLARK COUNTY PUBLIC DEFENDER

By: /s/ *Christian O. Gonzalez*
CHRISTIAN O. GONZALEZ, #16541
Deputy Public Defender

CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that service of the above and forgoing MOTION was served via electronic e-filing to the Clark County District Attorney's Office at motions@clarkcountydanv.gov on this 20th day of August, 2025.

By: /s/ *Olivia Z. Miller*
An employee of the
Clark County Public Defender's Office

EXHIBIT A

FILED

JUSTICE COURT, LAS VEGAS TOWNSHIP
CLARK COUNTY, NEVADA

2018 DEC 21 P 12:52

JUSTICE COURT
LAS VEGAS, NEVADA
JSM
DEPUTY

THE STATE OF NEVADA,

Plaintiff,

-vs-

BENJAMINE FURLOW,

Defendant.

CASE NO: 18F22760X

DEPT NO: 2

CRIMINAL COMPLAINT

The Defendant above named having committed the crimes of ATTEMPT LEWDNESS WITH A CHILD UNDER THE AGE OF 16 (Category C Felony - NRS 201.230, 193.330 - NOC 60321); LEWDNESS WITH A CHILD UNDER THE AGE OF 16 (Category B Felony - NRS 201.230 - NOC 58747) and ATTEMPT SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE (Category B Felony - NRS 200.364, 200.366, 193.330 - NOC 50124), in the manner following, to wit: That the said Defendant, on or between January 1, 2017 and July 31, 2018, at and within the County of Clark, State of Nevada,

COUNT 1 - ATTEMPT LEWDNESS WITH A CHILD UNDER THE AGE OF 16

did on or between 2017 and 2018 willfully, lewdly, unlawfully, and feloniously attempt to commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child, to wit: K.F., a child under the age of sixteen years, by attempting to rub, touch and/or fondle the said K.F.'s genitals, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of defendant, or K.F.

COUNT 2 - LEWDNESS WITH A CHILD UNDER THE AGE OF 16

did on or between March 1, 2017 and July 31, 2018 willfully, lewdly, unlawfully and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child, to wit: K.F., a child under the age of 16 years, by pulling down the said K.F.'s pant and/or underwear exposing his genitals, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of the Defendant, or K.F.

///

18F22760X
CRM
Criminal Complaint
10330468

COUNT 3 - LEWDNESS WITH A CHILD UNDER THE AGE OF 16

did on or between March 1, 2017 and July 31, 2018 willfully, lewdly, unlawfully and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child, to wit: K.F., a child under the age of 16 years, by rubbing, touching and/or fondling the said K.F.'s genitals, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of the Defendant, or K.F.

COUNT 4 - ATTEMPT SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

did then and there willfully, unlawfully, and feloniously attempt to sexually assault and subject K.F., a child under sixteen years of age, to sexual penetration, to wit: by asking the said K.F. to perform fellatio on Defendant and grabbing K.F. on the head and moving his head towards Defendant's genitals, against his or her will, or under conditions in which Defendant knew, or should have known, that K.F. was mentally or physically incapable of resisting or understanding the nature of Defendant's conduct.

All of which is contrary to the form, force and effect of Statutes in such cases made and provided and against the peace and dignity of the State of Nevada. Said Complainant makes this declaration subject to the penalty of perjury.

Susan Dymdic

12/19/18

18F22760X/cb
LVMPD EV# 180723004465
(TK2)

EXHIBIT B

REGISTER OF ACTIONS
CASE NO. 18F22760X

State of Nevada vs. FURLOW, BENJAMINE

Case Type:	**Felony**
Date Filed:	**12/20/2018**
Location:	
DA CMS Case ID:	**18-2020395**
DA CMS Display ID:	**201858376C**
ITAG Case ID:	**2913310**
Metro Event Number:	**9999999999**
Odyssey Case ID:	**12746083**
Other Agency Number:	**180723004465**
Warrant Document ID:	**202508161443108E0FEB94DFD24E31**

PARTY INFORMATION

Defendant	**FURLOW, BENJAMINE** Other Agency Numbers X0165347 XID Subject Identifier, 7162385 Justice Court Scope ID Subject Identifier, 7162385 Scope ID Subject Identifier	DOB: 06/27/1973	**Lead Attorneys** **Public Defender** *Public Defender* 702-455-4685(W)
State of Nevada	**State of Nevada**		

CHARGE INFORMATION

Charges: FURLOW, BENJAMINE	**Statute**	**Level**	**Date**
1. Attempted lewdness by person over 18 with child under 16 [60321]	201.230	Felony	01/01/2017
2. Lewdness with child older than 14 [58747]	201.230.3	Felony	01/01/2017
3. Lewdness with child older than 14 [58747]	201.230.3	Felony	01/01/2017
4. Attempted sexual assault against child under 16 [50124]	200.366.3b	Felony	01/01/2017

EVENTS & ORDERS OF THE COURT

OTHER EVENTS AND HEARINGS

12/20/2018 **CTRACK Track Assignment JC02**
12/21/2018 **Criminal Complaint**
12/21/2018 **Filed Under Seal**
12/21/2018 **Declaration of Warrant Summons (Affidavit)**
12/21/2018 **Not Released NPR**
12/21/2018 **Nevada Risk Assessment Tool**
12/26/2018 **Arrest Warrant Request** (7:29 AM) (Judicial Officer Sciscento, Joseph S.)
Result: Arrest Warrant Issued
12/26/2018 **Probable Cause Found**
12/26/2018 **Request for Arrest Warrant Filed**
Granted
12/26/2018 **Arrest Warrant Ordered to be Issued**
Set in court all counts
12/26/2018 **Minute Order - Department 02**
12/27/2018 **Warrant Issued**
12/27/2018 **Arrest Warrant - Face Sheet**
12/27/2018 **Arrest Warrant Confidential**
08/16/2025 **Financial Affidavit**
08/16/2025 **Not Released NPR**
Not interviewed due to defendant being in discipline or uncooperative.
08/16/2025 **Nevada Risk Assessment Tool**
08/16/2025 **Warrant Arrest Documents**
08/17/2025 **Arrest Warrant Return Hearing** (9:00 AM) (Judicial Officer Ferreira, Amy)
In Custody
Parties Present
Result: Matter Heard
08/17/2025 **72-Hour Hearing Completed**
08/17/2025 **Counsel Provisionally Appointed**
M. Pensabene, Esq. provisionally appointed for limited purposes of first appearance hearing.
08/17/2025 **Individualized Custody Status Hearing Held**
The Court conducted an individualized determination regarding the defendant's custody status. Both the State and the Defendant's provisionally appointed counsel had the opportunity to present evidence and argument regarding the Defendant's custody status. The Court has also considered factors set forth in NRS 178.4853 and NRS 178.498 and has considered the Defendant's financial resources when a financial affidavit was available and/or when the defendant was present in court.
08/17/2025 **Monetary Bail Set**

The State has provided clear and convincing evidence that no less restrictive alternative to monetary bail will satisfy its interests in ensuring the defendant's presence and/or community safety.

08/17/2025 **Bail Reset - Cash or Surety**
Counts: 001; 002; 003; 004 - $100,000.00/$100,000.00 Total Bail

08/17/2025 **Release Order - Bail AND Electronic Monitoring - High Level** (Judicial Officer: Ferreira, Amy)

08/17/2025 **No Contact Order**
Filed and provided to defendant in open court. Order expires on 8/18/25.

08/17/2025 **Per the District Attorney, the Victim's Address is Unknown**

08/17/2025 **Bail Condition - Defendant to have No Contact with Minors**
under 18.

08/17/2025 **Minute Order - Initial Appearance**

08/18/2025 **Initial Appearance** (8:30 AM) (Judicial Officers Pro Tempore, Judge, Pancoast, Janet)
In Custody

Parties Present

Result: Matter Heard

08/18/2025 **Initial Appearance Completed**
Defendant/Defense Advised of Charges on Criminal Complaint, Waives Reading of Criminal Complaint

08/18/2025 **Defendant Identified as Indigent**
Defendant and the Court discussed the appointment of counsel and defendant requested appointment of counsel.

08/18/2025 **Public Defender Appointed**

08/18/2025 **No Early Offer Extended**

08/18/2025 **Matter Not Negotiated - Preliminary Hearing/Trial Date Set**

08/18/2025 **Discovery to be obtained from District Attorney by Counsel**

08/18/2025 **Bail Condition - Stay Out of Trouble**

08/18/2025 **Bail Condition - Defendant to have No Contact with Minors**

08/18/2025 **No Contact with Victim**
Order continues and expires on 01/07/26

08/18/2025 **Bail Stands - Cash or Surety**
Counts: 001; 002; 003; 004 - $100,000.00/$100,000.00 Total Bail

08/18/2025 **Release Order - Bail AND Electronic Monitoring - High Level** (Judicial Officer: Pro Tempore, Judge)

08/18/2025 **No Contact Order (Subsequent Action)**
Filed in Open Court as to Renewal. Order expires on 01/07/2026

08/18/2025 **Minute Order - Department 02**

09/02/2025 **Preliminary Hearing** (9:30 AM) (Judicial Officer Bradford, Kristal)
In Custody

EXHIBIT C

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

FILED

DECLARATION OF WARRANT/SUMMONS

(N.R.S. 171.106)

(N.R.S. 53 amended 7/13/1993)

2018 DEC 21 P 12:52

JUSTICE COURT
LAS VEGAS, NEVADA
DEPUTY

Event Number: **180723-4465**

STATE OF NEVADA)
) **ss:**
COUNTY OF CLARK)

Benjamine Furlow
DOB: 06/27/1973
SSN#: 385-88-8220

18F22760X
DWS
Declaration of Warrant Summons (Affidavi
10330470

A. Martinez P#7775, being first duly sworn, deposes and says:

That he is a detective with the Las Vegas Metropolitan Police Department, being so employed for a period of 16 years, assigned to investigate the crime(s) of **Attempted Sexual Assault with Minor under 16 years, Lewdness committed by person over 18 with a Child 14 or 15 years (2-Counts) & Attempt Lewdness by a person over 18 with a Child under 16 years (2-Counts)** committed on or about 2017 to 2018, March 2017 & July 2018, which investigation has developed Benjamine Furlow as the perpetrator thereof.

THAT DECLARANT DEVELOPED THE FOLLOWING FACTS IN THE COURSE OF THE INVESTIGATION OF SAID CRIME, TO WIT:

Preliminary Investigation:

On 07/23/2018, Clark County Child Protective Services received sexual abuse information involving a male juvenile identified as Kolbion Furlow, DOB: 06/27/2003, and his adopted father Benjamine Furlow, DOB: 06/27/1973, under CPS Report # 1795415.

Kolbion reported that Benjamine had fondled him on two occasions over the past 18 months. Kolbion reported it occurred in Benjamine's office located at his previous residence at 6247 Apple Dew Avenue, Las Vegas, Nevada, 89131. Kolbion reported Benjamine touched his genitals. Kolbion's sister, Markajia Furlow, DOB: 07/18/2002, told Kolbion said she observed this incident.

Kolbion described another time when Benjamine got him into a closet and pulled his pants down. Benjamine "fondled" Kolbion. Kolbion did not disclose this information sooner because he didn't want to upset the family.

CPS notified the Las Vegas Metropolitan Police Department Sexual Assault Detail of the information. CPS Investigator Y. Greenberry and I investigated the allegations.

Victim-Kolbion's Interview:

On 07/24/2018, Kolbion was interviewed by Southern Nevada Children's Assessment Forensic Interviewer K. Amaya at the SNCAC located at 701 N Pecos Road #K, Las Vegas, Nevada. Kolbion stated the following in the summary:

On 03/14/2017, Kolbion was laying on Benjamine's bed. Benjamine advised him to go in the closet. Benjamine pulled his shorts and underwear down **(Lewdness committed by person over 18 with a Child under 16 years)**. Kolbion left the closet and went into his bedroom. Benjamine apologized shortly after. According to Kolbion, Benjamine was going to advise Marcus about what occurred, but never told him.

Kolbion recalled a sexual abuse incident. Benjmaine was in the bathroom downstairs and called Kolbion into the bathroom. Benjamine pulled his pants down and tried to get Kolbion to suck his "dick" **(Attempted Sexual Assault with Minor under 16 years Attempt)**. Benjamine grabbed his head tried to make him suck his "thing" as it was exposed. Kolbion pulled his head back which struck the wall. This occurred when he was 14 years old (2017-2018) at the listed address.

Kolbion recalled a sexual abuse incident when Benjamine tried inserting his "thing" inside him **(Attempted Lewdness committed by person over 18 with a Child under 16 years-Count 1).** Benjamine called him downstairs into the bathroom. Benjamine instructed him to pull his pants down. Kolbion pulled his pants down but then pulled them back up.

Kolbion recalled a sexual abuse incident. Kolbion walked into Benjamine's office. Benjamine attempted to grab his "dick" **(Attempted Lewdness committed by person over 18 with a Child under 16 years-Count 2)** with his hand. Kolbion moved back before Benjamine could grab him. Kolbion stated his sister Markajia observed this incident and asked Kolbion about it 2-3 days after.

Kolbion recalled a sexual abuse incident inside Benjamine's office. Benjamine hugged Kolbion and touched his "dick" **(Lewdness committed by person over 18 with a Child under 16 years-Count 2)**. Benjamine rubbed his "dick" with his hands. Kolbion felt weird. Kolbion advised him to stop. Benjamine asked if he liked it. This occurred two days before he told Marcus on or around 07/21/2018.

Benjamine would ask him for a kiss and Kolbion would kiss him. Benjmaine tried making Kolbion touch him on multiple occasions. Kolbion stated he would try to do these things with Benjamine in order to have certain privileges. Kolbion told his two sisters about the sexual abuse incidents. Kolbion told Benjamine's significant other, Marcus Laniohan-Sibley, DOB: 01/17/1971, on 07/23/2018 about the sexual abuse incidents.

Witness-Markajia Interview:

On 07/24/2018, SNCAC Forensic Interviewer K. Amaya conducted a forensic interview with Markajia at the SNCAC. Markajia stated the following in the summary:

Kolbion told Markjia about the sexual abuse incidents prior to this report but she didn't believe him. Kolbion stated Benjamine tried to suck his "dick". Benjamine called him into the master bedroom closet. Benjamine pulled Kolbion's pants down. Kolbion told him to stop. Kolbion advised Markajia not to tell anyone.

Kolbion advised Markajia that Benjamine tried kissing him. Kolbion stated he kissed Benjamine once because he wanted to play a video game. Kolbion stated Benjamine tried sucking his "area" multiple times. Kolbion told her about a time Benjamine was standing over him with his "area" over Kolbion's head as he was sleeping on his bed.

Markajia recalled a time when Benjamine touched Kolbion's "area". Kolbion was in Benjamine's office when this occurred. Markajia stated Kolbion moved Benjamine's hand as Benjamine tried touching his "area". Kolbion was hugging Benjamine good night. Markajia suspected something was going on between both because Benjamine always called Kolbion into his bedroom or office. Markajia stated her sister Tonjanique Furlow, DOB: 05/08/2005, has heard Benjamine tell Kolbion he misses his big "dick".

Witness-Tonjanique's Interview:

On 07/24/2018, SNCAC K. Amaya conducted a forensic interview with Tonjanique at the SNCAC. Tonjanique stated the following in the summary:

Kolbion told her the sexual abuse began a few weeks after moving into the new house, the previous residence, located at 6247 Apple Dew Avenue, Las Vegas, Nevada. Kolbion told her about the sexual abuse incidents. Tonjanique did not provide the specific details of the sexual abuse allegations.

Tonjanique stated they told Marcus about the sexual abuse. Benjamine denied the allegations and did not want to talk about it. Benjmaine would convince Kolbion not to tell anyone by bribing him with video games. Tonanique stated they did not want to tell anyone because they were afraid.

Witness-Riddick's Interview:

On 07/24/2018, SNCAC K. Amaya conducted a forensic interview with Kolbion's brother, Riddick Furlow, DOB: 09/28/2004, at the SNCAC. Riddick stated the following in the summary:

Riddick stated Benjamine treated Kolbion different from all the other children. Riddick stated he found out about the "touching" the last day he stayed with Marcus and Benjamine.

Witness-Marcus' Interview:

On 11/06/2018, I conducted a recorded interview with Marcus at 701 N Pecos Road #K. Marcus stated the following in the summary:

Marcus stated he was first aware of the sexual abuse allegations on 07/23/2018, the day he had jury duty. Marcus stated Markajia told him Benjamine touched Kolbion inappropriately and may have seen it when she walked in on them. Marcus stated Kolbion advised it occurred multiple times but did not give the specific details of the sexual abuse. Marcus believes the allegations are motivation for the children to leave their custody and stay with another family. The children have been adopted by Benjamine for last 3 years.

Suspect-Benjamine's Interview:

On 07/25/2018, CPS Investigator Y. Greenberry conducted a voluntary recorded interview with Benjamine. Benjamine stated the following in the summary:

Benjamine stated they had been living at 6247 Apple Dew Avenue, Las Vegas, Nevada, since February 2017. Since this allegation was made they moved out.

Benjamine stated Marcus advised him of the sexual abuse allegations. Marcus stated Markajia seen him touch Kolbion's crouch. Benjamine stated he may have touched Benjamine's crouch accidently before hugging him but not intentionally to grab it. Benjmaine stated he never grabbed his crouch. Benjmaine did not specifically remember a date he grabbed or touched his crouch.

On 11/08/2018, I conducted a voluntary recorded interview with Benjamine at 701 N Pecos Road, Las Vegas, Nevada. Benjamine stated the following in the summary:

Benjamine denied all the sexual abuse allegations. Benjamine does not know why Markajia would say she saw him touch Kolbion's groin area. Benjamine stated Kolbion made up all the allegations because they didn't want to stay there anymore. Kolbion and his sisters wanted to move to a friend's home.

Wherefore, Declarant prays that a Warrant of Arrest be issued for suspect Benjamine Furlow on the charge(s) of **Attempted Sexual Assault with Minor under 16 years, Lewdness committed by person over 18 with a Child 14 or 15 years (2-Counts) & Attempt Lewdness by a person over 18 with a Child under 16 years (2-Counts).**

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

Executed on this 30th day of November, 2018.

DECLARANT: [signature] #7775

WITNESS: [signature] 9490 **DATE:** 11/30/18

Las Vegas Justice Court
Electronically Filed
8/27/2025 10:08 AM
Charles A. Mapp, Sr.
CLERK OF THE COURT

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #1565
MICHAEL ALLMON
Deputy District Attorney
Nevada Bar #15169
200 Lewis Avenue
Las Vegas, NV 89155
PH: (702) 671-2500
FAX: (702) 868-2412
DAInfo@clarkcountydanv.gov
Attorney for the Plaintiff

JUSTICE COURT, LAS VEGAS TOWNSHIP
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

BENJAMINE FURLOW, #7162385

Defendant.

CASE NO. **18F22760X**

DEPT NO. **2**

STATE'S MOTION TO DISMISS CASE WITHOUT PREJUDICE

Upon the Motion of STEVEN B. WOLFSON, Clark County District Attorney, it is hereby requested that the above-entitled matter be placed on calendar the 2nd day of September, 2025, at 8:30 AM for the purpose of dismissing the instant case without prejudice.

DATED this 27th day of August, 2025

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #1565

BY _____
MICHAEL D. ALLMON
Deputy District Attorney
Nevada Bar #15169

BY MG
CLERK OF THE COURT

CERTIFICATE OF SERVICE

I certify that on the 27th day of AUGUST, 2025, a copy of the above and foregoing was served to:

CHRISTIAN GONZALEZ, DPD
christian.gonzalez@clarkcountynv.gov

BY: _____
HOWARD CONRAD
Secretary for the District Attorney's Office
Special Victims Unit

hjc/SVU

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	**COURT MINUTES**	**September 17, 2025**
C-25-394180-1	State of Nevada vs Benjamine Furlow	**Department 18**

September 17, 2025 **11:00 AM** **Grand Jury Indictment**

HEARD BY: Wiese, Jerry A. **COURTROOM:** RJC Courtroom 17A

COURT CLERK: Turner, Alexis

RECORDER: Medina, Vanessa

REPORTER:

PARTIES PRESENT:

Michael Donovan Allmon	**Attorney for Plaintiff**
State of Nevada	**Plaintiff**

JOURNAL ENTRIES

Sabrina Pond, Grand Jury Foreperson, stated to the Court that at least twelve members had concurred in the return of the true bill during deliberation, but had been excused for presentation to the Court. State presented Grand Jury Case Number 25AGJ176X to the Court. COURT ORDERED, the Indictment may be filed and is assigned Case Number C-25-394180-1, Department XVIII.

State requested a summons and advised Deft is out of custody. COURT ORDERED, INDICTMENT SUMMONS ISSUED, matter SET for Arraignment.

Upon Court's inquiry, the State advised there are no material witness warrants to quash. COURT FURTHER ORDERED, Exhibits 1, 1a., 2, 2a. & 3 to be lodged with the Clerk of the Court; Las Vegas Justice Court case no. 18F22760X already dismissed the State. In addition, a Pre-Trial Risk Assessment will be prepared if one was not previously done.

NIC(SUMMON)

10/1/25 9:30 A.M. INITIAL ARRAIGNMENT (DEPT 18)

Electronically Filed
9/18/2025 4:24 PM
Steven D. Grierson
CLERK OF THE COURT

IND
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #1565
MICHAEL D. ALLMON
Deputy District Attorney
Nevada Bar #15169
200 Lewis Avenue
Las Vegas, NV 89155
PH: (702) 671-2500
FAX: (702) 868-2412
DAInfo@clarkcountydanv.gov
Attorney for the Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA, Plaintiff, -vs- BENJAMINE FURLOW #7162385 Defendant.	CASE NO: C-25-394180-1 DEPT NO: XVIII

INDICTMENT

The Defendant(s) above named, accused by the Clark County Grand Jury of the crime(s) within the County of Clark, State of Nevada, on or between January 1, 2017 and July 31, 2018, committed one or more of the following crime(s): LEWDNESS WITH A CHILD UNDER THE AGE OF 16 (Category B Felony - NRS 201.230 - NOC 60336), ATTEMPT SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE (Category B Felony - NRS 200.364, 200.366, 193.330 - NOC 50124), and BATTERY WITH INTENT TO COMMIT SEXUAL ASSAULT VICTIM UNDER 16 (Category A Felony - NRS 200.400.4 - NOC 58026) as follows, to wit:

COUNT 1 - LEWDNESS WITH A CHILD UNDER THE AGE OF 16

did on or between March 1, 2017 and July 31, 2018 willfully, lewdly, unlawfully and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child, to wit: K.F., a child under the age of 16 years, by rubbing, touching and/or fondling the said K.F.'s genitals, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of the Defendant, or K.F.

Case Number: C-25-394180-1

COUNT 2 - LEWDNESS WITH A CHILD UNDER THE AGE OF 16

did on or between March 1, 2017 and July 31, 2018 willfully, lewdly, unlawfully and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child, to wit: K.F., a child under the age of 16 years, by rubbing, touching and/or fondling the said K.F.'s genitals, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of the Defendant, or K.F.

COUNT 3 - LEWDNESS WITH A CHILD UNDER THE AGE OF 16

did on or between March 1, 2017 and July 31, 2018 willfully, lewdly, unlawfully and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child, to wit: K.F., a child under the age of 16 years, by rubbing, touching and/or fondling the said K.F.'s genitals, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of the Defendant, or K.F.

COUNT 4 - LEWDNESS WITH A CHILD UNDER THE AGE OF 16

did on or between March 1, 2017 and July 31, 2018 willfully, lewdly, unlawfully and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child, to wit: K.F., a child under the age of 16 years, by rubbing, touching and/or fondling the said K.F.'s genitals, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of the Defendant, or K.F.

COUNT 5 - LEWDNESS WITH A CHILD UNDER THE AGE OF 16

did on or between March 1, 2017 and July 31, 2018 willfully, lewdly, unlawfully and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child, to wit: K.F., a child under the age of 16 years, by rubbing, touching and/or fondling the said K.F.'s genitals, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of the Defendant, or K.F.

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COUNT 6 - LEWDNESS WITH A CHILD UNDER THE AGE OF 16

did on or between March 1, 2017 and July 31, 2018 willfully, lewdly, unlawfully and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child, to wit: K.F., a child under the age of 16 years, by rubbing, touching and/or fondling the said K.F.'s genitals, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of the Defendant, or K.F.

COUNT 7 - LEWDNESS WITH A CHILD UNDER THE AGE OF 16

did on or between March 1, 2017 and July 31, 2018 willfully, lewdly, unlawfully and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child, to wit: K.F., a child under the age of 16 years, by rubbing, touching and/or fondling the said K.F.'s genitals, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of the Defendant, or K.F.

COUNT 8 - LEWDNESS WITH A CHILD UNDER THE AGE OF 16

did on or between March 1, 2017 and July 31, 2018 willfully, lewdly, unlawfully and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child, to wit: K.F., a child under the age of 16 years, by rubbing, touching and/or fondling the said K.F.'s genitals, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of the Defendant, or K.F.

COUNT 9 - LEWDNESS WITH A CHILD UNDER THE AGE OF 16

did on or between March 1, 2017 and July 31, 2018 willfully, lewdly, unlawfully and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child, to wit: K.F., a child under the age of 16 years, by rubbing, touching and/or fondling the said K.F.'s genitals, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of the Defendant, or K.F.

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COUNT 10 - LEWDNESS WITH A CHILD UNDER THE AGE OF 16

did on or between March 1, 2017 and July 31, 2018 willfully, lewdly, unlawfully and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child, to wit: K.F., a child under the age of 16 years, by rubbing, touching and/or fondling the said K.F.'s genitals, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of the Defendant, or K.F.

COUNT 11 - LEWDNESS WITH A CHILD UNDER THE AGE OF 16

did on or between March 1, 2017 and July 31, 2018 willfully, lewdly, unlawfully and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child, to wit: K.F., a child under the age of 16 years, by rubbing, touching and/or fondling the said K.F.'s genitals, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of the Defendant, or K.F.

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COUNT 13 - LEWDNESS WITH A CHILD UNDER THE AGE OF 16

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COUNT 14 - LEWDNESS WITH A CHILD UNDER THE AGE OF 16

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COUNT 61 - ATTEMPT SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

did on or between March 1, 2017 and July 31, 2018 willfully, unlawfully, and feloniously attempt to sexually assault and subject K.F., a child under sixteen years of age, to sexual penetration, to wit: by asking the said K.F. to perform fellatio on Defendant and grabbing K.F. on the head and moving his head towards Defendant's genitals, against his will, or under conditions in which Defendant knew, or should have known, that K.F. was mentally or physically incapable of resisting or understanding the nature of Defendant's conduct.

COUNT 62 - BATTERY WITH INTENT TO COMMIT SEXUAL ASSAULT VICTIM UNDER 16

did on or between March 1, 2017 and July 31, 2018 willfully, unlawfully and feloniously use force or violence upon the person of another, to wit: K.F., a child under 16 years of age, with the intent to commit sexual assault, by grabbing and pulling the Victim's head toward the Defendant's genitals with the intent that K.F. perform fellatio on Defendant.

DATED this 16th day of September, 2025.

STEVEN B. WOLFSON
Clark County District Attorney

BY */s/ Michael D. Allmon*
MICHAEL D. ALLMON
Deputy District Attorney
Nevada Bar #15169

ENDORSEMENT: A True Bill

/s/ Sabrina Pond
Foreperson, Clark County Grand Jury

Names of Witnesses and testifying before the Grand Jury:

K.F. C/O CLARK COUNTY DISTRICT ATTORNEY

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

25AGJ176X/18F22760X
180723004465

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	**COURT MINUTES**	**October 01, 2025**
C-25-394180-1	State of Nevada vs Benjamine Furlow	**Department 18**

October 01, 2025 09:30 AM Initial Arraignment

HEARD BY: Holthus, Mary Kay COURTROOM: RJC Courtroom 03F

COURT CLERK: Yorke, Dara

RECORDER: Sison, Yvette G.

REPORTER:

PARTIES PRESENT:

Benjamine Furlow	**Defendant**
Jeremy Wood	**Attorney for Defendant**
John Sandoval	**Attorney for Plaintiff**
State of Nevada	**Plaintiff**

JOURNAL ENTRIES

Deft. present out of custody via Zoom video conference.

Court inquired if it approved Zoom appearance. Mr. Wood explained he received the instant case the prior day at 3:00 pm. Mr. Sandoval indicated there was nothing in the notes about appearing via Zoom, which he expected Deft. to be in person. Court advised it would put the arraignment over one week, and in the interim, if counsel felt there was a basis for Zoom for arraignment, for Mr. Wood to reach out to the State and get their position. Court noted it didn't feel compelled to be convenient. Mr. Sandoval concurred. Mr. Wood requested one week to speak with Deft. Court noted it would do two weeks; adding if the State didn't agree to waive Deft.'s appearance, it wouldn't either. Colloquy regarding waiving appearance. COURT ORDERED, arraignment CONTINUED.

NIC

10/13/25 9:30 AM ARRAIGNMENT CONTINUED

Electronically Filed
10/6/2025 10:06 AM
Steven D. Grierson
CLERK OF THE COURT

0042
NANCY M. LEMCKE, PUBLIC DEFENDER
NEVADA BAR NO. 5416
JEREMY B. WOOD, DEPUTY PUBLIC DEFENDER
NEVADA BAR NO. 12136
PUBLIC DEFENDER'S OFFICE
309 South Third Street, Suite 226
Las Vegas, Nevada 89155
Telephone: (702) 455-4685
Facsimile: (702) 455-5112
Jeremy.Wood@clarkcountynv.gov
Attorneys for Defendant

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA, Plaintiff, v. BENJAMINE FURLOW, Defendant.	CASE NO. C-25-394180-1 DEPT. NO. 18 Hearing Date Requested: DATE: October 13, 2025 TIME: 9:30 a.m.

MOTION TO WITHDRAW AS ATTORNEY OF RECORD DUE TO CONFLICT

Defendant, BENJAMINE FURLOW, by and through his counsel of record, JEREMY B. WOOD, Deputy Public Defender, moves this Honorable Court to withdraw as counsel of record. This Motion is based upon all the papers and pleadings on file herein, the attached Declaration of Counsel, Memorandum of Points and Authorities in support hereof, and oral argument at the time set for hearing this Motion.

DATED this 6th day of October, 2025.

NANCY M. LEMCKE
CLARK COUNTY PUBLIC DEFENDER

By: /s/*Jeremy B. Wood*
JEREMY B. WOOD, #12136
Deputy Public Defender

Case Number: C-25-394180-1

DECLARATION

JEREMY B. WOOD, hereby declare as follows:

1. I am an attorney licensed to practice law in the State of Nevada and I am a Deputy Public Defender for the Clark County Public Defender's Office, counsel of record for Defendant BENJAMINE FURLOW, in the matter entitled *The State of Nevada v. Benjamine Furlow,* pending in the District Court, Clark County Nevada, Case No C-25-394180-1. I make this Declaration in support of the Public Defenders Office's Motion to Withdraw as Attorney of Record;

2. I am more than 18 years of age and am competent to testify as to the matters stated herein. I am familiar with the procedural history of the case and the substantive allegations made by The State of Nevada. I also have personal knowledge of the facts stated herein or I have been informed of these facts and believe them to be true;

3. There exists a certain conflict of interest that would violate the Nevada Rules of Professional Conduct ("NRPC") because the Public Defender's Office previously represented the named victim.

a. K.F., the named victim, was previously represented by the Clark County Public Defender's Office in two different Juvenile matters involving crimes of moral turpitude.

4. As a result of the Public Defender's Office previously representing the alleged victim, the effective representation of Mr. Benjamine Furlow in the instant matter, would necessarily prejudice the interests of K.F., who has divulged confidential information to this office that is protected by RPC 1.6. Due to RPC 1.6's duty of confidentiality to current and former clients, the representation of Mr. Benjamine Furlow in this matter creates a concurrent conflict of interest under RPC 1.7 because the representation of Mr. Benjamine Furlow creates a significant risk that his representation would be materially limited by this office's duties to its former clients. Accordingly, representation of Mr. Benjamine Furlow in the instant matter creates an actual conflict of interest and would be a violation of both RPC 1.7 and 1.9. Due to my obligations under the RPC to K.F., in addition to Mr. Benjamine Furlow's Sixth Amendment right to conflict-free

counsel, I do not reasonably believe that I will be able to provide competent and diligent representation to Mr. Benjamine Furlow.

5. Due to the conflict of interest that currently exists, I respectfully ask this Court to allow the Clark County Public Defender's Office to withdraw from this case and appoint independent counsel to represent Mr. Furlow.

6. Mr. Furlow and I have spoken about the potential conflict of interest, and he understands that this motion is going to be filed.

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

EXECUTED on this 6th day of October, 2025.

/s/*Jeremy B. Wood*
JEREMY B. WOOD, #12136
Deputy Public Defender

MEMORANDUM OF POINTS AND AUTHORITIES

I.
STATEMENT OF FACTS

On July 23, 2018 CPS responded to information of sexual abuse between K.F. and his adopted father Benjamine Furlow. When interviewed K.F. indicated that any time he wanted to play video games his adopted father would subject him to sexual abuse. This happened from the age of 14 and he claimed was a daily occurrence for two months. K.F. and his two sisters had previously lived with Benjamine and Marcus for the last three years. Metro interviewed the defendant who fully cooperated in an interview as did the two sisters of K.F. who were also adopted as well as Benjamine's significant other, Marcus. Marcus opined that he believed the children wished to go live at another family's house.

II.
LEGAL ARGUMENT

THE CLARK COUNTY PUBLIC DEFENDER SHOULD BE ALLOWED TO WITHDRAW BECAUSE CONFLICTS OF INTEREST EXIST THAT WOULD VIOLATE THE NEVADA RULES OF PROFESSIONAL CONDUCT AND IMPAIR THE DEFENDANT'S RIGHT TO A FAIR TRIAL.

A criminal defendant is entitled to effective assistance of counsel. *Strickland v. Washington*, 466 U.S. 668 (1984). This includes a duty of loyalty, and a "*duty to avoid conflicts of interest*." *Id.* at 688 (emphasis added). Accordingly, counsel is presumed to be ineffective when counsel is burdened by an actual conflict of interest. *Id*. at 692 (citing *Cuyler v. Sullivan*, 446 U.S. 335, 345-350 (1980)).

The Nevada Rules of Professional Conduct ("NRPC") govern conflicts of interest. NRPC 1.7(a) states that "a lawyer shall not represent a client if the representation involves a concurrent conflict of interest." A concurrent conflict of interest exists if "[t]here is a significant risk that the representation of one or more clients will be materially limited by the lawyer's responsibilities to another client, a former client or a third person…" NRPC 1.7(a)(2). A concurrent conflict of interest may be waived if the lawyer reasonably believes that the lawyer will be able to provide

competent and diligent representation to each affected client and if each affected client gives written informed consent. NRPC 1.7(b)(1) and (b)(4).

Where former clients are concerned, NRPC 1.9 states:

> **Rule 1.9. Duties to Former Clients**.
> 1. A lawyer who has formerly represented a client in a matter shall not thereafter represent another person in the same or a substantially related matter in which that person's interests are materially adverse to the interests of the former client unless the former client gives informed consent, confirmed in writing.
> 2. A lawyer shall not knowingly represent a person in the same or a substantially related matter in which a firm with which the lawyer formerly was associated had previously represented a client:
> (a) Whose interests are materially adverse to that person; and
> (b) About whom the lawyer had acquired information protected by Rules 1.6 and 1.9(c) that is material to the matter;
> (c) Unless the former client gives informed consent, confirmed in writing.
>
> (c) A lawyer who has formerly represented a client in a matter or whose present or former firm represented a client in a matter shall not thereafter:
> 1. Use information relating to the representation to the disadvantage of the former client except as these Rules would permit or require with respect to a client, or when the information has become generally known; or
> 2. Reveal information relating to the representation except as these Rules would permit or require with respect to a client.

Accordingly, a lawyer shall not represent a person whose interests are materially adverse to a former client and about whom the lawyer had acquired confidential information protected by NRPC 1.6, 1.8(b), and 1.9(c). This prohibition also applies to the lawyer's firm. NRPC 1.10.

In the criminal context, conflicts implicate not only ethical obligations, but constitutionally secured right to counsel and fair trial guarantees. "[A]n actual conflict of interest which adversely affects a lawyer's performance will result in a presumption of prejudice to the defendant." *Clark*, 108 Nev. at 326. *See also Strickland v. Washington*, 466 U.S. 668 (1984); *Cuyler v. Sullivan*, 446 U.S. 335 (1980); *Coles v. Arizona Charlie's*, 973 F. Supp. 971, 975 (D. Nev. 1997) (holding that any doubts as to the existence of a conflict of interest should be resolved in favor of disqualification). Such conflicting duties of an attorney to a client may deny a defendant the Sixth Amendment right to effective assistance of counsel. *Mannon v. State*, 98 Nev. 224, 226, 645 P.2d 433, 434 (1982).

Counsel has an "ethical obligation to inform the court immediately that a conflict had arisen" that may require withdrawal. *Id*. Requiring a defendant to negotiate a case or face trial

with an attorney who has a conflict of interest constitutes reversible error. *See e.g.*, *Clark*, 108 Nev. 324, 831 P.2d 1374 (1992); *Koza v. District Court*, 99 Nev. 535, 540–41, 665 P.2d 244, 247 (1983) (concluding that the district court abused its discretion in appointing the public defender to represent a defendant where the defendant had a conflict with a former client). The need for conflict-free counsel also arises from the difficulty faced by an appellate court in "measuring the effect of representation tainted by conflicting interests." *Clark*, 108 Nev. at 326.

When determining whether a conflict exists, a court must evaluate "the specific facts of each case" because "[c]onflict of interest and divided loyalty situations can take many forms." *Clark v. State*, 108 Nev. 324, 326, 831 P.2d 1374, 1376 (1992). For example, "a conflict exists when an attorney is placed in a situation conducive to divided loyalties." *Clark*, 108 Nev. at 326 (*citing Smith v. Lockhart*, 923 F.2d 1314, 1320 (8th Cir. 1991)).

In the instant case the only evidence is the testimony of K.F. an individual who is already residing in prison for adult convictions. He was previously represented by this Office on two Juvenile cases involving crimes of moral turpitude. Given the allegations it would be improper for the Public Defender's Office to represent Mr. Furlow when the office has previously represented K.F. and credibility will be at issue.

III.
CONCLUSION

It is fundamental to the rights of the instant Defendant that he be appointed an attorney who is "unhindered by conflicting interests." *See Clark v. State*, 108 Nev. 324, 326, 831 P.2d 1374, 1376 (1992). Given the Clark County Public Defender's ongoing duties of loyalty and confidentiality to K.F., the Public Defender is conflicted from representing the instant Defendant. Accordingly, the Court should grant the instant Motion to Withdraw to ensure that the Defendant's Sixth Amendment right to counsel is not violated in a manner constituting reversible error.

DATED this 6th day of October, 2025.

NANCY M. LEMCKE
CLARK COUNTY PUBLIC DEFENDER

By: /s/*Jeremy B. Wood*
JEREMY B. WOOD, #12136
Deputy Public Defender

NOTICE OF MOTION

TO: CLARK COUNTY DISTRICT ATTORNEY, Attorney for Plaintiff, and Benjamine Furlow, Defendant:

YOU WILL PLEASE TAKE NOTICE that the foregoing MOTION TO WITHDRAW AS ATTORNEY OF RECORD will be heard on the 13th day of October 2025, at 9:30 a.m., in District Court, Department 18 .

DATED this 6th day of October, 2025.

NANCY M. LEMCKE
CLARK COUNTY PUBLIC DEFENDER

By: /s/*Jeremy B. Wood*
JEREMY B. WOOD, #12136
Deputy Public Defender

CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that service of the above and forgoing MOTION was served via electronic e-filing to the Clark County District Attorney's Office at motions@clarkcountydanv.gov on this 6th day of October, 2025.

By: /s/ *Monika Tennell*
An employee of the
Clark County Public Defender's Office

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	**COURT MINUTES**	**October 13, 2025**
C-25-394180-1	State of Nevada vs Benjamine Furlow	**Department 18**

October 13, 2025 09:30 AM All Pending Motions

HEARD BY: Holthus, Mary Kay COURTROOM: RJC Courtroom 03F

COURT CLERK: Gomez, Yvonne

RECORDER: Sison, Yvette G.

REPORTER:

PARTIES PRESENT:

Benjamine Furlow	**Defendant**
Bianca Pucci	**Attorney for Plaintiff**
Jeremy Wood	**Attorney for Defendant**
State of Nevada	**Plaintiff**
Tiffany Wacaster	**Attorney for Defendant**

JOURNAL ENTRIES

Mr. Wood noted Deft. present on Zoom. Ms. Wacaster advised Public Defender's Office filed a motion due to conflict, she was contacted by office of appointed counsel, and can accept the appointment. Ms. Wacaster further requested going forward with the arraignment, and noted she would like Mr. Furlow to invoke his right to speedy trial. During the arraignment canvass, parties discussed Deft.'s comfort going forward at this time. Ms. Wacaster requested a continuance to discuss the case with Deft. COURT ORDERED, matter CONTINUED. There being no objection from the State, Court noted Deft. can appear via Zoom at the next hearing.

NIC

CONTINUED TO: 10/20/2025 9:30 AM

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	**COURT MINUTES**	**October 20, 2025**
C-25-394180-1	State of Nevada vs Benjamine Furlow	**Department 18**

October 20, 2025 09:30 AM Arraignment Continued

HEARD BY: Holthus, Mary Kay COURTROOM: RJC Courtroom 03F

COURT CLERK: Yorke, Dara

RECORDER: Sison, Yvette G.

REPORTER:

PARTIES PRESENT:

Benjamine Furlow	**Defendant**
Elizabeth Ierulli	**Attorney for Plaintiff**
State of Nevada	**Plaintiff**
Tiffany Wacaster	**Attorney for Defendant**

JOURNAL ENTRIES

Deft. present out of custody via Zoom video conference.

Ms. Wacaster noted the instant matter was a continued arraignment, and after speaking with Deft. he was prepared to plea not guilty. DEFT. FURLOW ARRAIGNED, PLED NOT GUILTY, and INVOKED the 60-DAY RULE. COURT ORDERED, matter SET for trial. Counsel and Deft. agreed to WAIVE 17 days. Court advised, it would require Deft. be present in court for calendar call. Ms. Wacaster concurred.

NIC

12/29/25 9:30 AM CALENDAR CALL

1/5/26 1:00 PM JURY TRIAL

Electronically Filed
10/24/2025 6:48 PM
Steven D. Grierson
CLERK OF THE COURT

MDSM
F. Virginia Eichacker, #4977
Clark County Special Public Defender
Tiffany Wacaster #15349
Deputy Special Public Defender
330 S. 3rd St., Suite 800
Las Vegas, Nevada 89155
(702) 455-6265
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Tiffany.Wacaster@ClarkCountyNV.gov
Attorney for Benjamine Furlow

DISTRICT COURT
CLARK COUNTY

State of Nevada, Plaintiff, v. Benjamine Furlow, Defendant.	Case No. C-25-394180-1 Dept. No. 18 Hearing Requested Date: Time:

MOTION TO DISMISS FOR VIOLATION OF DEFENDANT'S STATE AND FEDERAL RIGHT TO SPEEDY TRIAL PURSUANT TO *STATE V. INZUNZA*[1]

Benjamine Furlow respectfully requests this Court for an Order dismissing the instant case due to the inexcusable six year and nine month delay which resulted in a violation of his State and Federal guarantees to a speedy trial.

[1] 135 Nev. 513, 454 P.3d 727 (2019)

Case Number: C-25-394180-1

DECLARATION OF TIFFANY WACASTER

TIFFANY WACASTER, hereby declares as follows:

1. I am an attorney duly licensed to practice law in the State of Nevada.
2. I am a Deputy Special Public Defender with the Clark County Special Public Defender's Office and have been appointed to represent Benjamine Furlow in the instant matter.
3. I am more than eighteen (18) years of age and am competent to testify as to the matters stated herein.
4. I have personal knowledge of the facts stated herein or I have been informed of these facts and believe them to be true.
5. The charges in this case stem from alleged incidents occurring on or between March 1, 2017 and July 31, 2018.
6. A criminal complaint was filed in Justice Court on December 21, 2018.
7. An arrest warrant was issued on December 27, 2018.
8. Benjamine was not arrested until July 30, 2025 – approximately six and a half years later.
9. The State voluntarily dismissed the Justice Court case and Indicted Benjamine on September 17, 2025 – approximately *six years and nine months* after the initial charges were filed.
10. Benjamine invoked his right to a speedy trial on October 20, 2025.
11. There is extreme prejudice faced by Benjamine in the instant case due to the unexplainable and unreasonable delay.

12. As more fully argued below, it is respectfully requested that this Court dismiss the charges against Benjamine due to the violation of his State and Federal speedy trial rights.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief. (NRS 53.045)

Executed this 24th day of October, 2025.

/s/ Tiffany Wacaster
Tiffany Wacaster, #15349
Deputy Special Public Defender

NOTICE OF MOTION

To: Clark County District Attorney, attorney for Plaintiff.

Notice that the Clark County Special Public Defender, counsel for Defendant, will bring the above and foregoing motion on for hearing before the Court on the ___ day of _____, _____ at _____ a.m.

POINTS AND AUTHORITIES

I. Introduction

Benjamine Furlow is charged, by way of Indictment[2] filed September 18, 2025, with sixty (60) counts of Lewdness with a Child Under the Age of 16 (Category B Felonies), one count of Attempt Sexual Assault with a Minor Under Sixteen Years of Age (Category B Felony), and one count of Battery with Intent to Commit Sexual Assault Victim Under 16 (Category A Felony) for alleged incidents occurring on or between March 1, 2017 and July 31, 2018. Undersigned counsel was appointed on October 13, 2025, due to a conflict of interest on the part of the Public Defender's Office. Benjamine was arraigned on October 20, 2025, at which point he pled not guilty and invoked his right to a speedy trial. Calendar Call is currently set for December 29, 2025, with a Jury Trial set to commence on January 5, 2026.

II. Relevant Procedural History

Prior to the Indictment being sought in this case, the State originally filed a Criminal Complaint on December 21, 2018,[3] in Las Vegas Justice Court charging Benjamine with one count of Attempt Lewdness with a Child Under the Age of 16 (Category C Felony), two counts of Lewdness with a Child Under the Age of 16 (Category B Felonies), and one count of Attempt Sexual Assault with a Minor Under Sixteen Years of Age (Category B Felony) for alleged incidents occurring on or

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[2] See Exhibit A – Indictment 2025.09.18

[3] See Exhibit B – Criminal Complaint 2018.12.21

between March 1, 2017 and July 31, 2018. Per the Justice Court's Register of Actions,[4] a request for an arrest warrant was made and an arrest warrant issued for Benjamine on December 27, 2018.[5] Per the arrest warrant, it was entered into the "NCJIS" system. No further action was taken until Benjamine was arrested on the warrant in Louisiana on July 30, 2025, and subsequently extradited to Las Vegas on August 16, 2025[6] – approximately six and a half years later.

On August 17, 2025, Benjamine appeared for his arrest warrant return hearing in Justice Court where his custody was addressed and bail was set at $100,000 with High-Level Electronic Monitoring and an order to have no contact with minors. Subsequently, on August 18, 2025, Benjamine had his Initial Appearance in Justice Court where he invoked his right to a speedy preliminary hearing, which was set for September 2, 2025. While awaiting the preliminary hearing in Justice Court, the Public Defender's Office filed a Motion to Dismiss for Violation of Defendant's State and Federal Right to Speedy Trial[7] on August 20, 2025. In response, the State filed a Motion to Dismiss Case Without Prejudice[8] on August 27, 2025. On August 28, 2025, the parties appeared for argument on the motions; however, Justice of the Peace Bradford did not make a decision on the merits of the defense motion, since the State was voluntarily dismissing the charges.[9]

As the Justice Court case was dismissed, all release conditions pertaining to Benjamine were rescinded[10] and he was subsequently released from custody on

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[4] See Exhibit C – JC Register of Actions 18F22760X

[5] See Exhibit D – Arrest Warrant 2018.12.27

[6] See Exhibit E – Warrant Arrest Documents 2025.08.16

[7] See Exhibit F – Defendant's Motion to Dismiss for Violation of Defendant's State and Federal Right to Speedy Trial 2025.08.20 (*exhibits to Motion excluded, as attached to instant Motion; Ex A is instant Ex B, Ex B is instant Ex C, and Ex C is instant Ex K*)

[8] See Exhibit G – State's Motion to Dismiss Case Without Prejudice 2025.08.27

[9] See Exhibit H – JC Transcript of Proceedings 2025.08.28

[10] See Exhibit I – JC Minutes 2025.08.28

August 29, 2025. Approximately three weeks later, on September 17, 2025, the State presented its case to the Grand Jury during which an Indictment was returned for the current sixty-two charges that Benjamine is facing – approximately *six years and nine months* after the initial criminal complaint had been filed. A summons for Benjamine's appearance in front of this Court was issued, and his first appearance as to the new charges was on October 1, 2025.[11]

In reviewing the Declaration of Warrant/Summons,[12] as well as the initial discovery provided by the State of the transcripts of the interviews conducted by law enforcement and Child Protective Services in this case, two voluntary interviews were conducted with Benjamine: the first on July 25, 2018, with CPS Investigator Y. Greenberry, and the second on November 8, 2018, with Detective A. Martinez. During Benjamine's second voluntary interview – the one on November 8, 2018 – Detective A. Martinez acknowledged that Benjamine no longer lived at the prior address where the alleged incidents took place; however, failed to obtain his current address.[13] Detective A. Martinez subsequently signed and dated his Declaration of Warrant/Summons documenting the investigation on November 30, 2018.

Upon information and belief from the initial discovery received from the State, as well as conversations with Benjamine, there were co-occurring Family Court proceedings taking place during the period of July 2018 onward.[14] This is important, as on December 16, 2018 – prior to the issuance of the arrest warrant – Benjamine sent an email to Detective A. Martinez with his updated phone number, to which Detective A. Martinez acknowledged receipt and replied "Thank you" on December

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[11] See Exhibit J – Summons 2025.09.17

[12] See Exhibit K – Declaration of Warrant/Summons 2018.12.21

[13] See Exhibit L – Pages 1-2 of Transcript from Interview of Benjamine 2018.11.08

[14] See Exhibit M – Family Court Pleading Cover Sheet 2018.07

18, 2018.[15] This is of significant importance to the instant motion, as Benjamine still has that exact phone number and email address that was provided to Detective A. Martinez back in December 2018.

Since December 2018, Benjamine has continued to live openly to include: receiving Social Security Disability Income since at least December 2018;[16] receiving ongoing Medicare insurance coverage since November 2007; filing for and obtaining two business licenses, one for Jewel Lee Enterprises LLC in Arizona in May 2020[17] and one for Muzik Mindz LLC in Louisiana in May 2025;[18] having an eviction case that originated in Maricopa County, Arizona Justice Court in November 2023;[19] and again, keeping the same phone number and email address that he provided to Detective A. Martinez in December 2018.

III. Argument

A. *Barker-Doggett* Test – Supreme Court of the United States

The Sixth Amendment of the United States Constitution guarantees the accused the right to a speedy trial. *U.S. Const. amend VI*. Potential violations of this right are evaluated under a four-part test that was announced by the Supreme Court of the United States in *Barker v. Wingo*, 407 U.S. 514 (1972), and later clarified in *Doggett v. United States*, 505 U.S. 647 (1992) – termed the *Barker-Doggett* test. The four factors to consider are:

1. Length of delay;
2. The reason for the delay;
3. The defendant's assertion of his right [to a speedy trial]; and
4. Prejudice to the defendant.

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[15] See Exhibit N – Emails Between Benjamine & Detective A. Martinez 2018.12.16 & 2018.12.18

[16] See Exhibit O – SSDI Benefit Verification Letter

[17] See Exhibit P – Arizona Secretary of State Business License Record 2020.05

[18] See Exhibit Q – Louisiana Secretary of State Business License Record 2025.05

[19] See Exhibit R – Eviction Case Docket Sheet Maricopa County, AZ 2023.11

Barker, 407 U.S. at 530.

The *Barker* court did make sure to clarify that the four factors are "related factors and must be considered together with such other circumstances as may be relevant" in the determination of whether a defendant was deprived of their right to a speedy trial. *Id*. at 533.

1. Length of Delay

"[T]o trigger a speedy trial analysis, an accused must allege that the interval between accusation and trial has crossed the threshold dividing ordinary from 'presumptively prejudicial' delay…" *Doggett*, 505 U.S. at 651-52 (citing *Barker*, 470 U.S. at 530-31). Once a defendant has shown such delay, "the court must then consider, as one factor among several, the extent to which the delay stretches beyond the bare minimum needed to trigger judicial examination of the claim." *Doggett*, 505 U.S. at 652. As the pretrial delay between accusation and prosecution grows, the prejudice likewise "intensifies over time." *Id.*

2. Reason for the Delay

"Closely related to length of delay is the reason the government assigns to justify the delay." *Barker*, 470 U.S. at 531. The *Barker* court recognized there are different reasons for delay, and "different weights should be assigned to different reasons." *Id*.

> A deliberate attempt to delay the trial in order to hamper the defense should be weighted heavily against the government. A more neutral reason such as negligence or overcrowded courts should be weighted less heavily but nevertheless should be considered since the ultimate responsibility for such circumstances must rest with the government rather than with the defendant. Finally, a valid reason, such as a missing witness, should serve to justify appropriate delay.

Id. (footnote omitted).

In *Doggett*, the court focused on the government's inaction in finding and arresting Doggett on his indictment. The court went so far as to term the government's lack of prosecution (of searching for, finding, and arresting Doggett) as "negligence" and "lethargy." *Doggett*, 505 U.S. at 652-53. "For six years, the Government's investigators made no serious effort to test their progressively more questionable assumption that Doggett was living abroad, and, had they done so, they could have found him within minutes." *Id*.

3. Defendant's Assertion of His Right to a Speedy Trial

In *Barker*, the court noted that a defendant's assertion of his speedy trial right holds "strong evidentiary weight in determining whether the defendant is being deprived of the right. We emphasize that failure to assert the right will make it difficult for a defendant to prove that he was denied a speedy trial." 470 U.S. at 531-32. The *Doggett* court went on to specifically note that should a defendant have actively been avoiding prosecution, this factor "would be weighed heavily against him." 505 U.S. at 653. However, where a defendant was ignorant as to the pending charges prior to their arrest, they are not to be penalized for only invoking their right to a speedy trial post-arrest. *Id*. at 653-54.

4. Prejudice to the Defendant

Prejudice can be presumed from the delay itself, and the accused is under no obligation to articulate specific prejudice to his rights in order to raise a violation of his right to a speedy trial. The *Barker* court recognized that there are three main interests the right to speedy trial was implemented to protect, which should be considered in determining prejudice to an accused: "to prevent oppressive pretrial incarceration," "to minimize anxiety and concern of the accused," and "to limit the possibility that the defense will be impaired." 470 U.S. at 532. The court went on to explain that the "most serious is [to limit the possibility that the defense will be

impaired], because the inability of a defendant adequately to prepare his case skews the fairness of the entire system." *Id.*

In *Doggett*, the court specifically rejected attempts by the government to impose upon similarly situated defendants *any* obligation to make an "affirmative showing that the delay weakened his ability to raise specific defenses, elicit specific testimony, or produce specific items of evidence." 505 U.S. at 655. Instead, "consideration of prejudice is not limited to the specifically demonstrable…" and "excessive delay presumptively compromises the reliability of a trial in ways that neither party can prove or, for that matter, identify." *Id.* The *Doggett* court again clarified that this presumption "increases with the length of the delay." *Id.* at 656.

B. *State v. Inzunza* – Nevada Supreme Court

In 2019, the Nevada Supreme Court utilized and adopted the *Barker-Doggett* four factor analysis in *State v. Inzunza*. 135 Nev. 513, 454 P.3d 727. In *Inzunza*, the NSC applied the *Barker-Doggett* analysis to evaluate the prejudice faced by Inzunza involving his right to a speedy trial due to a delay of more than two years and whether that prejudice warranted dismissal.

Inzunza was accused of sexual assault of a minor six years after the alleged incidents occurred. *Inzunza*, 135 Nev. at 514. A police detective attempted to locate Inzunza locally, despite evidence including pictures of Inzunza's New Jersey license plate, his employer's work truck, the employer's business name and number, amongst other things which all supported the presumption that he was now living and working in the New Jersey area. *Id.* In December 2014, the State filed a criminal complaint against Inzunza, and the associated arrest warrant was entered into the "NCIC" system; however, local law enforcement made no further efforts to follow up. *Id.* at 514-15. Inzunza was arrested on the warrant in New Jersey, more than two years later in January 2017. *Id.* at 515. Inzunza moved for dismissal, claiming a violation

of his right to a speedy trial under the Sixth Amendment, which was granted by the District Court and the charges were dismissed. However, the State appealed. *Id.*

On appeal, the NSC applied the *Barker-Doggett* analysis, and considered the four factors with regard to Inzunza. Citing *Doggett*, the NSC held that "the length of the delay must be presumptively prejudicial," and that "a post-accusation delay meets this standard 'as it approaches one year.'" *Inzunza*, 135 Nev. at 516 (citing *Doggett*, 505 U.S. at 651, 652 n.1). The NSC further held that "The length of time extending beyond the threshold one-year mark tends to correlate with the degree of prejudice the defendant suffers and will be considered under factor four – the prejudice to the defendant." *Inzunza*, 135 Nev. at 517 (citing *Doggett*, 505 U.S. at 652).

The NSC also considered the invocation or assertion of the speedy trial right, and how that would weigh on an *Inzunza* and/or *Barker-Doggett* analysis. In *Inzunza*, the State argued that this factor cut against the defendant because "he did not assert his right to a speedy trial during the period of time between the filing of charges and his arrest." 135 Nev. at 518. However, the NSC rejected this argument and clarified that "a defendant must know that the State had filed charges against him to have" this factor weighed against him. *Id.* In doing so, the NSC again relied on *Doggett* wherein it was specifically held "that a defendant who is ignorant as to the formal charges against him 'is not to be taxed for invoking his speedy trial right only after his arrest.'" *Inzunza*, 135 Nev. at 518 (citing *Doggett*, 505 U.S. at 653-54).

The NSC then turned to the final factor: prejudice to the defendant. The NSC adopted each of the harms to be prevented by appropriate deference to an accused's speedy trial rights: oppressive pretrial detention; anxiety and concern of the accused; and the damage done to the accused's defense. *Inzunza*, 135 Nev. at 518. Following the holdings in *Doggett* and *Barker*, the NSC reaffirmed that presumptive prejudice attaches based on a delay of *one year or more. Id.* at 519. The Court clarified that under Nevada jurisprudence, a defendant is only relieved "of showing actual

prejudice… in cases in which the delay is *five years or more*." *Id.* (citing *United States v. Serna-Villareal*, 352 F.3d 225, 232 (5th Cir. 2003)). In defining how much of an affirmative showing a defendant must make, *Inzunza* held that the amount of prejudice that must be shown by the defendant "is inversely proportional to the length and reason for the delay." *Id.* at 519 (citing *United States v. Alexander*, 817 F.3d 1178, 1183 (9th Cir. 2016)).

The NSC acknowledged "the difficult task of analyzing contextually a delay that is greater than one year but less than five, coupled with a reason for the delay that is something more than mere negligence, but less than bad-faith intentional misconduct on the government's part." 135 Nev. at 519-20. In *Inzunza*, the NSC was confronted with what it termed "gross negligence" – that law enforcement should have been fully aware of Inzunza's location but otherwise failed to follow up on his arrest warrant once it was loaded into NCIC. The NSC specifically cited to case law bemoaning law enforcement's disregard of suspects that it has termed as "low priority." *Id.* at 521 (*citing Doggett, 505 U.S. at 657:* "Condoning prolonged and unjustifiable delays in prosecution would both penalize many defendants for the state's fault and simply encourage the government to gamble with the interests of criminal suspects assigned a low prosecutorial priority.").

Once the *Barker-Doggett* factors are weighed in relation to one another, and the presumption of prejudice has shifted to the State, the State bears the burden to justify the delay and to excuse the violation of an accused's right to a speedy trial.

C. The Instant Case

Benjamine's case is similar in comparison to that of *Inzunza* and the charges against him should be dismissed after the *Barker-Doggett* four factor analysis.

The length of the delay in Benjamin's case is significant. The allegations in the instant case arose from incidents occurring on or between March 1, 2017 and July 31, 2018. A criminal complaint was filed on December 21, 2018 – roughly *six and half*

years before Benjamine's arrest on July 30, 2025. As more fully outlined in the *Relevant Procedural History* section supra, Benjamine made his initial appearance in Justice Court after his arrest where he invoked his right to a speedy preliminary hearing, a Motion to Dismiss was filed by prior counsel, and the State ultimately voluntarily dismissed the charges. The State then proceeded to present its case to the Grand Jury on September 17, 2025 – approximately *six years and nine months* after the initial criminal complaint was filed – where an Indictment was issued adding an additional 58 counts, but a total of 60 different charges with different theories of liability than that which was initially charged in 2018. At the time of his initial arraignment in District Court on October 20, 2025, Benjamine invoked his right to a speedy trial.

From reviewing the discovery provided by the State and the Register of Actions in the Justice Court case, an arrest warrant was issued for Benjamine's arrest on December 27, 2018; however, it was merely entered into the "NCJIS" system and no further action was taken to locate, arrest, and prosecute Benjamine. It is unclear why no further action was taken, when Benjamine had provided his updated and correct contact information to Detective A. Martinez via email on December 16, 2018, and continued to live openly and easily locatable thereafter.

As expressed in the *Relevant Procedural History* section supra, Benjamine had been voluntarily involved in the initial investigation done by law enforcement and Child Protective Services by participating in two voluntary interviews, there was ongoing Family Court proceedings taking place from the time of July 2018 onward, Benjamine received Social Security Disability Income and benefits since at least December 2018, he filed for and obtained two business licenses in May 2020 and May 2025, he was part of an eviction case in Maricopa County, Arizona in December 2023, and he kept the same phone number and email address for communication purposes that he had provided to Detective A. Martinez in December 2018.

Law enforcement has access to systems and processes to locate individuals; however, not even the simplest of steps were taken to locate Benjamine. Had any due diligence been done to locate Benjamine, he would have easily been found. There is nothing to indicate that Benjamine was evading law enforcement, nor that he was taking any steps that would have frustrated an investigation into his whereabouts. Additionally, as the approximately *six year and nine month* delay is significant enough to trigger presumptive prejudice, no showing of actual prejudice must be made on Benjamine's behalf and it is the State's burden to justify the delay as the delay is clearly a result of law enforcement's inaction; however, the State will be unable to justify such a significant delay, and this Court should find Benjamine's right to a speedy trial has been unduly prejudiced and dismiss the instant case.

CONCLUSION

After conducting a thorough *Inzunza/Barker/Doggett* analysis of Benjamine's case and recognizing the significant prejudice he has suffered as a result of the inexcusable *six year and nine month* delay, this Court will have no option but to dismiss the charges against Benjamine. The State and law enforcement cannot be allowed to punish Benjamine and unduly prejudice his defense for having been a "low prosecutorial priority," for had they conducted any due diligence, the delay would not have happened. Benjamine's right to a speedy trial has been violated, and the only proper remedy is a dismissal.

Dated October 24, 2025.

Respectfully submitted,

F. Virginia Eichacker
Clark County Special Public Defender

/s/ Tiffany Wacaster
Tiffany Wacaster #15349
Deputy Special Public Defender

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Eighth Judicial District Court by using the Court's mandatory electronic filing system (EFS). The EFS will serve a file-stamped copy of this document on all participants to this matter who are registered users. EJDC Rule 8.04; NEFCR. The EFS will provide proof of service by email to all addresses listed in the service list for that particular case, including:

Party	**Email**
State of Nevada	motions@clarkcountydanv.gov
Michael Allmon	Michael.allmon@clarkcountydanv.gov

Dated October 24, 2025.

Signed,

/s/ Tiffany Wacaster
Tiffany Wacaster #15349
Deputy Special Public Defender

EXHIBIT A

Electronically Filed
9/18/2025 4:24 PM
Steven D. Grierson
CLERK OF THE COURT

IND
STEVEN B. WOLFSON
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Nevada Bar #1565
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Attorney for the Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

BENJAMINE FURLOW #7162385

Defendant.

CASE NO: C-25-394180-1

DEPT NO: XVIII

INDICTMENT

The Defendant(s) above named, accused by the Clark County Grand Jury of the crime(s) within the County of Clark, State of Nevada, on or between January 1, 2017 and July 31, 2018, committed one or more of the following crime(s): LEWDNESS WITH A CHILD UNDER THE AGE OF 16 (Category B Felony - NRS 201.230 - NOC 60336), ATTEMPT SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE (Category B Felony - NRS 200.364, 200.366, 193.330 - NOC 50124), and BATTERY WITH INTENT TO COMMIT SEXUAL ASSAULT VICTIM UNDER 16 (Category A Felony - NRS 200.400.4 - NOC 58026) as follows, to wit:

COUNT 1 - LEWDNESS WITH A CHILD UNDER THE AGE OF 16

did on or between March 1, 2017 and July 31, 2018 willfully, lewdly, unlawfully and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child, to wit: K.F., a child under the age of 16 years, by rubbing, touching and/or fondling the said K.F.'s genitals, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of the Defendant, or K.F.

COUNT 2 - LEWDNESS WITH A CHILD UNDER THE AGE OF 16

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COUNT 3 - LEWDNESS WITH A CHILD UNDER THE AGE OF 16

did on or between March 1, 2017 and July 31, 2018 willfully, lewdly, unlawfully and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child, to wit: K.F., a child under the age of 16 years, by rubbing, touching and/or fondling the said K.F.'s genitals, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of the Defendant, or K.F.

COUNT 4 - LEWDNESS WITH A CHILD UNDER THE AGE OF 16

did on or between March 1, 2017 and July 31, 2018 willfully, lewdly, unlawfully and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child, to wit: K.F., a child under the age of 16 years, by rubbing, touching and/or fondling the said K.F.'s genitals, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of the Defendant, or K.F.

COUNT 5 - LEWDNESS WITH A CHILD UNDER THE AGE OF 16

did on or between March 1, 2017 and July 31, 2018 willfully, lewdly, unlawfully and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child, to wit: K.F., a child under the age of 16 years, by rubbing, touching and/or fondling the said K.F.'s genitals, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of the Defendant, or K.F.

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COUNT 8 - LEWDNESS WITH A CHILD UNDER THE AGE OF 16

did on or between March 1, 2017 and July 31, 2018 willfully, lewdly, unlawfully and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child, to wit: K.F., a child under the age of 16 years, by rubbing, touching and/or fondling the said K.F.'s genitals, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of the Defendant, or K.F.

COUNT 9 - LEWDNESS WITH A CHILD UNDER THE AGE OF 16

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COUNT 13 - LEWDNESS WITH A CHILD UNDER THE AGE OF 16

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COUNT 16 - LEWDNESS WITH A CHILD UNDER THE AGE OF I6

did on or between March 1, 2017 and July 31, 2018 willfully, lewdly, unlawfully and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child, to wit: K.F., a child under the age of 16 years, by rubbing, touching and/or fondling the said K.F.'s genitals, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of the Defendant, or K.F.

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did on or between March 1, 2017 and July 31, 2018 willfully, lewdly, unlawfully and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child, to wit: K.F., a child under the age of 16 years, by rubbing, touching and/or fondling the said K.F.'s genitals, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of the Defendant, or K.F.

COUNT 43 - LEWDNESS WITH A CHILD UNDER THE AGE OF 16

did on or between March 1, 2017 and July 31, 2018 willfully, lewdly, unlawfully and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child, to wit: K.F., a child under the age of 16 years, by rubbing, touching and/or fondling the said K.F.'s genitals, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of the Defendant, or K.F.

COUNT 44 - LEWDNESS WITH A CHILD UNDER THE AGE OF 16

did on or between March 1, 2017 and July 31, 2018 willfully, lewdly, unlawfully and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child, to wit: K.F., a child under the age of 16 years, by rubbing, touching and/or

fondling the said K.F.'s genitals, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of the Defendant, or K.F.

COUNT 45 - LEWDNESS WITH A CHILD UNDER THE AGE OF 16

did on or between March 1, 2017 and July 31, 2018 willfully, lewdly, unlawfully and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child, to wit: K.F., a child under the age of 16 years, by rubbing, touching and/or fondling the said K.F.'s genitals, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of the Defendant, or K.F.

COUNT 46 - LEWDNESS WITH A CHILD UNDER THE AGE OF 16

did on or between March 1, 2017 and July 31, 2018 willfully, lewdly, unlawfully and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child, to wit: K.F., a child under the age of 16 years, by rubbing, touching and/or fondling the said K.F.'s genitals, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of the Defendant, or K.F.

COUNT 47 - LEWDNESS WITH A CHILD UNDER THE AGE OF 16

did on or between March 1, 2017 and July 31, 2018 willfully, lewdly, unlawfully and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child, to wit: K.F., a child under the age of 16 years, by rubbing, touching and/or fondling the said K.F.'s genitals, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of the Defendant, or K.F.

COUNT 48 - LEWDNESS WITH A CHILD UNDER THE AGE OF 16

did on or between March 1, 2017 and July 31, 2018 willfully, lewdly, unlawfully and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child, to wit: K.F., a child under the age of 16 years, by rubbing, touching and/or fondling the said K.F.'s genitals, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of the Defendant, or K.F.

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COUNT 49 - LEWDNESS WITH A CHILD UNDER THE AGE OF 16

did on or between March 1, 2017 and July 31, 2018 willfully, lewdly, unlawfully and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child, to wit: K.F., a child under the age of 16 years, by rubbing, touching and/or fondling the said K.F.'s genitals, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of the Defendant, or K.F.

COUNT 50 - LEWDNESS WITH A CHILD UNDER THE AGE OF 16

did on or between March 1, 2017 and July 31, 2018 willfully, lewdly, unlawfully and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child, to wit: K.F., a child under the age of 16 years, by rubbing, touching and/or fondling the said K.F.'s genitals, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of the Defendant, or K.F.

COUNT 51 - LEWDNESS WITH A CHILD UNDER THE AGE OF 16

did on or between March 1, 2017 and July 31, 2018 willfully, lewdly, unlawfully and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child, to wit: K.F., a child under the age of 16 years, by rubbing, touching and/or fondling the said K.F.'s genitals, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of the Defendant, or K.F.

COUNT 52 - LEWDNESS WITH A CHILD UNDER THE AGE OF 16

did on or between March 1, 2017 and July 31, 2018 willfully, lewdly, unlawfully and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child, to wit: K.F., a child under the age of 16 years, by rubbing, touching and/or fondling the said K.F.'s genitals, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of the Defendant, or K.F.

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COUNT 53 - LEWDNESS WITH A CHILD UNDER THE AGE OF 16

did on or between March 1, 2017 and July 31, 2018 willfully, lewdly, unlawfully and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child, to wit: K.F., a child under the age of 16 years, by rubbing, touching and/or fondling the said K.F.'s genitals, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of the Defendant, or K.F.

COUNT 54 - LEWDNESS WITH A CHILD UNDER THE AGE OF 16

did on or between March 1, 2017 and July 31, 2018 willfully, lewdly, unlawfully and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child, to wit: K.F., a child under the age of 16 years, by rubbing, touching and/or fondling the said K.F.'s genitals, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of the Defendant, or K.F.

COUNT 55 - LEWDNESS WITH A CHILD UNDER THE AGE OF 16

did on or between March 1, 2017 and July 31, 2018 willfully, lewdly, unlawfully and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child, to wit: K.F., a child under the age of 16 years, by rubbing, touching and/or fondling the said K.F.'s genitals, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of the Defendant, or K.F.

COUNT 56 - LEWDNESS WITH A CHILD UNDER THE AGE OF 16

did on or between March 1, 2017 and July 31, 2018 willfully, lewdly, unlawfully and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child, to wit: K.F., a child under the age of 16 years, by rubbing, touching and/or fondling the said K.F.'s genitals, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desirés of the Defendant, or K.F.

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COUNT 57 - LEWDNESS WITH A CHILD UNDER THE AGE OF 16

did on or between March 1, 2017 and July 31, 2018 willfully, lewdly, unlawfully and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child, to wit: K.F., a child under the age of 16 years, by rubbing, touching and/or fondling the said K.F.'s genitals, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of the Defendant, or K.F.

COUNT 58 - LEWDNESS WITH A CHILD UNDER THE AGE OF 16

did on or between March 1, 2017 and July 31, 2018 willfully, lewdly, unlawfully and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child, to wit: K.F., a child under the age of 16 years, by rubbing, touching and/or fondling the said K.F.'s genitals, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of the Defendant, or K.F.

COUNT 59 - LEWDNESS WITH A CHILD UNDER THE AGE OF 16

did on or between March 1, 2017 and July 31, 2018 willfully, lewdly, unlawfully and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child, to wit: K.F., a child under the age of 16 years, by rubbing, touching and/or fondling the said K.F.'s genitals, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of the Defendant, or K.F.

COUNT 60 - LEWDNESS WITH A CHILD UNDER THE AGE OF 16

did on or between March 1, 2017 and July 31, 2018 willfully, lewdly, unlawfully and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child, to wit: K.F., a child under the age of 16 years, by rubbing, touching and/or fondling the said K.F.'s genitals, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of the Defendant, or K.F.

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COUNT 61 - ATTEMPT SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

did on or between March 1, 2017 and July 31, 2018 willfully, unlawfully, and feloniously attempt to sexually assault and subject K.F., a child under sixteen years of age, to sexual penetration, to wit: by asking the said K.F. to perform fellatio on Defendant and grabbing K.F. on the head and moving his head towards Defendant's genitals, against his will, or under conditions in which Defendant knew, or should have known, that K.F. was mentally or physically incapable of resisting or understanding the nature of Defendant's conduct.

COUNT 62 - BATTERY WITH INTENT TO COMMIT SEXUAL ASSAULT VICTIM UNDER 16

did on or between March 1, 2017 and July 31, 2018 willfully, unlawfully and feloniously use force or violence upon the person of another, to wit: K.F., a child under 16 years of age, with the intent to commit sexual assault, by grabbing and pulling the Victim's head toward the Defendant's genitals with the intent that K.F. perform fellatio on Defendant.

DATED this 16th day of September, 2025.

STEVEN B. WOLFSON
Clark County District Attorney

BY */s/ Michael D. Allmon*
MICHAEL D. ALLMON
Deputy District Attorney
Nevada Bar #15169

ENDORSEMENT: A True Bill

/s/ Sabrina Pond
Foreperson, Clark County Grand Jury

Names of Witnesses and testifying before the Grand Jury:

K.F. C/O CLARK COUNTY DISTRICT ATTORNEY

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

25AGJ176X/18F22760X
180723004465

EXHIBIT B

FILED

JUSTICE COURT, LAS VEGAS TOWNSHIP
CLARK COUNTY, NEVADA

2018 DEC 21 P 12:52

JUSTICE COURT
LAS VEGAS, NEVADA
JSM
DEPUTY

THE STATE OF NEVADA,

Plaintiff,

-vs-

BENJAMINE FURLOW,

Defendant.

CASE NO: 18F22760X

DEPT NO: 2

CRIMINAL COMPLAINT

The Defendant above named having committed the crimes of ATTEMPT LEWDNESS WITH A CHILD UNDER THE AGE OF 16 (Category C Felony - NRS 201.230, 193.330 - NOC 60321); LEWDNESS WITH A CHILD UNDER THE AGE OF 16 (Category B Felony - NRS 201.230 - NOC 58747) and ATTEMPT SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE (Category B Felony - NRS 200.364, 200.366, 193.330 - NOC 50124), in the manner following, to wit: That the said Defendant, on or between January 1, 2017 and July 31, 2018, at and within the County of Clark, State of Nevada,

COUNT 1 - ATTEMPT LEWDNESS WITH A CHILD UNDER THE AGE OF 16

did on or between 2017 and 2018 willfully, lewdly, unlawfully, and feloniously attempt to commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child, to wit: K.F., a child under the age of sixteen years, by attempting to rub, touch and/or fondle the said K.F.'s genitals, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of defendant, or K.F.

COUNT 2 - LEWDNESS WITH A CHILD UNDER THE AGE OF 16

did on or between March 1, 2017 and July 31, 2018 willfully, lewdly, unlawfully and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child, to wit: K.F., a child under the age of 16 years, by pulling down the said K.F.'s pant and/or underwear exposing his genitals, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of the Defendant, or K.F.

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18F22760X
CRM
Criminal Complaint
10330468

COUNT 3 - LEWDNESS WITH A CHILD UNDER THE AGE OF 16

did on or between March 1, 2017 and July 31, 2018 willfully, lewdly, unlawfully and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child, to wit: K.F., a child under the age of 16 years, by rubbing, touching and/or fondling the said K.F.'s genitals, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of the Defendant, or K.F.

COUNT 4 - ATTEMPT SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

did then and there willfully, unlawfully, and feloniously attempt to sexually assault and subject K.F., a child under sixteen years of age, to sexual penetration, to wit: by asking the said K.F. to perform fellatio on Defendant and grabbing K.F. on the head and moving his head towards Defendant's genitals, against his or her will, or under conditions in which Defendant knew, or should have known, that K.F. was mentally or physically incapable of resisting or understanding the nature of Defendant's conduct.

All of which is contrary to the form, force and effect of Statutes in such cases made and provided and against the peace and dignity of the State of Nevada. Said Complainant makes this declaration subject to the penalty of perjury.

Susan Dynedic

12/19/18

18F22760X/cb
LVMPD EV# 180723004465
(TK2)

EXHIBIT C

REGISTER OF ACTIONS

CASE NO. 18F22760X

State of Nevada vs. FURLOW, BENJAMINE

Case Type:	**Felony**
Date Filed:	**12/20/2018**
Location:	
DA CMS Case ID:	**18-2020395**
DA CMS Display ID:	**201858376C**
ITAG Case ID:	**2913310**
Metro Event Number:	**9999999999**
Odyssey Case ID:	**12746083**
Other Agency Number:	**180723004465**
Warrant Document ID:	**202508161443108E0FEB94DFD24E31**

PARTY INFORMATION

Defendant **FURLOW, BENJAMINE**
Other Agency Numbers
X0165347 XID Subject Identifier, 7162385 Justice Court Scope ID Subject Identifier, 7162385 Scope ID Subject Identifier

DOB: 06/27/1973

Lead Attorneys
Public Defender
Public Defender
702-455-4685(W)

State of Nevada **State of Nevada**

CHARGE INFORMATION

Charges: FURLOW, BENJAMINE	**Statute**	**Level**	**Date**
1. Attempted lewdness by person over 18 with child under 16 [60321]	201.230	Felony	01/01/2017
2. Lewdness with child older than 14 [58747]	201.230.3	Felony	01/01/2017
3. Lewdness with child older than 14 [58747]	201.230.3	Felony	01/01/2017
4. Attempted sexual assault against child under 16 [50124]	200.366.3b	Felony	01/01/2017

EVENTS & ORDERS OF THE COURT

DISPOSITIONS

08/28/2025 **Disposition** (Judicial Officer: Bradford, Kristal)
4. Attempted sexual assault against child under 16 [50124]
Dismissed
2. Lewdness with child older than 14 [58747]
Dismissed
3. Lewdness with child older than 14 [58747]
Dismissed
1. Attempted lewdness by person over 18 with child under 16 [60321]
Dismissed

OTHER EVENTS AND HEARINGS

12/20/2018 **CTRACK Track Assignment JC02**
12/21/2018 Criminal Complaint
12/21/2018 Filed Under Seal
12/21/2018 Declaration of Warrant Summons (Affidavit)
12/21/2018 **Not Released NPR**
12/21/2018 Nevada Risk Assessment Tool
12/26/2018 Arrest Warrant Request (7:29 AM) (Judicial Officer Sciscento, Joseph S.)
Result: Arrest Warrant Issued
12/26/2018 **Probable Cause Found**
12/26/2018 Request for Arrest Warrant Filed
Granted
12/26/2018 **Arrest Warrant Ordered to be Issued**
Set in court all counts
12/26/2018 Minute Order - Department 02
12/27/2018 **Warrant Issued**
12/27/2018 Arrest Warrant - Face Sheet
12/27/2018 Arrest Warrant Confidential
08/16/2025 Financial Affidavit
08/16/2025 **Not Released NPR**
Not interviewed due to defendant being in discipline or uncooperative.
08/16/2025 Nevada Risk Assessment Tool
08/16/2025 Warrant Arrest Documents
08/17/2025 Arrest Warrant Return Hearing (9:00 AM) (Judicial Officer Ferreira, Amy)
In Custody

Parties Present
Result: Matter Heard
08/17/2025 **72-Hour Hearing Completed**
08/17/2025 **Counsel Provisionally Appointed**
M. Pensabene, Esq. provisionally appointed for limited purposes of first appearance hearing.
08/17/2025 **Individualized Custody Status Hearing Held**
The Court conducted an individualized determination regarding the defendant's custody status. Both the State and the Defendant's provisionally appointed counsel had the opportunity to present evidence and argument regarding the Defendant's custody status. The Court has also considered factors set forth in NRS 178.4853 and NRS 178.498 and has considered the Defendant's financial resources when a financial affidavit was available and/or when the defendant was present in court.
08/17/2025 **Monetary Bail Set**
The State has provided clear and convincing evidence that no less restrictive alternative to monetary bail will satisfy its interests in ensuring the defendant's presence and/or community safety.
08/17/2025 **Bail Reset - Cash or Surety**
Counts: 001; 002; 003; 004 - $100,000.00/$100,000.00 Total Bail
08/17/2025 **Release Order - Bail AND Electronic Monitoring - High Level** (Judicial Officer: Ferreira, Amy)
08/17/2025 **No Contact Order**
Filed and provided to defendant in open court. Order expires on 8/18/25.
08/17/2025 **Per the District Attorney, the Victim's Address is Unknown**
08/17/2025 **Bail Condition - Defendant to have No Contact with Minors**
under 18.
08/17/2025 **Minute Order - Initial Appearance**
08/18/2025 **Initial Appearance** (8:30 AM) (Judicial Officers Pro Tempore, Judge, Pancoast, Janet)
In Custody
Parties Present
Result: Matter Heard
08/18/2025 **Initial Appearance Completed**
Defendant/Defense Advised of Charges on Criminal Complaint, Waives Reading of Criminal Complaint
08/18/2025 **Defendant Identified as Indigent**
Defendant and the Court discussed the appointment of counsel and defendant requested appointment of counsel.
08/18/2025 **Public Defender Appointed**
08/18/2025 **No Early Offer Extended**
08/18/2025 **Matter Not Negotiated - Preliminary Hearing/Trial Date Set**
08/18/2025 **Discovery to be obtained from District Attorney by Counsel**
08/18/2025 **Bail Condition - Stay Out of Trouble**
08/18/2025 **Bail Condition - Defendant to have No Contact with Minors**
08/18/2025 **No Contact with Victim**
Order continues and expires on 01/07/26
08/18/2025 **Bail Stands - Cash or Surety**
Counts: 001; 002; 003; 004 - $100,000.00/$100,000.00 Total Bail
08/18/2025 **Release Order - Bail AND Electronic Monitoring - High Level** (Judicial Officer: Pro Tempore, Judge)
08/18/2025 **No Contact Order (Subsequent Action)**
Filed in Open Court as to Renewal. Order expires on 01/07/2026
08/18/2025 **Minute Order - Department 02**
08/20/2025 **Motion by Defense for an O.R. Release**
Motion to Readdress Custody
08/20/2025 **Motion to Dismiss**
Motion to Dismiss for Violation of Defendant's State and Federal Right to Speedy Trial
08/27/2025 **Motion to Dismiss**
STATES MOTION TO DISMISS CASE WITHOUT PREJUDICE
08/28/2025 **Motion** (8:30 AM) (Judicial Officer Bradford, Kristal)
In Custody
Parties Present
Result: Matter Heard
08/28/2025 **Motion to Dismiss**
By the State of Nevada- STATES MOTION TO DISMISS CASE WITHOUT PREJUDICE- Objection by Public Defender- Motion Granted
08/28/2025 **Motion**
by Farlow, Benjamin- Motion to Dismiss for Violation of Defendant's State and Federal Right to Speedy Trial- MOOT
08/28/2025 **Motion**
by Farlow, Benjamin- Motion to Readdress Custody- MOOT
08/28/2025 **No Contact Order (Subsequent Action)**
Filed in Open Court as to Cancellation.
08/28/2025 **Future Court Date Vacated**
On 09/02/2025 at 9:30am for Preliminary Hearing
08/28/2025 **Case Closed - Dismissed**
Dismissed by State.
08/28/2025 **Judgment Entered**
08/28/2025 **Release Order - Court Ordered due to dismissal** (Judicial Officer: Bradford, Kristal)
Counts: 001; 002; 003; 004
08/28/2025 **Bail Condition(s) Ordered Rescinded**
All Pretrial Conditions
08/28/2025 **Minute Order - Department 02**
09/02/2025 *CANCELED* **Preliminary Hearing** (9:30 AM) (Judicial Officer Bradford, Kristal)
Vacated - Case Closed
In Custody
09/03/2025 **Notice of Disposition and Judgment**
10/13/2025 **Miscellaneous Filing**
EX PARTE APPLICATION AND ORDER FOR EXPEDITED PREPARATION OF TRANSCRIPT

EXHIBIT D

WARRANT ELECTRONICALLY GENERATED AND ENTERED INTO NCJIS
*** DO NOT MANUALLY ENTER INTO NCJIS ***

JUSTICE COURT, LAS VEGAS TOWNSHIP
CLARK COUNTY NEVADA

THE STATE OF NEVADA PLAINTIFF VS. FURLOW, BENJAMINE ID# X0165347 DEFENDANT	CASE NO: 18F22760X DEPT. NO: 2 AGENCY: METRO POLICE ARREST WARRANT

THE STATE OF NEVADA,

TO: ANY SHERIFF, CONSTABLE, MARSHALL, POLICEMAN, OR PEACE OFFICER IN THIS STATE:

A COMPLAINT AND AN AFFIDAVIT UPON OATH HAS THIS DAY BEEN LAID BEFORE ME ACCUSING FURLOW, BENJAMINE, OF THE CRIME(S):

COUNTS	CHARGE	BAIL: CASH	SURETY	PROPERTY
1	ATT LEWDNESS BY PERSON	NO BAIL		
2	LEWDNESS WITH CHILD OL	NO BAIL		
1	ATT SEX ASSLT AGAINST	NO BAIL		

YOU ARE, THEREFORE, COMMANDED FORTHWITH TO ARREST THE ABOVE NAMED DEFENDANT AND BRING HIM BEFORE ME AT MY OFFICE IN LAS VEGAS TOWNSHIP, COUNTY OF CLARK, STATE OF NEVADA, OR IN MY ABSENCE OR INABILITY TO ACT, BEFORE THE NEAREST AND MOST ACCESSIBLE MAGISTRATE IN THIS COUNTY.

THIS WARRANT MAY BE SERVED AT ANY HOUR OF THE DAY OR NIGHT.

GIVEN UNDER MY HAND THIS 27TH DAY OF DECEMBER, 2018.

JUSTICE OF THE PEACE IN AND FOR SAID TOWNSHIP
JOSEPH S SCISCENTO

18F22760X
AWF
Arrest Warrant – Face Sheet
10341630

JUSTICE COURT, LAS VEGAS TOWNSHIP
CLARK COUNTY NEVADA

THE STATE OF NEVADA	)	CASE NO: 18F22760X
	)	
PLAINTIFF	)	DEPT. NO: 2
VS.	)	
	)	AGENCY: METRO POLICE
FURLOW, BENJAMINE	)	
ID# X0165347	)	
	)	
	)	ARREST WARRANT
DEFENDANT	)	
	)	

SHERIFF'S RETURN

I HEREBY CERTIFY THAT I RECEIVED THE ABOVE AND FOREGOING WARRANT ON THE _____ DAY OF _____, _____, AND SERVED THE SAME BY ARRESTING AND BRINGING DEFENDANT, _____, INTO COU COURT THIS _____ DAY OF _____, _____.

JOSEPH LOMBARDO, SHERIFF, CLARK COUNTY, NEVADA

BY: _____, DEPUTY

EXHIBIT E

*PAGE 1 OF 1 ☐ UOF ☐ BODY CAM

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

TEMPORARY CUSTODY RECORD

DNA REQ

*ID/CS# 7162385 ☒ NEW ID

(* DENOTES OFFICER REQUIRED FIELD)

*ARREST DATE: 08/1

☐ JUVENILE ☒ DNA SAMPLE TAKEN ☐ DNA NOT REQ'D

Extradited to LV

*EVENT #:

CO. SGT APPROVAL

*CO-DEF: N

☐ REBOOK ☐ ABSENTIA ☐ FORM 6 ☐ NDOC ☐ EXT TO LAS VEGAS ☐ LVC ☐ HND ☐ NLV ☐ COURTESY HO

*INTAKE NAME (AKA, ALIAS, ETC.) LAST FIRST MIDDLE	TRUE NAME LAST FIRST MIDDLE
FARLOW , BENJAMIN	FARLOW , BENJA

HOME ADDRESS (STREET # AND STREET NAME)	BLDG./APT.#	*CITY	*STATE	*ZIP
[redacted]	[redacted]	UNKNOWN	LA	70422

* DATE OF BIRTH	*RACE	HISP ETHN	*SEX	*HEIGHT	*WEIGHT	*HAIR	*EYES	*SOCIAL SECURITY #	*CITIZENSHIP	*ALIE
[redacted]	B	N	M	5'10"	180	BLD	BLK	[redacted]	USA	

*LOCATION OF CRIME (STREET ADDRESSS, CITY, STATE, ZIP) ☒ CC ☐ LV	*LOCATION OF ARREST (STREET ADDRESS, CITY, STATE, ZIP)
WARRANT LAS VEGAS NV	CCDC LAS VEGAS NV

*ARR ** TYPE	*COURT JURIS	*WARRANT # / CASE #	*# CNTS	*NOC CODE	*CATEGORY	*CHARGE LITERAL	*ORD / NI
AW	LVJCR	18F22760X	1	60321	F	ATTEMPTED LEWDNESS BY PERSON OVER 18 WITH CHIL	201.230.
AW	LVJCR	18F22760X	1	60336	F	LEWDNESS WITH CHILD OLDER THAN 14	201.230.
AW	LVJCR	18F22760X	1	60336	F	LEWDNESS WITH CHILD OLDER THAN 14	201.230.
AW	LVJCR	18F22760X	1	50124	F	ATTEMPTED SEXUAL ASSAULT AGAINST CHILD UNDER 1	200.366.

Neg PBRM VI

*OTHER JURISDICTION:

**ARREST TYPES: PC – PROBABLE CAUSE BS – BONDSMAN SURRENDER BW – BENCH WARRANT AW – ARREST WARRANT RM – REN

TIME STAMP AT BOOKING

08/16/2025 NaN:NaN AM

08/16/25 0157 DSD RECORD

*ARRESTING OFFICER SIGNATURE	S. HUMPHERYS *PRINTED NAME	333 *P#	Blue Knight ~~OT~~ *AGENCY	OTHER *SECTOR/BEAT OF ARREST
*TRANSPORTING OFFICER SIGNATURE	S. HUMPHERYS *PRINTED NAME	333 *P#	Blue Knight ~~OT~~ *AGENCY	OTHER *AREA CMD OF ARREST

P# _____

DOC DIST P#

*EMERGENCY CONTACT	CUSTODY RELEASED TO
MARCUS SIBLEY	
*RELATIONSHIP: FAMILY OTHER	NAME
*PHONE NUMBER [redacted]	POSITION
*EMAIL ADDRESS	AGENCY

FIRST APP DATE

TIME:

COURT:
☐ MUNICIPAL
☐ STD BAIL
☐ PC

JUDGE:

NO HIT

PID: 1:1 RT LT RI LI SCORE: _____ 1:N RT LT RI LI

☐ POLICE RECORDS COPY ☐ COURTS COPY ☐ DSD RECORDS COPY ☐ PROCESS

WARRANT ELECTRONICALLY GENERATED AND ENTERED INTO NCJIS
*** DO NOT MANUALLY ENTER INTO NCJIS ***

JUSTICE COURT, LAS VEGAS TOWNSHIP
CLARK COUNTY NEVADA

THE STATE OF NEVADA PLAINTIFF VS. FURLOW, BENJAMINE ID# X0165347 DEFENDANT	CASE NO: 18F22760X DEPT. NO: 2 AGENCY: METRO POLICE ARREST WARRANT

THE STATE OF NEVADA,

TO: ANY SHERIFF, CONSTABLE, MARSHALL, POLICEMAN, OR PEACE OFFICER IN THIS STATE:

A COMPLAINT AND AN AFFIDAVIT UPON OATH HAS THIS DAY BEEN LAID BEFORE ME ACCUSING FURLOW, BENJAMINE, OF THE CRIME(S):

COUNTS	CHARGE	BAIL: CASH	SURETY	PROPERTY
1	ATT LEWDNESS BY PERSON	NO BAIL		
2	LEWDNESS WITH CHILD OL	NO BAIL		
1	ATT SEX ASSLT AGAINST	NO BAIL		

YOU ARE, THEREFORE, COMMANDED FORTHWITH TO ARREST THE ABOVE NAMED DEFENDANT AND BRING HIM BEFORE ME AT MY OFFICE IN LAS VEGAS TOWNSHIP, COUNTY OF CLARK, STATE OF NEVADA, OR IN MY ABSENCE OR INABILITY TO ACT, BEFORE THE NEAREST AND MOST ACCESSIBLE MAGISTRATE IN THIS COUNTY.

THIS WARRANT MAY BE SERVED AT ANY HOUR OF THE DAY OR NIGHT.

GIVEN UNDER MY HAND THIS 27TH DAY OF DECEMBER, 2018.

JUSTICE OF THE PEACE IN AND FOR SAID TOWNSHIP
JOSEPH S SCISCENTO

18F22760X
AWF
Arrest Warrant - Face Sheet
10341630



JUSTICE COURT, LAS VEGAS TOWNSHIP
CLARK COUNTY NEVADA

THE STATE OF NEVADA PLAINTIFF VS. FURLOW, BENJAMINE ID# X0165347 DEFENDANT	CASE NO: 18F22760X DEPT. NO: 2 AGENCY: METRO POLICE ARREST WARRANT

SHERIFF'S RETURN

I HEREBY CERTIFY THAT I RECEIVED THE ABOVE AND FOREGOING WARRANT ON THE 16 DAY OF AUGUST, 2025, AND SERVED THE SAME BY ARRESTING AND BRINGING DEFENDANT, FURLOW, BENJAMINE, INTO COU COURT THIS 16 DAY OF AUGUST, 2025.

JOSEPH LOMBARDO, SHERIFF, CLARK COUNTY, NEVADA

BY: EGMON, DEPUTY

EXHIBIT F

Las Vegas Justice Court
Electronically Filed
8/20/2025 5:09 PM
Charles A. Mapp, Sr.
CLERK OF THE COURT

NANCY M. LEMCKE, PUBLIC DEFENDER
NEVADA BAR NO. 5416
CHRISTIAN O. GONZALEZ, DEPUTY PUBLIC DEFENDER
NEVADA BAR NO. 16541
PUBLIC DEFENDER'S OFFICE
309 South Third Street, Suite 226
Las Vegas, Nevada 89155
Telephone: (702) 455-4685
Facsimile: (702) 455-5112
Christian.Gonzalez@ClarkCountyNV.gov
Attorneys for Defendant

JUSTICE COURT, LAS VEGAS TOWNSHIP

CLARK COUNTY, NEVADA

THE STATE OF NEVADA, Plaintiff, v. BENJAMINE FURLOW, Defendant.	CASE NO. 18F22760X DEPT. NO. 2 DATE: August 28, 2025 TIME: 8:30 a.m.

MOTION TO DISMISS FOR VIOLATION OF DEFENDANT'S STATE AND FEDERAL RIGHT TO SPEEDY TRIAL PURSUANT TO STATE V. INZUNZA[1]

COMES NOW, the Defendant, BENJAMINE FURLOW, by and through CHRISTIAN O. GONZALEZ, Deputy Public Defender, and hereby moves this Court for an Order dismissing this matter due to inexcusable delay result in a violation of the Defendant's state and federal guarantee to a speedy trial.

This Motion is made and based upon all the papers and pleadings on file herein, the attached Declaration of Counsel, and oral argument at the time set for hearing this Motion.

DATED this 20th day of August, 2025.

NANCY M. LEMCKE
CLARK COUNTY PUBLIC DEFENDER

By: /s/ *Christian O. Gonzalez*
CHRISTIAN O. GONZALEZ, #16541
Deputy Public Defender

[1] 135 Nev. 513, 454 P.3f 727 (2019)

Case Number: 18F22760X

DECLARATION

CHRISTIAN O. GONZALEZ makes the following declaration:

1. I am an attorney duly licensed to practice law in the State of Nevada; I am a Deputy Public Defender for the Clark County Public Defender's Office appointed to represent Defendant Benjamine Furlow in the present matter;

2. I am more than 18 years of age and am competent to testify as to the matters stated herein. I am familiar with the procedural history of the case and the substantive allegations made by The State of Nevada. I also have personal knowledge of the facts stated herein or I have been informed of these facts and believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct. (NRS 53.045).

EXECUTED this 20th day of August, 2025.

/s/ *Christian O. Gonzalez*
CHRISTIAN O. GONZALEZ

MEMORANDUM OF POINTS AND AUTHORITIES

Statement of Allegations

This matter is before the Court by way of Criminal Complaint dated December 21, 2018. *See Exhibit A – Criminal Complaint.* The Complaint charges the Defendant with one (1) count of Attempt Lewdness with a Child Under the Age of 16, one (1) count of Lewdness with a Child under the Age of 16, and one (1) count of Attempt Sexual Assault with a Minor Under Sixteen Years of Age. *See id.* The complaint further alleges the conduct occurred somewhere between 2017 and 2018. *See id.*

Per the Courts Register of Actions, an arrest warrant Request was filed and granted on December 26, 2018. *See Exhibit B - Register of Actions.* A warrant was issued on December 27, 2018. An Arrest warrant return hearing was held on August 17, 2025. *See id.* The Court set bail in the amount of $100,000 with high level electronic monitoring. *See id.* Defendant appeared for initial arraignment on August 18, 2025, where a preliminary hearing was set for September 2, 2025. *See id.*

Looking at the allegations of the case, CPS conducted a voluntary interview with Mr. Furlow. *See Exhibit C – Declaration of Warrant/Summons at 4.* This interview took place on November 8, 2018. See id. This motion follows.

Legal Argument

The Court has jurisdiction to hear this case under *Koller v. State*, 122 Nev. 223, 228, 130 P.3d 653, 656 (2006) (finding that the Court has the power to rule on a motion to dismiss based on a violation of the interstate agreement on detainers) and *Grace v. Eighth Jud. Dist. Ct*., 132 Nev. 511, 519, 375 P.3d 1017, 1022 (2016) (finding that the Court has the inherent authority to exercise power as necessary to carry out is judicial function and thus gives the Courts power to hear issues affecting Fourth Amendment violations).

The Sixth Amendment to the U.S. Constitution guarantees to the accused the right to a speedy trial. *U.S. Const. amend VI*. Potential violations of that right are evaluated under a four-part test announced by the U.S. Supreme Court in the case *Barker v. Wingo*, 407 U.S. 514

(1972), and later clarified under *Doggett v. United States*, 505 U.S. 647 (1992) (termed the *Barker-Doggett* test). The four factors to consider are as follows:

> 1. The length of the delay;
> 2. The reason for the delay;
> 3. The defendant's assertion of his right to a speedy trial; and
> 4. The prejudice to the defendant.
>
> *Barker*, 407 U.S. at 530.

Doggett discussed the presumption of prejudice that attaches to a delay in bringing an accused to trial. "Simply to trigger a speedy trial analysis, an accused must allege that the interval between accusation and trial has crossed the threshold dividing ordinary from 'presumptively prejudicial' delay…" *Doggett*, 505 U.S. at 651-52 (citing *Barker*, 470 U.S. at 530-31). Once a defendant has shown such delay, "the court must then consider, as one factor among several, the extent to which the delay stretches beyond the bare minimum needed to trigger judicial examination of the claim. *Doggett*, 505 U.S. at 652. As the pretrial delay between accusation and prosecution grows, the prejudice likewise "intensifies over time." *Id.*

With regard to the second factor—the reason for the delay—the *Doggett* court focused on the government's inaction in finding and arresting Doggett on his indictment. The *Doggett* court went so far as to term the government's lack of prosecution (of searching for, finding, and arresting Doggett) as "negligence" and "lethargy." *Id.* "For six years, the Government's investigators made no serious effort to test their progressively more questionable assumption that Doggett was living abroad, and, had they done so, they could have found him within minutes." *Id.* at 652-53. The court was also careful to note that had Doggett actively been avoiding prosecution, this factor "would be weighed heavily against him." *Id.* at 653.

The significance in the invocation of a speedy trial is based in several rationales:

> We have observed in prior cases that unreasonable delay between formal accusation and trial threatens to produce more than one sort of harm, including "oppressive pretrial incarceration," "anxiety and concern of the accused," and "the possibility that the [accused's] defense will be impaired" by dimming memories and loss of exculpatory evidence. [Citations omitted]. Of these forms of prejudice, "the most serious is the last, because the inability of a defendant adequately to prepare his case skews the fairness of the entire system."
>
> *Doggett*, 505 U.S. at 654.

The *Barker* court considered different reasons for delay, and how they impact analysis of prejudice:

> A deliberate attempt to delay the trial in order to hamper the defense should be weighted heavily against the government. A more neutral reason such as negligence or overcrowded courts should be weighted less heavily but nevertheless should be considered since the ultimate responsibility for such circumstances must rest with the government rather than with the defendant. Finally, a valid reason, such as a missing witness, should serve to justify appropriate delay.
> *Barker*, 407 U.S. at 531 (footnote omitted).

Thus, prejudice can be presumed from the delay itself, and the accused is under no obligation to articulate specific prejudice to his rights in order to raise a violation of his right to a speedy trial. Indeed, the *Doggett* court specifically rejected attempts by the government to impose upon similarly-situated defendants *any* obligation to make an "affirmative showing that the delay weakened his ability to raise specific defenses, elicit specific testimony, or produce specific items of evidence." *Doggett*, 505 U.S. at 655. Instead, "consideration of prejudice is not limited to the specifically demonstrable…" *Id.* Ultimately, the *Doggett* court held that "excessive delay presumptively compromises the reliability of a trial in ways that neither party can prove or, for that matter, identify." *Id.*

The *Doggett* court then clarified, again, that this presumption "increases with the length of the delay." *Id.* at 656.

The Nevada Supreme Court agrees. In *State v. Inzunza*, 135 Nev. 513, 454 P.3d 727, the NSC used the *Barker-Doggett* factors to determine the prejudice presented to the defendant, Rigoberto Inzunza, that attached following a delay of over two years. In *Inzunza*, the defendant was accused of sexual assault of a minor six years after the alleged assaults occurred. *Inzunza*, 135 Nev. at 514. A police detective attempted to located Inzunza locally, despite evidence that Inzunza was now living and working in the New Jersey area, to include pictures of Inzunza's work truck, the business name, and the business number. *Id.* One month later, the State filed a criminal complaint against Inzunza. *Id.* The warrant was entered into NCIC but local law enforcement made no further efforts to follow up. *Id.* at 514-15. Inzunza was arrested on the warrant, in New Jersey, over two years later. *Id.* at 515. Inzunza moved for dismissal, claiming a

violation of his Sixth Amendment rights. The district court granted dismissal and the State appealed. *Id.*

The NSC applied the *Barker-Doggett* analysis, and considered the four factors with regard to Inzunza.

Citing *Doggett*, the NSC held that "the length of the delay must be presumptively prejudicial," and that "A post-accusation delay meets this standard 'as it approaches one year.'" *Inzunza*, 135 Nev. at 516 (citing *Doggett*, 505 U.S. at 651, 652 n.1). The NSC further held that "The length of time extending beyond the threshold one-year mark tends to correlate with the degree of prejudice the defendant suffers and will be considered under factor four—the prejudice to the defendant." *Inzunza*, 135 Nev. at 517 (citing *Doggett*, 505 U.S. at 652).

The NSC also considered the invocation or assertion of the speedy trial right, and how that would weigh on an *Inzunza* and/or *Barker-Doggett* analysis. In *Inzunza*, the State argued that this factor cut against the defendant because "he did not assert his right to a speedy trial during the period of time between the filing of charges and his arrest." 135 Nev. at 518. The NSC rejected this argument and clarified that "a defendant must know that the State had filed charges against him to have" this factor weighed against the accused. *Id.* In doing so, the NSC again relied on *Doggett*- specifically "that a defendant who is ignorant as to the formal charges against him 'is not to be taxed for invoking his speedy trial right only after his arrest.'" *Inzunza*, 135 Nev. at 518 (citing *Doggett*, 505 U.S. at 653-54).

The NSC then turned to the final factor: prejudice to the defendant. The NSC adopted each of the harms to be prevented by appropriate deference to an accused's speedy trial rights: oppressive pretrial detention; anxiety and concern of the accused; and the damage done to the accused's defense. *Inzunza*, 135 Nev. at 518. Following the holding in *Doggett* and *Barker*, the NSC reaffirmed that presumptive prejudice attaches based on a delay of *one year or more*. *Id.* at 519. The Court clarified that under Nevada jurisprudence, a defendant is only relieved "of showing actual prejudice … in cases in which the delay is five years or more." *Id.* (citing *United States v. Serna-Villareal*, 352 F.3d 225, 232 (5th Cir. 2003)). In defining how much of an affirmative showing a defendant must make, *Inzunza* held that the amount of prejudice that must

be shown by the defendant "is inversely proportional to the length and reason for the delay." *Id.* at 519 (citing *United States v. Alexander*, 817 F.3d 1178, 1183 (9th Cir. 2016)).

The NSC acknowledged "the difficult task of analyzing contextually a delay that is greater than one year but less than five, coupled with a reason for the delay that is something more than mere negligence, but less than bad-faith intentional misconduct on the government's part." 135 Nev. at 519-20. In *Inzunza*, the NSC was confronted with what it termed "gross negligence"- that law enforcement should have been fully aware of Inzunza's location but otherwise failed to follow up on his arrest warrant once it was loaded into NCIC. The NSC specifically cited to case law bemoaning law enforcement's disregard of suspects that it has termed as "low priority." *Id.* at 52 ("Condoning prolonged and unjustifiable delays in prosecution would both penalize many defendants for the state's fault and simply encourage the government to gamble with the interests of criminal suspects assigned a low prosecutorial priority.").

Once the *Barker-Doggett* factors are weighed in relation to one another, and the presumption of prejudice has shifted to the State, the State bears a burden to justify the delay and to excuse the violation of the accused's right to a speedy trial.

Argument

A. The delay in this case is significant enough to trigger presumptive prejudice.

Here, the instant charge against the Defendant stems from allegations of an incident occurring between 2017 and 2018. – roughly eight years ago. Moreover, the Complaint was filed December 21, 2018, roughly seven years ago. This exceeds the period sufficient to trigger presumptive prejudice (one year) and even exceeds the two-year delay that was present in the *Inzunza* case (wherein the Court held that such delay was prejudicial in that case). Upon such a showing of presumptive prejudice, the burden then shifts to the State to justify the delay.

B. The delays are attributable to law enforcement and/or the State.

Based on the foregoing, and upon review of the docket in this matter, it is unclear what caused the eight-year delay from the time of the alleged incident to August 17, 2025. However, it is clear that the delay is attributable to the State.

First, the State had made contact with Mr. Furlow at the time it was investigating this incident. This is crucial as it had a potential suspect who was cooperating. The State cannot claim that they could not find Mr. Furlow when he indeed cooperated with the investigation.

Second, the State had means to find Mr. Furlow. CPS had an address where he was staying at the time of Mr. Furlow's interview. It is unclear from the arrest report on whether the State followed up on that address.

The State may argue that because Mr. Furlow indicated he would be moving, that it made it more difficult for Mr. Furlow to be found. However, it is unclear from the report if CPS had asked Mr. Furlow where he would be moving to. Failing to ascertain where Mr. Furlow would be moving to constitutes extreme negligence on behalf of the State.

If Mr. Furlow indicated that where he would be moving to, then the Declaration of Warrant/Summons does not indicate what steps were taken to find Mr. Furlow. For these reasons, the delay is attributable to law enforcement.

C. The Defendant has asserted his right to a speedy trial.

Upon appearing before the Court on February 10, 2025, the Defendant requested a "date certain" for the preliminary hearing on this matter. Accordingly, the Court set a preliminary hearing on September 2, 2025. The Defendant has not waived his right to a speedy trial and intends to invoke his right to speedy trial in District Court should this case survive Justice Court.

D. Actual prejudice has attached against the Defendant

The delay in this matter is significant enough to trigger presumptive prejudice.

NOTICE OF MOTION

TO: CLARK COUNTY DISTRICT ATTORNEY, Attorney for Plaintiff:

YOU WILL PLEASE TAKE NOTICE that the Public Defender's Office will bring the above and foregoing MOTION on for hearing before the Court on the 28th day of August, 2025, at 9:30 a.m.

DATED this 20th day of August, 2025.

NANCY M. LEMCKE
CLARK COUNTY PUBLIC DEFENDER

By: /s/ *Christian O. Gonzalez*
CHRISTIAN O. GONZALEZ, #16541
Deputy Public Defender

CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that service of the above and forgoing MOTION was served via electronic e-filing to the Clark County District Attorney's Office at motions@clarkcountydanv.gov on this 20th day of August, 2025.

By: /s/ *Olivia Z. Miller*
An employee of the
Clark County Public Defender's Office

EXHIBIT G

Las Vegas Justice Court
Electronically Filed
8/27/2025 11:08 AM
Charles A. Mapp, Sr.
CLERK OF THE COURT

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #1565
MICHAEL ALLMON
Deputy District Attorney
Nevada Bar #15169
200 Lewis Avenue
Las Vegas, NV 89155
PH: (702) 671-2500
FAX: (702) 868-2412
DAInfo@clarkcountydanv.gov
Attorney for the Plaintiff

JUSTICE COURT, LAS VEGAS TOWNSHIP
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

BENJAMINE FURLOW, #7162385

Defendant.

CASE NO. **18F22760X**

DEPT NO. **2**

STATE'S MOTION TO DISMISS CASE WITHOUT PREJUDICE

Upon the Motion of STEVEN B. WOLFSON, Clark County District Attorney, it is hereby requested that the above-entitled matter be placed on calendar the 2nd day of September, 2025, at 8:30 AM for the purpose of dismissing the instant case without prejudice.

DATED this 27th day of August, 2025

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #1565

BY _____
MICHAEL D. ALLMON
Deputy District Attorney
Nevada Bar #15169

BY MG
CLERK OF THE COURT

CERTIFICATE OF SERVICE

I certify that on the 27th day of AUGUST, 2025, a copy of the above and foregoing was served to:

CHRISTIAN GONZALEZ, DPD
christian.gonzalez@clarkcountynv.gov

BY: _____
HOWARD CONRAD
Secretary for the District Attorney's Office
Special Victims Unit

hjc/SVU

EXHIBIT H

CASE NO. **ORDER**

IN THE JUSTICE COURT OF LAS VEGAS TOWNSHIP
COUNTY OF CLARK, STATE OF NEVADA

THE STATE OF NEVADA,)
Plaintiff,)
vs.) CASE NO. 18F22760X
BENJAMIN FURLOW,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE KRISTAL BRADFORD
JUSTICE OF THE PEACE
THURSDAY, AUGUST 28, 2025

8:30 A.M.

APPEARANCES:

For the State: M. ALLMON, ESQ.
DEPUTY DISTRICT ATTORNEY

For the Defendant: C. GONZALEZ, ESQ.
O. MILLER, ESQ.
DEPUTY PUBLIC DEFENDERS

Reported by: CHRISTA BROKA, CCR. No. 574

LAS VEGAS, CLARK COUNTY, NEVADA,
AUGUST APRIL 28, 2025 AT 8:30 A.M.
P R O C E E D I N G S

THE COURT: Benjamin Furlow, 18F22760X. Good morning, Mr. Furlow. This is on for State's motion to dismiss. That will be granted.

MS. MILLER: Your Honor, there was Doggett motion filed in this case. This is Mr. Gonzalez' case and he wants to come in and make a record. However, I believe just generally as the Doggett motion was filed first that should be the one that is adjudicated first. This matters because it's the difference between dismissing with prejudice and without prejudice and I think the issue needs to be adjudicated.

THE COURT: Do you want me to trail it for Mr. Gonzalez to make a record?

MS. MILLER: If you would like, Your Honor. I know he plans on coming in to make that record.

THE COURT: I'll just trail it.

(Break in proceedings to handle unrelated matters.)

THE COURT: Benjamin Furlow, 18F22760X.

MR. ALLMON: Good morning. Michael Allmon for the State.

MR. GONZALEZ: Christian Gonzalez for

Mr. Furlow.

THE COURT: A few things that this is on for. First I understand Defense filed a Doggett motion and then the State filed a motion to dismiss.

MR. ALLMON: That's correct, Your Honor.

THE COURT: I'll let you make your record, Mr. Gonzalez. The Court is inclined to find that the Doggett motion is moot because once the State files a motion to dismiss then the State has that right to dismiss the case. I understand the argument that it may be dismissed with or without prejudice but whatever this Court decides even if the Court decides the Court doesn't dismiss it with prejudice under the Doggett motion. Am I missing that? It would just be the Court dismisses the case if the Court found that. So I don't know if that's what the Court is going to do but if the Court found that, the Court would just be dismissing the case and the State still then can go to the grand jury and the Doggett motion can be addressed by -- if the State does go to the grand jury or does any kind of means, then that same Doggett motion can be re-filed and can he held in District Court. So what am I missing?

MR. GONZALEZ: A few points, Judge. Again the State filed the criminal complaint it looks like in 2018. He got brought here for whatever reason he's in

custody. Obviously I laid out the reasons why I think the speedy trial rights were violated in my Doggett motion. I filed that Doggett motion first and I think it should be heard first. I understand that the State did serve me Markham and did they file their motion to dismiss. However, I'm just going to make the argument here if they go to the grand jury and later, you know, great I have this record. Look they're prejudicing him even more by just dismissing this case and then go to grand jury that again is a violation of his speedy trial rights. He has the right to go to trial in a speedy and deliberate manner. I understand the Court's position here. I'm going have to look at the relevant statutes but again my argument would be because (a) there's a dispositive motion filed that Your Honor can hear it and you can dismiss with prejudice.

THE COURT: The Court is really looking for some kind of authority that if the Court does dismiss the Doggett motion it's with prejudice. Yes, if the State moves to dismiss on its own it makes your Doggett motion, if they file again after a grand jury proceeding, makes it stronger because it's more of a delay. However, regardless of how the Court dismisses it it still wouldn't be with prejudice. So at this time the Court's going to find that the Doggett motion is

moot and is going to grant the State's motion to dismiss.

MR. GONZALEZ: Thank you.

* * * * *

ATTEST: FULL, TRUE AND ACCURATE TRANSCRIPT OF PROCEEDINGS.

\s\Christa Broka

CHRISTA D. BROKA, CCR 574

IN THE JUSTICE COURT OF LAS VEGAS TOWNSHIP
COUNTY OF CLARK, STATE OF NEVADA
-o0o-

STATE OF NEVADA,)
Plaintiff,)
vs.) Case No. 18F22760X
BENJAMIN FURLOW,) ATTEST RE: NRS 239B.030
Defendant,)
_____)

STATE OF NEVADA)
) ss
COUNTY OF CLARK)

I, Christa D. Broka, 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 2, 2025, 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.

ATTEST: I further certify that I am not interested in the events of this action.

\s\Christa Broka_____

CHRISTA D. BROKA, CCR 574

EXHIBIT I

Justice Court, Las Vegas Township
Clark County, Nevada

Department: 02

Court Minutes



18F22760X **State of Nevada vs. FURLOW, BENJAMINE** Lead Atty: Public Defender

8/28/2025 8:30:00 AM Motion (In Custody) Result: Matter Heard

PARTIES PRESENT:	State Of Nevada	Stephens, Robert
	Attorney	Miller, Olivia
	Attorney	Gonzalez, Christian Omar
	Defendant	FURLOW, BENJAMINE

Judge: Bradford, Kristal
Court Reporter: Broka, Christa
Court Clerk: Le Conte, Marie

PROCEEDINGS

Attorneys:

Gonzalez, Christian Omar	FARLOW, BENJAMIN	Added
Miller, Olivia	FARLOW, BENJAMIN	Added

Hearings:

9/2/2025 9:30:00 AM: Preliminary Hearing	Canceled

Events:

Motion to Dismiss

By the State of Nevada- STATES MOTION TO DISMISS CASE WITHOUT PREJUDICE- Objection by Public Defender- Motion Granted

Motion

by Farlow, Benjamin- Motion to Dismiss for Violation of Defendant's State and Federal Right to Speedy Trial- MOOT

Motion

by Farlow, Benjamin- Motion to Readdress Custody- MOOT

No Contact Order (Subsequent Action)

Filed in Open Court as to Cancellation.

Future Court Date Vacated

On 09/02/2025 at 9:30am for Preliminary Hearing

Case Closed - Dismissed

Dismissed by State.

Judgment Entered

Release Order - Court Ordered due to dismissal

Counts: 001; 002; 003; 004

Bail Condition(s) Ordered Rescinded

All Pretrial Conditions

Plea/Disp:

001: Attempted lewdness by person over 18 with child under 16 [60321]
Disposition: Dismissed

002: Lewdness with child older than 14 [58747]
Disposition: Dismissed

Justice Court, Las Vegas Township
Clark County, Nevada

003: Lewdness with child older than 14 [58747]
Disposition: Dismissed

004: Attempted sexual assault against child under 16 [50124]
Disposition: Dismissed

EXHIBIT J

Electronically Filed
09/17/2025 4:55 PM
CLERK OF THE COURT

SUMM

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #1565
MICHAEL D. ALLMON
Deputy District Attorney
Nevada Bar #15169
200 Lewis Avenue
Las Vegas, NV 89155
PH: (702) 671-2500
FAX: (702) 868-2412
DAInfo@clarkcountydanv.gov
Attorney for the Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

BENJAMINE FURLOW,
#7162385

Defendant.

CASE NO: C-25-394180-1

DEPT NO: XVIII

S U M M O N S
(I N D I C T M E N T)

DATE OF HEARING: OCTOBER 1, 2025
TIME OF HEARING: 9:30 AM

TO: BENJAMINE FURLOW
C/O Christian Gonzalez
christian.gonzalez@clarkcountynv.gov

YOU ARE HEREBY SUMMONED to appear before the Eighth Judicial District Court, Department 18, Courtroom 3F, Las Vegas, Clark County, Nevada, at 9:30 AM, on the 1st day of October, 2025, to answer charge(s) of COUNTS 1 – 60 - LEWDNESS WITH A CHILD UNDER THE AGE OF 16 (Category B Felony - NRS 201.230 - NOC 58747), COUNT 61 - ATTEMPT SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

//

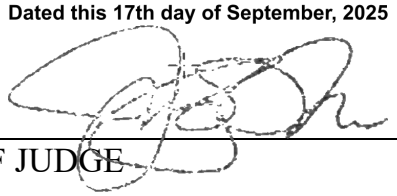
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(Category B Felony - NRS 200.364, 200.366, 193.330 - NOC 50124), COUNT 62 - BATTERY WITH INTENT TO COMMIT SEXUAL ASSAULT VICTIM UNDER 16 (Category A Felony - NRS 200.400.4 - NOC 58026)

DATED this 17th day of September, 2025.

Dated this 17th day of September, 2025



CHIEF JUDGE

STATE OF NEVADA)
) ss:
COUNTY OF CLARK)

758 42C 3FBB EE45
Jerry A. Wiese
District Court Judge

I hereby certify that service of the above was made September 17, 2025, by electronic transmission to: CHRISTIAN GONZALEZ, at christian.gonzalez@clarkcountynv.gov

/s/Lulu Muaina
Grand Jury Coordinator
Clark County District Attorney's Office

CSERV

DISTRICT COURT
CLARK COUNTY, NEVADA

State of Nevada	CASE NO: C-25-394180-1
vs	DEPT. NO. Department 18
Benjamine Furlow	

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.

EXHIBIT K

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

FILED

DECLARATION OF WARRANT/SUMMONS

(N.R.S. 171.106)

(N.R.S. 53 amended 7/13/1993)

2018 DEC 21 P 12:52

JUSTICE COURT
LAS VEGAS, NEVADA

Event Number: **180723-4465**

STATE OF NEVADA)
DEPUTY
) **ss:**
COUNTY OF CLARK)

Benjamine Furlow
DOB: [redacted]
SSN#: [redacted]

18F22760X
DWS
Declaration of Warrant Summons (Affidavi
10330470

A. Martinez P#7775, being first duly sworn, deposes and says:

That he is a detective with the Las Vegas Metropolitan Police Department, being so employed for a period of 16 years, assigned to investigate the crime(s) of **Attempted Sexual Assault with Minor under 16 years, Lewdness committed by person over 18 with a Child 14 or 15 years (2-Counts) & Attempt Lewdness by a person over 18 with a Child under 16 years (2-Counts)** committed on or about 2017 to 2018, March 2017 & July 2018, which investigation has developed Benjamine Furlow as the perpetrator thereof.

THAT DECLARANT DEVELOPED THE FOLLOWING FACTS IN THE COURSE OF THE INVESTIGATION OF SAID CRIME, TO WIT:

Preliminary Investigation:

On 07/23/2018, Clark County Child Protective Services received sexual abuse information involving a male juvenile identified as Kolbion Furlow, DOB: [redacted], and his adopted father Benjamine Furlow, DOB: [redacted], under CPS Report # 1795415.

Kolbion reported that Benjamine had fondled him on two occasions over the past 18 months. Kolbion reported it occurred in Benjamine's office located at his previous residence at 6247 Apple Dew Avenue, Las Vegas, Nevada, 89131. Kolbion reported Benjamine touched his genitals. Kolbion's sister, Markajia Furlow, DOB: [redacted] told Kolbion said she observed this incident.

Kolbion described another time when Benjamine got him into a closet and pulled his pants down. Benjamine "fondled" Kolbion. Kolbion did not disclose this information sooner because he didn't want to upset the family.

CPS notified the Las Vegas Metropolitan Police Department Sexual Assault Detail of the information. CPS Investigator Y. Greenberry and I investigated the allegations.

Victim-Kolbion's Interview:

On 07/24/2018, Kolbion was interviewed by Southern Nevada Children's Assessment Forensic Interviewer K. Amaya at the SNCAC located at 701 N Pecos Road #K, Las Vegas, Nevada. Kolbion stated the following in the summary:

On 03/14/2017, Kolbion was laying on Benjamine's bed. Benjamine advised him to go in the closet. Benjamine pulled his shorts and underwear down **(Lewdness committed by person over 18 with a Child under 16 years)**. Kolbion left the closet and went into his bedroom. Benjamine apologized shortly after. According to Kolbion, Benjamine was going to advise Marcus about what occurred, but never told him.

Kolbion recalled a sexual abuse incident. Benjmaine was in the bathroom downstairs and called Kolbion into the bathroom. Benjamine pulled his pants down and tried to get Kolbion to suck his "dick" **(Attempted Sexual Assault with Minor under 16 years Attempt)**. Benjamine grabbed his head tried to make him suck his "thing" as it was exposed. Kolbion pulled his head back which struck the wall. This occurred when he was 14 years old (2017-2018) at the listed address.

Kolbion recalled a sexual abuse incident when Benjamine tried inserting his "thing" inside him **(Attempted Lewdness committed by person over 18 with a Child under 16 years-Count 1).** Benjamine called him downstairs into the bathroom. Benjamine instructed him to pull his pants down. Kolbion pulled his pants down but then pulled them back up.

Kolbion recalled a sexual abuse incident. Kolbion walked into Benjamine's office. Benjamine attempted to grab his "dick" **(Attempted Lewdness committed by person over 18 with a Child under 16 years-Count 2)** with his hand. Kolbion moved back before Benjamine could grab him. Kolbion stated his sister Markajia observed this incident and asked Kolbion about it 2-3 days after.

Kolbion recalled a sexual abuse incident inside Benjamine's office. Benjamine hugged Kolbion and touched his "dick" **(Lewdness committed by person over 18 with a Child under 16 years-Count 2)**. Benjamine rubbed his "dick" with his hands. Kolbion felt weird. Kolbion advised him to stop. Benjamine asked if he liked it. This occurred two days before he told Marcus on or around 07/21/2018.

Benjamine would ask him for a kiss and Kolbion would kiss him. Benjmaine tried making Kolbion touch him on multiple occasions. Kolbion stated he would try to do these things with Benjamine in order to have certain privileges. Kolbion told his two sisters about the sexual abuse incidents. Kolbion told Benjamine's significant other, Marcus Laniohan-Sibley, DOB: [redacted] on 07/23/2018 about the sexual abuse incidents.

Witness-Markajia Interview:

On 07/24/2018, SNCAC Forensic Interviewer K. Amaya conducted a forensic interview with Markajia at the SNCAC. Markajia stated the following in the summary:

Kolbion told Markjia about the sexual abuse incidents prior to this report but she didn't believe him. Kolbion stated Benjamine tried to suck his "dick". Benjamine called him into the master bedroom closet. Benjamine pulled Kolbion's pants down. Kolbion told him to stop. Kolbion advised Markajia not to tell anyone.

Kolbion advised Markajia that Benjamine tried kissing him. Kolbion stated he kissed Benjamine once because he wanted to play a video game. Kolbion stated Benjamine tried sucking his "area" multiple times. Kolbion told her about a time Benjamine was standing over him with his "area" over Kolbion's head as he was sleeping on his bed.

Markajia recalled a time when Benjamine touched Kolbion's "area". Kolbion was in Benjamine's office when this occurred. Markajia stated Kolbion moved Benjamine's hand as Benjamine tried touching his "area". Kolbion was hugging Benjamine good night. Markajia suspected something was going on between both because Benjamine always called Kolbion into his bedroom or office. Markajia stated her sister Tonjanique Furlow, DOB: [redacted] has heard Benjamine tell Kolbion he misses his big "dick".

Witness-Tonjanique's Interview:

On 07/24/2018, SNCAC K. Amaya conducted a forensic interview with Tonjanique at the SNCAC. Tonjanique stated the following in the summary:

Kolbion told her the sexual abuse began a few weeks after moving into the new house, the previous residence, located at 6247 Apple Dew Avenue, Las Vegas, Nevada. Kolbion told her about the sexual abuse incidents. Tonjanique did not provide the specific details of the sexual abuse allegations.

Tonjanique stated they told Marcus about the sexual abuse. Benjamine denied the allegations and did not want to talk about it. Benjmaine would convince Kolbion not to tell anyone by bribing him with video games. Tonanique stated they did not want to tell anyone because they were afraid.

Witness-Riddick's Interview:

On 07/24/2018, SNCAC K. Amaya conducted a forensic interview with Kolbion's brother, Riddick Furlow, DOB: [redacted] at the SNCAC. Riddick stated the following in the summary:

Riddick stated Benjamine treated Kolbion different from all the other children. Riddick stated he found out about the "touching" the last day he stayed with Marcus and Benjamine.

Witness-Marcus' Interview:

On 11/06/2018, I conducted a recorded interview with Marcus at 701 N Pecos Road #K. Marcus stated the following in the summary:

Marcus stated he was first aware of the sexual abuse allegations on 07/23/2018, the day he had jury duty. Marcus stated Markajia told him Benjamine touched Kolbion inappropriately and may have seen it when she walked in on them. Marcus stated Kolbion advised it occurred multiple times but did not give the specific details of the sexual abuse. Marcus believes the allegations are motivation for the children to leave their custody and stay with another family. The children have been adopted by Benjamine for last 3 years.

Suspect-Benjamine's Interview:

On 07/25/2018, CPS Investigator Y. Greenberry conducted a voluntary recorded interview with Benjamine. Benjamine stated the following in the summary:

Benjamine stated they had been living at 6247 Apple Dew Avenue, Las Vegas, Nevada, since February 2017. Since this allegation was made they moved out.

Benjamine stated Marcus advised him of the sexual abuse allegations. Marcus stated Markajia seen him touch Kolbion's crouch. Benjamine stated he may have touched Benjamine's crouch accidently before hugging him but not intentionally to grab it. Benjmaine stated he never grabbed his crouch. Benjmaine did not specifically remember a date he grabbed or touched his crouch.

On 11/08/2018, I conducted a voluntary recorded interview with Benjamine at 701 N Pecos Road, Las Vegas, Nevada. Benjamine stated the following in the summary:

Benjamine denied all the sexual abuse allegations. Benjamine does not know why Markajia would say she saw him touch Kolbion's groin area. Benjamine stated Kolbion made up all the allegations because they didn't want to stay there anymore. Kolbion and his sisters wanted to move to a friend's home.

Wherefore, Declarant prays that a Warrant of Arrest be issued for suspect Benjamine Furlow on the charge(s) of **Attempted Sexual Assault with Minor under 16 years, Lewdness committed by person over 18 with a Child 14 or 15 years (2-Counts) & Attempt Lewdness by a person over 18 with a Child under 16 years (2-Counts).**

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

Executed on this 30th day of November, 2018.

DECLARANT: [signature] #7775

WITNESS: [signature] 9490 **DATE:** 11/30/18

EXHIBIT L

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

VOLUNTARY STATEMENT

EVENT #: LLV180723-4465

SPECIFIC CRIME: LEWDNESS WITH A MINOR UNDER 16 YEARS

DATE OCCURRED: **TIME OCCURRED:**

LOCATION OF OCCURRENCE:

CITY OF LAS VEGAS **CLARK COUNTY**

NAME OF PERSON GIVING STATEMENT: BENJAMINE FURLOW #2

DOB: [redacted] **SOCIAL SECURITY #:**

RACE: **SEX:**

HEIGHT: **WEIGHT:**

HAIR: **EYES:**

HOME ADDRESS:

WORK ADDRESS:

PHONE 1: [redacted]-4162

PHONE 2:

The following is the transcription of a tape-recorded interview conducted by DETECTIVE A. Martinez, P#7775, LVMPD SEXUAL ABUSE SECTION, on November 8th, 2018 at 1116 hours.

Q: Operator, this is (unintelligible) period Martinez, P# 7775, Las Vegas Metropolitan Police Department speaking with Benjamine Furlow. Ah, Benjamine how do you spell your last name?

A: F-U-R-L-O-W.

Q: And what's your date of birth?

A: [redacted].

Q: And I understand you don't - you don't live at that Apple Dew address anymore?

You live elsewhere right?

A: Yes.

Q: And what's a good contact number for you?

A: [redacted]-4162.

Q: Okay. And this is, ah, the interview is at 701 North Pecos Road. We're in - outside of the building, K Building at 1116 hours, um, on November 8, 2018. Okay. And so Benjamine, ah, you are aware that I'm tape recording?

A: Mm-hm.

Q: And you are at any point in time you can stop the interview, okay?

A: Okay.

Q: So um, I guess my understanding is you were aware that Kolbion made sexual allegations against you?

A: Yes.

Q: And how are first aware of that?

A: Um, Marcus came in told me once I guess they informed him.

Q: Okay, so they informed him, meaning the kids?

A: Mm-hm.

Q: Okay, and what is your understanding of what they told him?

A: Well, it was vague at first when they - when they first, um, when first initially happened but once I got the, um, the discovery and stuff like that, then I realized what was said.

EXHIBIT M

IBO723-4465

Clark County
Department of Family Services
121 S. Martin Luther King Blvd
Las Vegas, Nevada 89106
(702) 455-7200

EIGHTH JUDICIAL DISTRICT COURT
FAMILY DIVISION – JUVENILE
CLARK COUNTY, NEVADA

In the Matter of:

MARKAJIA FURLOW
Date of Birth: [redacted]
A Minor 16 years, 00 Months of Age

KOLBION FURLOW
Date of Birth: [redacted]
A Minor 15 years, 00 months of Age

RIDDIK FURLOW
Date of Birth: [redacted]
A Minor 13 years, 09 months of Age

TONJANIQUE FURLOW
Date of Birth: [redacted]
A Miinor 13 years, 02 months of Age

COURT CASE NO.:
DEPT.: O
REMOVAL DATE/TIME:
07-24-2018 08:30 PM

PRELIMINARY PROTECTIVE HEARING REPORT

Date of Hearing: 07-26-2018
Time of Hearing: 09:00 AM
Courtroom: JUDGE TEUTON - #11
Attachment(s): None

CONCERNING:

Father: BENJAMINE FURLOW
DOB: [redacted]
Address: 6247 APPLE DEW AVENUE
LAS VEGAS NV 89131
Arrest Record: No criminal history identified
Attorney: None Known
Diligent Search: Not Needed

Other:
DOB:

EXHIBIT N

Tiffany Wacaster

From: Ben Furlow <benfurlow@yahoo.com>
Sent: Tuesday, October 14, 2025 1:33 AM
To: Tiffany Wacaster
Subject: Fw: New phone number

Here is his acknowledgment of receiving that email

Sent from Yahoo Mail for iPhone

Begin forwarded message:

On Tuesday, December 18, 2018, 11:06 AM, Arturo Martinez <A7775M@LVMPD.COM> wrote:

Thank you

From: Ben Furlow [mailto:benfurlow@yahoo.com]
Sent: Sunday, December 16, 2018 7:19 PM
To: Arturo Martinez <A7775M@LVMPD.COM>
Subject: New phone number

Det. Martinez

Here is my new phone number 4808814434.

Thank you

from Yahoo Mail for iPhone

EXHIBIT O

Social Security Administration

BENJAMINE FURLOW
[redacted]
PHOENIX AZ 85044-5070

Date: July 19, 2019
BNC: [redacted]
REF: A ,DI

You asked us for information from your record. The information that you requested is shown below. If you want anyone else to have this information, you may send them this letter.

Information About Current Social Security Benefits

Beginning December 2018, the full monthly Social Security benefit before any deductions is $1,274.20.

We deduct $135.50 for medical insurance premiums each month.

The regular monthly Social Security payment is $1,138.00.
(We must round down to the whole dollar.)

Social Security benefits for a given month are paid the following month. (For example, Social Security benefits for March are paid in April.)

Your Social Security benefits are paid on or about the third of each month.

Information About Past Social Security Benefits

From August 2015 to November 2018, the full monthly Social Security benefit before any deductions was $0.00.

We deducted $0.00 for medical insurance premiums each month.

The regular monthly Social Security payment was $0.00.
(We must round down to the whole dollar.)

Type of Social Security Benefit Information

You are entitled to monthly disability benefits.

Information About Supplemental Security Income Payments

Beginning March 2006, the current Supplemental Security Income payment is $0.00 .

This payment amount may change from month to month if income or living situation changes.

Supplemental Security Income Payments are paid the month they are due. (For example, Supplemental Security Income Payments for March are paid in March.)

Payments were stopped beginning March 2007.

Type of Supplemental Security Income Payment Information

You are entitled to monthly payments as a disabled individual .

Date of Birth Information

The date of birth shown on our records is [redacted].

Medicare Information

You are entitled to hospital insurance under Medicare beginning November 2007.
You are entitled to medical insurance under Medicare beginning November 2007.

Your Medicare number is [redacted]. You may use this number to get medical services while waiting for your Medicare card.

If you have any questions, please log onto http://Medicare.gov/, or call 1-800-MEDICARE (1-800-633-4227).

Suspect Social Security Fraud?

Please visit http://oig.ssa.gov/r or call the Inspector General's Fraud Hotline at 1-800-269-0271 (TTY 1-866-501-2101).

If You Have Questions

We invite you to visit our web site at www.socialsecurity.gov on the Internet to find general information about Social Security. If you have any specific questions, you may call us toll-free at 1-800-772-1213, or call your local office at 866-964-0203. We can answer most questions over the phone. If you are deaf or hard of hearing, you may call our TTY number, 1-800-325-0778. You can also write or visit any Social Security office. The office that serves your area is located at:

SOCIAL SECURITY
SUITE 100
250 N SEVENTH AVE
PHOENIX, AZ 85007

If you do call or visit an office, please have this letter with you. It will help us answer your questions. Also, if you plan to visit an office, you may call ahead to make an appointment. This will help us serve you more quickly when you arrive at the office.

Social Security Administration

EXHIBIT P

ACC

Search for an Entity Name

eCorp Search File FAQ

SEARCH CRITERIA

Entity Name:	N/A	Entity Type:	All
Statutory Agent Name:	benjamine furlow	Entity Status:	All
Principal Name:	N/A	Name Type:	All
Entity Number:	N/A	Entity County:	All

SEARCH RESULTS

Entity ID	Entity Name	Entity Type	Entity County	Agent Name	Agent Type	Entity Status
23082530	Jewel Lee Enterprises LLC	Domestic LLC	Maricopa	Benjamine Furlow III	Statutory Agent	Active

Page 1 of 1, records 1 to 1 of 1

Return to Search

ACC

Search for an Entity Name | eCorp | Search | File | FAQ

ENTITY INFORMATION

Search Date and Time: 10/21/2025 10:13:32 AM

Entity Details

Entity Name:	JEWEL LEE ENTERPRISES LLC	Entity ID:	23082530
Entity Type:	Domestic LLC	Entity Status:	Active
Formation Date:	5/1/2020	Reason for Status:	In Good Standing
Approval Date:	5/12/2020	Status Date:	5/1/2020
Original Incorporation Date:	5/1/2020	Life Period:	Perpetual
Business Type:		Last Annual Report Filed:	
Domicile State:	Arizona	Annual Report Due Date:	
		Years Due:	
Original Publish Date:			

Statutory Agent Information

Name:	Benjamine Furlow III	Appointed Status:	Active 5/12/2020
Attention:			
Address:	6857 W Carter Rd, LAVEEN, AZ 85339, USA		
Agent Last Updated:	1/22/2021	E-mail:	
Attention:		Mailing Address:	6857 W Carter Rd, LAVEEN, AZ 85339, USA
County:	Maricopa		

Principal Information

Title	Name	Attention	Address	Date of Taking Office	Last Updated
Member and Manager	Benjamine Furlow III		1100 N Priest Dr, 1059, CHANDLER, AZ, 85226, Maricopa County, USA		7/22/2020

Page 1 of 1, records 1 to 1 of 1

Address

Attention: B Furlow | Address: 6857 W Carter Rd, LAVEEN, AZ, 85339, USA | County: Maricopa | Last Updated: 1/22/2021

Entity Principal Office Address

Attention: | Address: | County: | Last Updated:

Back | Return to Search | Return to Results | Document History | Name/Restructuring History | Pending Documents | Microfilm History

EXHIBIT Q



Louisiana SECRETARY OF STATE NANCY LANDRY

(https://www.sos.la.gov/Pages/default.aspx) Search for Louisiana Business Filings

Search Disclaimer Search Instructions

* indicates a required field

Active records are shown in **Bold.**

Total Results: 2

Name	Affiliation	City	Detail
FURLOW III, BENJAMINE	Agent of "MUZIK MINDZ LLC"	AMITE	**Details**
FURLOW III, BENJAMINE	Member of "MUZIK MINDZ LLC"	AMITE	**Details**

New Search **View Shopping Cart**

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Louisiana SECRETARY OF STATE
NANCY LANDRY

(https://www.sos.la.gov/Pages/default.aspx) Search for Louisiana Business Filings

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Name	Type	City	Status
MUZIK MINDZ LLC	Limited Liability Company	AMITE	Active

Previous Names

Business: MUZIK MINDZ LLC
Charter Number: 46497916K
Registration Date: 5/28/2025

Domicile Address

503 S 2ND ST
LOT B
AMITE, LA 70422

Mailing Address

503 S 2ND ST
LOT B
AMITE, LA 70422

Status

Status: **Active**
Annual Report Status: **In Good Standing**
File Date: 5/28/2025
Last Report Filed: N/A
Type: Limited Liability Company

Registered Agent(s)

Agent:	BENJAMINE FURLOW III
Address 1:	503 S 2ND ST
Address 2:	LOT B
City, State, Zip:	AMITE, LA 70422
Appointment Date:	5/28/2025

Officer(s) **Additional Officers: No**

Officer:	BENJAMINE FURLOW III
Title:	Member
Address 1:	503 S 2ND ST
Address 2:	LOT B
City, State, Zip:	AMITE, LA 70422

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Amendments on File

No Amendments on file

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EXHIBIT R

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Welcome To The
JUSTICE COURTS OF MARICOPA COUNTY

CASE HISTORY

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Case Information

Case Number:	CC2023236361
Judge:	Rios, Rebecca
File Date:	11/28/2023
Location:	South Mountain Justice Court
Case Type:	Justice Civil
Case Status:	Adjudicated

Party Information

Plaintiff

Party Name	AMERICAN HOMES 4 RENT PROPERTIES FIVE LLC
Relationship	Plaintiff
Sex	N/A
Attorney	ANDREW HULL

Defendant

Party Name	MARCUS LANIOHAN-SIBLEY
Relationship	Defendant
Sex	N/A
Attorney	Pro Per

Defendant

Party Name	BENJAMINE FURLOW III
Relationship	Defendant
Sex	N/A
Attorney	Pro Per

Disposition Information

There are no disposition notes on file

Case Documents

There are no case documents on file

Case Calendar

Date	12/5/2023
Time	2:00
Event	Eviction Action Hearing
Result	Judgment Entered

Events

Event Type	Summons
Sub Type	Issued
Result	Issued/Ordered
Result Date	11/28/2023
Event Type	Affidavit of Service
Sub Type	Certified/Registered Mail
Result	Served
Result Date	11/28/2023
Event Type	Judgment
Sub Type	Court
Result	Issued/Ordered
Result Date	12/5/2023
Event Type	Writ
Sub Type	Restitution
Result	Issued/Ordered
Result Date	12/12/2023
Event Type	Writ
Sub Type	Restitution
Result	Returned
Result Date	12/28/2023

Judgments

Date	12/5/2023
(F)or / (A)gainst	F: AMERICAN HOMES 4 RENT PROPERTIES FIVE LLC
Amount	$50.00
Frequency	
Type	Notice Fees
Status	
(F)or / (A)gainst	A: MARCUS LANIOHAN-SIBLEY
(F)or / (A)gainst	A: BENJAMINE FURLOW III

Date	12/5/2023
(F)or / (A)gainst	F: AMERICAN HOMES 4 RENT PROPERTIES FIVE LLC
Amount	$353.74
Frequency	
Type	Utilities
Status	
(F)or / (A)gainst	A: MARCUS LANIOHAN-SIBLEY
(F)or / (A)gainst	A: BENJAMINE FURLOW III

Date	12/5/2023
(F)or / (A)gainst	F: AMERICAN HOMES 4 RENT PROPERTIES FIVE LLC
Amount	$2,776.16
Frequency	
Type	Previous Balance
Status	
(F)or / (A)gainst	A: MARCUS LANIOHAN-SIBLEY
(F)or / (A)gainst	A: BENJAMINE FURLOW III

Date	12/5/2023
(F)or / (A)gainst	F: AMERICAN HOMES 4 RENT PROPERTIES FIVE LLC
Amount	$150.00
Frequency	
Type	Attorney Fee
Status	
(F)or / (A)gainst	A: MARCUS LANIOHAN-SIBLEY
(F)or / (A)gainst	A: BENJAMINE FURLOW III

Date	12/5/2023
(F)or / (A)gainst	F: AMERICAN HOMES 4 RENT PROPERTIES FIVE LLC
Amount	$103.00
Frequency	
Type	Costs
Status	
(F)or / (A)gainst	A: MARCUS LANIOHAN-SIBLEY
(F)or / (A)gainst	A: BENJAMINE FURLOW III

Date	12/5/2023
(F)or / (A)gainst	F: AMERICAN HOMES 4 RENT PROPERTIES FIVE LLC

Amount	$200.00
Frequency	
Type	Late Charge
Status	
(F)or / (A)gainst	A: MARCUS LANIOHAN-SIBLEY
(F)or / (A)gainst	A: BENJAMINE FURLOW III
Date	12/5/2023
(F)or / (A)gainst	F: AMERICAN HOMES 4 RENT PROPERTIES FIVE LLC
Amount	$4,823.22
Frequency	
Type	Rent
Status	
(F)or / (A)gainst	A: MARCUS LANIOHAN-SIBLEY
(F)or / (A)gainst	A: BENJAMINE FURLOW III

Related Links

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222 N Central #210 Phoenix, AZ 85004 | (602) 506-8530

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CLERK OF THE COURT

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-

BENJAMINE FURLOW, #7162385

Defendant.

CASE NO: **C-25-394180-1**

DEPT NO: **XVIII**

STATE'S OPPOSITION TO DEFENDANT'S MOTION TO DISMISS FOR VIOLATION OF STATE AND FEDERAL RIGHT TO SPEEDY TRIAL PURSUANT TO STATE V. INZUNZA

DATE OF HEARING: NOVEMBER 10, 2025
TIME OF HEARING: 9:30 A.M.

The State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through MICHAEL ALLMON, Deputy District Attorney, submits the attached Points and Authorities in State's Opposition to Defendant's Motion to Dismiss for Violation of State and Federal Right Speedy Trial Pursuant to State v. Inzunza.

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

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Case Number: C-25-394180-1

STATEMENT OF FACTS RELEVANT TO THIS MOTION

On September 23, 2018, Clark County Child Protective Services received sexual abuse information involving a male juvenile identified as K.F., and his adopted father (Defendant). under CPS Report #1795415. K.F. reported that Defendant had fondled him on two occasions over the past 18 months. K.F. reported that it occurred in Defendant's office in his previous residence located at 6247 Apple Dew Avenue, Las Vegas, Nevada, 89131. K.F. reported that Defendant touched his genitals. K.F.'s sister, Markajia, told K.F. that she observed this incident. K.F. described another time when Benjamine got him into a closet and pulled his pants down. Defendant "fondled" K.B, and he did not disclose this information sooner because he didn't want to upset the family. CPS notified the Las Vegas Metropolitan Police Department (LVMPD) Sexual Assault Detail of the information.

Victim Statement – K.F.

On July 24, 2018, K.F. was interviewed by Southern Nevada Children's Assessment Forensic Interviewer, K. Amaya, at the Southern Nevada Child Advocacy Center (SNCAC) located at 701 N Pecos Road #K, Las Vegas, Nevada. K.F. stated that on April 14, 2017, he was lying on Defendant's bed when Defendant advised him to go into the closet. Defendant pulled K.F.'s shorts and underwear down. K.F. left the closet and went into his bedroom. Defendant apologized shortly after. According to K.F., Defendant said he was going to tell Marcus (Defendant's partner) about what occurred, but he never told him.

K.F. recalled another incident that occurred when Defendant was in the bathroom downstairs and called K.F. into the bathroom. Defendant pulled his pants down and tried to get K.F. to suck his "dick". Defendant grabbed K.F.'s head and tried to make K.F. suck his "thing", as it was exposed. K.F. pulled his head back and it struck the wall. The incident occurred when K.F. was 14 years old.

K.F. recalled another incident that occurred where Defendant inserting his "thing" (penis) inside him. Defendant called K.F. to the downstairs bathroom. Defendant then instructed K.F. to pull his pants down. K.F. pulled his pants down but then pulled them back up.

K.F. stated that there was another incident where he walked into Defendant's home office and Defendant tried to grab K.F.'s "dick" with his hand. K.F. stated that he moved back before Defendant could grab him. K.F. stated that his sister, Markajia, observed the incident and asked K.F. about it, two or three days after.

K.F. recalled another incident that occurred inside Defendant's home office. Defendant hugged K.F. and touched his "dick". Defendant rubbed K.F.'s "dick" with his hands. K.F. felt weird and told Defendant to stop. Defendant asked K.F. if he liked it. The incident occurred two days before K.F. told Marcus, on or around July 21, 2018.

Defendant would also ask K.F. for a kiss and K.F. would kiss him. Defendant tried to make K.F. touch him on multiple occasions. K.F. stated that Defendant would try to do these things with Defendant in order to have certain privileges. K.F. told his two sisters about the sexual abuse incidents. K.F. also told Defendant's partner, Marcus.

Witness Statement – Markajia

On July 24, 2018, Forensic Interviewer, K. Amaya, conducted a forensic interview with Markajia at the SNCAC. Markajia stated that K.F. told her about the sexual abuse incidents prior to this report but she didn't believe him. K.F. told her that Defendant tried to suck his "dick". K.F. told her that Defendant called him into the master bedroom closet and pulled down K.F.'s pants, at which time K.F. told Defendant to stop. K.F. asked Markajia not to tell anyone. K.F. also told Markajia that Defendant tried kissing him. K.F. stated that he kissed Defendant once because he wanted to play a video game. K.F. told Markajia that Defendant tried sucking his "area" multiple times. K.F. told her about a time that Defendant was standing over him, with his "area" over K.F.'s head, as he was sleeping on his bed.

Markajia recalled a time when Defendant touched K.F.'s "area", while K.F. was in Defendant's office when this occurred. Markajia stated that K.F. moved Defendant's hand when he tried to touch K.F.'s "area". K.F. was hugging Defendant good night. Markajia suspected something was going on because Defendant always called K.F. into

his bedroom or office. Markajia stated her that her sister, Tonjanique, has heard Defendant tell K.F. that he misses his big "dick".

Witness Statement -Tonjanigue:

On July 24, 2018, K. Amaya conducted a forensic interview with Tonjanique at the SNCAC. Tonjanique stated that K.F. told her the sexual abuse began a few weeks after moving into the new house located at 6247 Apple Dew Avenue, Las Vegas, Nevada. Tonjanique said that K.F. told her about the sexual abuse incidents but she did not provide any specific details of the abuse allegations.

Tonjanique stated they told Marcus about the sexual abuse. Defendant denied the allegations and did not want to talk about it. Tonjanique stated that Defendant would convince K.F. not to tell anyone by bribing K.F. with video games. Tonjanique stated they did not want to tell anyone because they were afraid.

Witness Statement -Riddick:

On July 24, 2018, K. Amaya conducted a forensic interview with K.F.'s brother, Riddick, at the SNCAC. Riddick stated that Defendant treated K.F. differently from all the other children. Riddick stated that he found out about the "touching" on the last day he stayed with Marcus and Defendant.

Witness Interview -Marcus:

On November 6, 2018, LVMPD Sexual Assault Detective A. Martinez conducted a recorded interview with Marcus at 701 N Pecos Road #K. Marcus stated he was first aware of the sexual abuse allegations on July 23, 2018, the day he had jury duty. Marcus stated Markajia told him Defendant touched K.F. inappropriately and that she may have seen it when she walked in on them. Marcus stated that K.F. advised that it occurred multiple times but did not give specific details of the abuse. Marcus believed that the allegations were motivation for the children to leave their custody and stay with another family. Marcus stated that the children had been adopted by Defendant for the past three years.

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Defendant's Interview with CPS

On July 25, 2018, CPS Investigator Y. Greenberry conducted a voluntary recorded interview with Defendant who stated that they had been living at 6247 Apple Dew Avenue, Las Vegas, Nevada, since February 2017. Since these allegations were made they moved out. Defendant stated that Marcus (his partner) advised him of the sexual abuse allegations. Marcus stated that Markajia had seen Defendant touch K.F.'s crotch. Defendant stated that he may have touched K.F.'s crouch accidentally before hugging him but not to grab it intentionally. Defendant stated that he never grabbed his crotch. Defendant did not specifically remember a date that he grabbed or touched K.F.'s crotch.

Defendant's Voluntary Statement with Detective Martinez

On November 8, 2018, Detective A. Martinez conducted a voluntary recorded interview with Defendant at 701 N Pecos Road, Las Vegas, Nevada. Defendant denied all the sexual abuse allegations. Defendant stated that he did not know why Markajia would say that she saw him touch K.F.'s groin area. Defendant stated that K.F. made up all the allegations because they didn't want to stay there anymore. Defendant stated that K.F. and his sisters wanted to move to a friend's home.

The Grand Jury Testimony of K.F.

On September 16, 2025, K.F. testified that he was twenty-two years old. See Reporter's Transcript of Proceedings "RT" 09-16-2025 at 7. K.F. identified Grand Jury Exhibit 3 as a photograph of Defendant. Id. K.F. testified that Defendant was his adoptive father while he was in foster care. Defendant adopted K.F. a year after he became Defendant's foster kid. Id.

K.F. was twelve years old when he moved in with Defendant and was thirteen years old when he was adopted. Id. at 7-8. Defendant lived with Marcus Sibley and the two were partners at the time K.F. was fostered and adopted by Defendant. Id. at 8. In September of 2018, K.F. reported being abused by Defendant. Id. The abuse started when K.F. was 14 years old. Id. at 9. The first time Defendant did something to K.F. sexually was when Defendant called K.F. into his room after K.F. had gone in there to ask if he could play a game. Id. Defendant told K.F. that if he let Defendant touch his penis, Defendant would let K.F. play

the game for as long as he wanted. Id. K.F. testified that he agreed to it and let Defendant touch his penis. Id. K.F. testified that Defendant would stroke his penis with his hand, and then Defendant would let K.F. play the game. Id. K.F. did not want that to happen and did not consent to it happening. Id. at 10.

K.F. testified that this would happen anytime he wanted to play the Xbox game. Id. K.F. would have to get Defendant's permission to play the Xbox and every time K.F. played the game on Xbox, he would have to let Defendant touch his penis. Id. K.F. testified that the sexual act was the same, every time. Id. K.F. testified that he was fourteen years old when it started happening and that it happened every day for approximately two months. Id. at 11. K.F. testified about an incident that occurred in the closet where Defendant had called him into the closet to look at a pair of shoes. Id. at 11-12. K.F. testified that there were no shoes and when he went into the closet Defendant "whipped his stuff out" and tried to force K.F. to suck on his penis. Id.at 12. K.F. testified that Defendant grabbed his head while trying to force K.F. to suck on his penis. Id. K.F. ran out of the room and told his sisters, Markajia and Tonjanique what happened. Id. Specifically, K.F. told his sisters that Defendant tried to make him suck his penis while they were in the closet. Id. at 13. K.F. told Marcus what occurred when he came home from work. Id.

K.F. testified that he was fifteen years of age when he was interviewed previously in September 2018, and he did not provide all of the details of what occurred because he wasn't comfortable saying them back then. Id. at 13-14.

STATEMENT OF THE CASE RELEVENT TO THIS OPPOSITION

On December 21, 2018, BENJAMINE FURLOW (hereinafter "Defendant") was charged by way of Criminal Complaint with the crimes of Attempt Lewdness with a Child Under the Age of 16 (Category B Felony – NRS 201.230, 193.330) and Attempt Sexual Assault With a Minor Under Sixteen Years of Age (Category B Felony - NRS 200.364, 200.366, 193.330). The victim is K.F. The crimes occurred on or between March 1, 2017 and July 31, 2018.

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On December 26, 2018, a Request for Arrest Warrant was filed with the Court.

On December 27, 2018, an Arrest Warrant issued for Defendant.

On July 30, 2025, the State was informed that Defendant was being held in custody in Amite, Louisiana, to answer to the charge of Fugitive based upon the outstanding warrant for his arrest in Nevada. The State of Nevada intended to proceed with Governor's Warrant if Extradition was refused. Defendant opted to waive extradition and was returned to Nevada to face charges in this matter.

On August 16, 2025, Defendant was booked into the Clark County Detention Center.

On August 17, 2025, Defendant made his first appearance in Justice Court. M. Pensabene, Esq., was provisionally appointed as counsel for Defendant for the limited purpose of the first appearance hearing. The Court conducted an individualized determination regarding the defendant's custody statues. Both the State and the Defendant's provisionally appointed counsel had the opportunity to present evidence and argument regarding the Defendant's custody status. The Court also considered the factors set forth in NRS 178.4853 and NRS 178.498, and the Defendant's financial resources when a financial affidavit was available and/or when the defendant was present in court. Finding that the State had provided clear and convincing evidence that no less restrictive alternative to monetary bail would satisfy its interest in ensuring the defendant's presence and/or community safety, the Court set bail in the amount of $100,000, along with High Level Electronic Monitoring and an order of No Contact with the victim, which was provided to Defendant in open court. Defendant was further ordered to have no contact with minors under the age of 18.

On August 18, 2025, Defendant was appointed representation by the Office of the Public Defender, and a Preliminary Hearing was scheduled to commence on September 2, 2025, at the hour of 9:30 a.m.

On August 20, 2025, Defendant filed a Motion to Re-address Custody and a Motion to Dismiss for Violation of Defendant's Right to Speedy Trial Pursuant to State v. Inzunza.

On August 27, 2025, the State filed a Motion to Dismiss Case Without Prejudice and electronically served defense counsel with State's Notice of Intent to Seek Indictment.

On August 28, 2025, over the objection of defense counsel, the Court granted the State's Motion to Dismiss Case Without Prejudice. The case was dismissed and all bail conditions rescinded.

On September 16, 2025, the State presented the matter to a Grand Jury, and an Indictment was returned charging Defendant with sixty (60) counts of Lewdness with a Child Under the Age of 16 (Category B Felony – NRS 201.230); one (1) count of Attempt Sexual Assault with a Minor Under Sixteen Years of Age (Category B Felony – NRS 200.364, 200.366) and one (1) count of Battery with Intent to Commit Sexual Assault (Category A Felony – NRS 200.400.4).

On September 17, 2025, the Court issued a Summons for Defendant to appear in Court on October 1, 2025, to answer to the charges alleged in the Indictment.

On October 1, 2025, Defendant appeared via Zoom and the scheduled arraignment was continued for Defendant's in person appearance, should the State not agree to waive it. AM arraignment was continued to October 13, 2025.

On October 6, 2025, counsel for Defendant filed a Motion to Withdraw as Attorney of Record Due to Conflict.

On October 13, 2025, Defendant was present via Zoom. Deputy Special Public Defender, Tiffany Wacaster, appeared and accepted the appointment as counsel for Defendant. Ms. Wacaster also requested a continuance in order to discuss the case with Defendant. The State had no objection and noted that Defendant could appear via Zoom for the next hearing. AM arraignment was continued to October 20, 2025.

On October 20, 2025, Defendant was arraigned and pled Not Guilty. Defendant invoked the 60 Day Rule and the Court ordered the matter set for trial. Counsel for the Defendant agreed to waive 17 days. Trial is scheduled to commence on January 5, 2026, with Calendar Call to occur on December 29, 2025. The Court advised that it required Defendant's presence for Calendar Call.

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October 24, 2025, Defendant filed a Motion to Dismiss for Violation of Defendant's State and Federal Right to Speedy Trial Pursuant to State v. Inzunza. The State's opposition follows.

LEGAL ARGUMENT

Defendant argues that this Court should dismiss his case. Defendant bases this argument primarily upon Barker v. Wingo, 407 U.S. 514 (1972) and Doggett v. U.S., 505 U.S. 647 (1992) as adopted in State v. Inzunza, 135 Nev. Adv. Op. 69, 454 P.3d 727 (2019). In analyzing the factors articulated in all of these cases and utilizing the balancing test discussed, Defendant's motion should be denied.

I. DEFENDANT'S SIXTH AMENDMENT SPEEDY TRIAL RIGHT ANALYSIS UNDER WINGO, DOGGETT, AND INZUNZA

A defendant's speedy trial right, as detailed by the United States Supreme Court in Barker v. Wingo and Doggett v. United States, and then by the Nevada Supreme Court in State v.Inzunza and subsequent cases, is not violated simply because it has been more than 12 months since the filing of a criminal complaint. See State v. Inzunza, 135 Nev. 513, 514, 454P.3d 727, 729 (2019); Barker v. Wingo, 407 U.S. 514, 514, 92 S. Ct. 2182, 2184, 33 L. Ed. 2d101 (1972); Doggett v. United States, 505 U.S. 647, 651-54, 112 S.Ct. 2686, 120 L.Ed.2d 520(1992). Instead, the Courts have adopted a multi-factor, case sensitive test to aid in determining whether there has been a violation of the sort warranting dismissal of a criminal case. To be sure, there are cases in which such a drastic penalty is the unavoidable outcome, but the instant matter is simply not one of those.

For speedy trial claims based on a post-complaint delay such as the one at issue here, the Barker Court noted that courts should approach each case on an ad hoc basis, and set forth **four factors** to assess when analyzing such a claim:

1)The length of the delay

2)The reason for the delay

3)The defendant's assertion of his right, and

4)Prejudice to the defendant

407 U.S. at 530.

Each case must be analyzed on its own merits and "What is prevalent throughout speedy trial challenges is that there are no hard and fast rules to apply ..., and each case must be decided on its own facts. Additionally, no one factor is determinative; rather, they are related factors which must be considered together with such other circumstances as may be relevant." Inzunza, at 516, (internal citations omitted). The four factors are discussed below.

A. Length of Delay

The case law is clear that, "the Sixth Amendment guarantee of a speedy trial attaches once a putative defendant is 'accused' by arrest, indictment, or the filing of a criminal complaint, whichever comes first." Sheriff v. Berman, 99 Nev. 102, 106, 659 P.2d 298, 301 (1983) (citing Dillingham v. United States, 423 U.S. 64 (1975)).

The length of delay factor is a double inquiry under the Barker analysis. 515 U.S. at 651. In Inzunza, the Nevada Supreme Court determined that the initial inquiry is whether the delay is presumptively prejudicial, and thus triggers the Barker-Doggett analysis. 135 Nev. at 516. A post-accusation delay meets this standard "as it approaches one year." Doggett, 505 U.S. at 652 n. 1. "The length of time extending beyond the threshold one-year mark tends to correlate with the degree of prejudice the defendant suffers and will be considered under factor four —the prejudice to the defendant. Inzunza, 135 Nev. at 516 (Doggett, 505 U.S. at 652, 112 S.Ct. 2686).

As to the threshold question, a Criminal Complaint was filed on December 21, 2018, and Defendant was arrested on July 30, 2025. The State does not dispute that the six-and-a-half-year delay in apprehending Defendant is sufficient to trigger the analysis. However, the State would note this applies only to Count One (see comparable Count 3 in the criminal complaint) and Count Sixty-One (see comparable Count 4 in the criminal complaint). As to Counts Two through Sixty and Count Sixty-Two, the time began when the Defendant was indicted on September 17, 2025, less than two months ago.

As it concerns Counts One and Sixty-One, presumptive prejudice cannot alone carry a Sixth Amendment claim without regard to the other Barker criteria. Doggett, 505 U.S. at 656.

B. The Reason for the Delay

The Barker Court outlined three types of governmental delay, with each assigned a corresponding weight:

> A deliberate attempt to delay the trial in order to hamper the defense should be weighed heavily against the government. A more neutral reason such as negligence or overcrowded courts should be weighed less heavily but nevertheless should be considered since the ultimate responsibility for such circumstances must rest with the government rather than with the defendant. Finally, a valid reason, such as a missing witness, should serve to justify appropriate delay.

407 U.S. at 531, 92 S.Ct. 2182 (footnote omitted).

In Inzunza, what was significant in determining negligence was the fact that police knew where the defendant lived after receiving the information from the victim's mother. 135 Nev. at 518. The police learned that he was living in New Jersey and the address of his work. Id. at 514. The police did nothing with this and made no attempt to locate him in New Jersey. Id. the court found that the delay weighed for the Defendant as it was a 26-month delay which was ***all*** attributed to the State's gross negligence. Id. at 518.

Here, by contrast, the police did look for him. In fact, it was those efforts that ultimately located him for his arrest and extradition. Defendant was aware that he was under investigation for sexually abusing the victim - so much so, that he gave two statements in the case, the first to CPS on July 25, 2018, and the second to Detective Martinez on November 28, 2018. Defendant was asked he would be willing to take a polygraph test to show that he was telling the truth, which is not admissible in court but certainly may have supported Defendant's assertion that the kids just wanted to go stay with K.F.'s girlfriend's family for a while so K.F. made up the allegations and his sisters followed along.

Instead, Defendant told Detective Martinez that he "may consider taking one, but he would need to speak to an attorney first." See Defendant's Voluntary Statement, 11-08-2018, p. 19, a copy of which attached hereto as State's Exhibit "1". The evidence will show that Defendant never called Detective Martinez back about taking a polygraph or not taking a polygraph. On November 15, 2018, Detective Martinez attempted to follow up with

Defendant about taking a polygraph by calling him and leaving him a voice mail message. Defendant did not return Detective Martinez's call.

Thereafter, on November 30, 2018, the warrant was submitted to the District Attorney's Office. On December 18, 2018, Defendant contacted Detective Martinez and left a new telephone number.

On December 27, 2018, the arrest warrant was issued.

On March 18, 2021, the warrant was assigned to Detective LeBlanc on the CATS Team.

On May 6, 2021, the warrant was re-assigned to the SOAP team, where now retired Detective D. Culver, worked investigative leads in attempts to locate Defendant and Detective Nededog was assigned for apprehension.

On May 13, 2021, a local address was identified and follow up was sent to NWAC Flex.

On August 6, 2021, SOAP re-established apprehension efforts and a PO BOX in Phoenix, Arizona was identified.

On September 10, 2021, Detective Culver (Retired) completed a new work up with a possible address in Laveen, AZ, and the responsible party was contacted to verify if the Laveen address was current. No further updates were noted on apprehension efforts thereafter.

On July 11, 2025, apprehension efforts were turned over to Detective Nededog, who located two viable addresses, Arizona and Louisiana. Further investigation revealed that the Arizona address was old, and the Louisianna address was viable.

On July 16, 2025, Detective Nededog sent out a US Marshal Service (USMS) lead for apprehension of the Defendant who was believed to be residing in Amite, LA.

On July 30, 2025, LVMPD was notified that Defendant had been taken into custody based upon the information provided by the USMS.

Additionally, while Defendant's motion points out that Defendant attended at least one family court proceeding with reference to the removal of the victim and his siblings from Defendant's custody, which occurred in July 26, 2018, just two (2) days after K.F. disclosed the abuse, thus the investigation was ongoing at that time. Defendant's argument that he was

not hiding and was attending court dates simply does not apply to this analysis as no arrest warrant had been issued, and no complaint had been filed. Those matters have no relevance because the investigation was still ongoing and there had not been a decision to arrest or a warrant issued.

The fact that Defendant received a letter from the Social Security Administration, (which was most likely received at a PO BOX in Phoenix, but the State is unable to access that due to the actual address on Defendant's Exhibit "O" having been redacted); having had a business license in Arizona, and also in Louisiana; and, having had an eviction case out of Arizona is absolutely irrelevant as it relates to law enforcement's efforts made to locate and arrest him. These entities are not regulated by law enforcement.

Defendant's motion suggest that Defendant was living "openly" and not evading law enforcement, noting that Detective Martinez has had his current phone number all this time. See Defendant's Motion at p. 14. The State would suggest that someone who is not avoiding or evading law enforcement does not suddenly leave the State that they have been residing in so soon after a sexual abuse investigation is initiated based upon allegations raised by their adoptive son.

"A defendant who flees the jurisdiction of a court for the purpose of avoiding prosecution waives the right to a speedy trial." People v. Perez (1991) 229 Cal.App.3d 302, 308, 279 Cal.Rptr. 915.

> The balancing test in Barker does not come into play when the defendant has fled the jurisdiction for the purpose of avoiding prosecution. In the situation involving such a fugitive, resort to the balancing process is unwarranted; the fugitive, having done all he or she can do to avoid being brought to justice, cannot then claim that denial of the right to speedy trial resulted from the ensuing delay.

Id. at 314 (emphasis added).

In the case People v. Garcia, the California Court of Appeal, Second District, examined a 33-year delay between the filing of the indictment and Garcia's arrest and found that Garcia had waived his right to a speedy trial by fleeing to Mexico. 223 Cal. App. 4th 1173, 1177, 168

12 Cal. Rptr. 3d 23, 26 (2014). In Garcia, a witness, Chavez, testified that he and Garcia left a bar with the victim, Roberto. Chavez followed Garcia and Roberto's car in his car, heard gunshots, and saw Roberto's car crash into a fence. Chavez ran to Roberto's car and saw him slumped over the driver's seat, dead. Garcia exited Roberto's car and Chavez asked him, "What did you do?" Garcia responded, "Let's split for San Ysidro." Garcia and Chavez then drove to the Mexican border and walked across, where they separated. Chavez had no further contact with Garcia. A criminal complaint against Garcia was filed on September 17, 1976.

Thirty-three years later, on May 5, 2009, Garcia was arrested in Texas and returned to California. When Garcia contended that the 33-year delay between the filing of the criminal complaint and his arrest violated his speedy trial rights the Court examined the circumstances of his flight and determined that he was aware of the pending case. The Court held that it did not matter that the charges had not been filed against Garcia when he fled because his "instructions to Chavez to drive him to the border immediately after the killing demonstrate his knowledge that he would be prosecuted for Roberto's murder and "actively sought to avoid" that eventuality." Id. at 1179. *See also* Inzunza, 135 Nev. 513, 518, 454 P.3d 727, 732 (2019) (citing to United States v. Mendoza, 530 F.3d 758, 763 (9th Cir. 2008) (recognizing that a defendant who is aware of the charges against him or her and flees or otherwise causes the delay forecloses any Sixth Amendment speedy trial claim).

Here, police were searching for the Defendant and eventually found him. This is not negligent, and is certainly not the gross negligence of Inzunza.

C. Defendant's Assertion of His Right

On October 20, 2025, Defendant invoked the 60-Day Rule and the matter is currently scheduled for trial.

D. Lack of Prejudice to the Defendant

The last factor to consider is prejudice to the defendant. In assessing prejudice, courts look at the following harms that the speedy-trial right was designed to protect against: "oppressive pretrial incarceration," "anxiety and concern of the accused," and "the possibility that the defense will be impaired." Barker, 407 U.S. at 532, 92 S. Ct. 2182. "Of these, the most

serious is the last, because the inability of a defendant adequately to prepare his case skews the fairness of the entire system." State v. Inzunza, 135 Nev. Adv. Op. 69, 454 P.3d 727, 732 (2019)." Importantly, in Inzunza, the defendant was never interviewed by the police. Id. at 514.

This Defendant has not suffered any "oppressive pretrial incarceration" as he has been living freely while in warrant status for the past six and a half years. Defendant's actual time in custody after he was returned to Nevada from Indiana amounted to just under two weeks. Defendant was released from custody on August 29, 2025, and is currently out of custody. Thus, there is no prejudice here.

It is the last and most important consideration where the Defendant's argument really falls apart. A defendant that is made aware of the need to preserve an alibi does not suffer prejudice from a delay and does not avail themselves of Doggett. Hakeem v. Beyer, 990 F. 2d 750 (3rd Cir. 1993). Similarly, a claim of prejudice cannot be speculative. See, Wyman v. State, 125 Nev. 592, 601, 217 P.3d 572, 579 (2009).

This Defendant has not suffered any presumed prejudice due to the delay between the issuance of the arrest warrant and today. Any alibi the Defendant may have had, although one was never suggested, also existed in 2018: when he spoke to the police (and never mentioned an alibi).

Defendant's claim is speculative. The Defendant does not identify an alibi that would be helpful. If they were helpful, they would have been identified in 2018. The delay has no causation to any alibis being unavailable. There is no named person that has become unavailable because of the delay. The claimed prejudice is not actual; it is speculative. It is in fact, non-existent.

Nor should Defendant be able to argue that his defense has suffered "evidentiary" prejudice He knew he was under investigation for these allegations and if he had any interest in preparing his case, he certainly had every opportunity to stay and prepare a defense. As the Court noted in Inzunza:

> "Relieving the defendant of showing actual prejudice is typically triggered in cases in which the delay is five years or more…However, a "bright line rule" is not appropriate…Rather, the amount of prejudice a defendant must show is inversely proportional to the length and reason for the delay." State v. Inzunza, 135 Nev. 513, 519, 454 P.3d 727, 733 (2019).

Under the prejudice factor, the claimed prejudice cannot be speculative. United States v. Alexander, 817 F.3d 1178, 1183 (9th Cir. 2016). Here, the Defendant cannot claim presumed prejudice because the delay in his arrest is not the basis for any lost evidence or unavailable witnesses. Defendant knew about the investigation in 2018, and he chose to leave the state instead of staying in Nevada and forming a defense. Any defense that he claims he had, he also had in 2018. If it was real, it would have been preserved in 2018.

CONCLUSION

Because the delay as to Counts Two through Sixty and Count Sixty-Two have not triggered the analysis; and because as to Counts One and Sixty-One, the balancing factors do not weigh in the Defendant's favor as the State was not negligent and the Defendant's claimed prejudice is non-existent speculation, the Defendant's Motion to Dismiss for Violation of Defendant's State and Federal Right to Speedy Trial Pursuant to State v. Inzunza must be DENIED.

DATED this 6th day of November 2025.

Respectfully submitted,

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

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

CERTIFICATE OF SERVICE

I hereby certify that service of the above and foregoing was made this 7th day of November, 2025 to:

TIFFANY WACASTER, Special Public Defender
Email: Tiffany.Wacaster@ClarkCountyNV.gov

BY */s/ Selma Rodriguez*
Secretary for the District Attorney's Office
Special Victims Unit

sar/SVU

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	**COURT MINUTES**	**November 10, 2025**
C-25-394180-1	State of Nevada vs Benjamine Furlow	**Department 18**

November 10, 2025 **09:30 AM** **Defendant's Motion to Dismiss for Violation of Defendant's State and Federal Right to Speedy Trial Pursuant to State v. Inzunza**

HEARD BY: Holthus, Mary Kay **COURTROOM:** RJC Courtroom 03F

COURT CLERK: Yorke, Dara

RECORDER: Sison, Yvette G.

REPORTER:

PARTIES PRESENT:

Benjamine Furlow	**Defendant**
Michael Donovan Allmon	**Attorney for Plaintiff**
State of Nevada	**Plaintiff**
Tiffany Wacaster	**Attorney for Defendant**

JOURNAL ENTRIES

Deft. present out of custody via Zoom video conference.

Court inquired if Zoom was approved, which Mr. Allmon noted the State stipulated. Court indicated it was just handed the State's Opposition, and inquired if Ms. Wacaster intended to file a reply, or just argue. Ms. Wacaster indicated if the Court was inclined to deny the instant Motion, she would request an evidentiary hearing. Statements by Ms. Wacaster. Court inquired as to the point of the evidentiary hearing, which Ms. Wacaster stated, if the Court was inclined to grant the instant Motion, they wouldn't need an evidentiary hearing. Court noted it would not. Statements by Mr. Allmon noting there was no prejudice on the instant matter. Further statements by Ms. Wacaster. Court advised it wanted to read the State's Opposition, and parties could come back. Ms. Wacaster represented she would file the pretrial Writ the instant day, and at the instant point, Deft. would not waive his right to a speedy trial. Ms. Wacaster noted she had a trial starting Monday, November 17, 2025, which Mr. Allmon mentioned the same. Court expressed it wasn't setting an evidentiary hearing; however, would give plenty of time to supplement. COURT ORDERED, matter CONTINUED.

NIC

11/17/25 9:30 AM CONTINUED: DEFENDANT'S MOTION TO DISMISS FOR VIOLATION OF DEFENDANT'S STATE AND FEDERAL RIGHT TO SPEEDY TRIAL PURSUANT TO STATE V. INZUNZA

Electronically Filed
11/21/2025 2:06 PM
Steven D. Grierson
CLERK OF THE COURT

TRAN

DISTRICT COURT

CLARK COUNTY, NEVADA

STATE OF NEVADA, Plaintiff (s), vs. BENJAMINE FURLOW, Defendant (s).	CASE NO. C-25-394180-1 DEPT. XVIII **Transcript of Proceedings**

BEFORE THE HONORABLE MARY KAY HOLTHUS, DISTRICT COURT JUDGE

MONDAY, NOVEMBER 10, 2025

DEFENDANT'S MOTION TO DISMISS FOR VIOLATION OF DEFENDANT'S STATE AND FEDERAL RIGHT TO SPEEDY TRIAL PURSUANT TO STATE V. INZUNZA

APPEARANCES:

FOR THE STATE: MICHAEL ALLMON, ESQ.
Deputy District Attorney

FOR THE DEFENDANT: TIFFANY WACASTER, ESQ.
Special Public Defender

RECORDED BY: YVETTE SISON, COURT RECORDER

LAS VEGAS, NEVADA, MONDAY, NOVEMBER 10, 2025 AT 10:45 A.M.

THE COURT CLERK: Benjamine Furlow, C392180; Defendant is on Zoom.

MS. WACASTER: Tiffany Wacaster, #15349 on his behalf; he is present on Zoom. Mr. Furlow, if you want to unmute your camera.

THE COURT: Where is he?

MS. WACASTER: He's in Louisiana.

THE COURT: And has everybody okay'd the Zoom?

MS. WACASTER: Yes.

MR. ALLMON: Your Honor, the State did stipulate to it, yes.

THE COURT: Okay.

MR. ALLMON: And Your Honor, it's Mike Allmon for the State.

THE COURT: All right, and I will tell you that I just kind of -- this was just handed to me, the State's opposition, shortly before I took the bench. I haven't looked in detail. I don't know if you intend to file a reply or you guys can just argue them now. What do you want to do?

MS. WACASTER: I mean, it's up to Your Honor, obviously if Your Honor is inclined to deny my motion, I would ask for an evidentiary hearing.

The State did outline certain measures that were

supposedly taken after the warrant issued in December of 2018; however, there's already a big enough gap, even if you look at the State's argument in the light most favorable to them, which is obviously not the standard, but they don't even do anything with it until March 18th of 2021, when it's eventually assigned to someone. That's already a 27-month delay, which is more than *Inzunza*.

It takes them six and a half years before they ever look for him, before they find him in Louisiana, at his home. He stayed trouble free. He had two business licenses. He has lived openly and notoriously.

I do have a copy of my Exhibit O, I provided to Mr. Allmon this morning, that I had redacted on the actual pleadings because obviously that's not public information, so I did not attach it unredacted, but I have a copy this morning, if Your Honor would like to see it.

We have some significant issues here. I think -- if Your Honor needs more time to read the State's opposition, we can do that.

I think at the very least, we need an evidentiary hearing because the State needs to be able to bring these people in and say what actions they did actually take on this.

THE COURT: Well why -- why -- if you're saying even if they did what they did, it's not enough, what's the point of an evidentiary hearing.

MS. WACASTER: That's what I'm saying, so if Your Honor is inclined to grant my motion today, obviously we don't need an evidentiary hearing, but --

THE COURT: I am not, I am not.

MS. WACASTER: -- that's my point. Then I would request we have an evidentiary hearing at which point we can flush this out and call the witnesses who didn't do anything with this outstanding warrant. He at no point flees.

THE COURT: Didn't he know he was under investigation?

MS. WACASTER: Okay, so how this works out. He knew that there was an ongoing investigation, but Your Honor has to agree that there are a lot of investigations that ultimately don't result in charges.

THE COURT: Yes.

MS. WACASTER: Detective Martinez is part of the CPS Team of Investigation. So, when there was the allegations of sexual abuse, CPS gets notified. There is an immediate investigation that starts.

There were two subsequent interviews; one at the very beginning and then one in November, still both before any charges are filed or any warrant has issued for his arrest.

He tells Detective Martinez; hey, I'm -- I've moved in November. One, you can see from what I attached, he says I -- the detective acknowledges that he has moved, but doesn't ask him where he moved to or give any new contact information for

him.

Then, in December -- again early December, before the issue of the -- before the criminal complaint, my client contacted Detective Martinez via email, with the email that he still has this day that I communicate with him on, and the same phone number, with his updated phone number.

At no point in time does anyone reach out to him and say; hey, a criminal complaint and a warrant has actually been issued for you. You need to come back to Nevada or -- if he was still in Nevada at that time, you need to address this. At no point in time does anyone say anything like that to him.

I'm waiting on the underlying Family Court records. Obviously, I don't have access to those right now, but there was a separate pending Family Court case, where they may have -- very well had hearings and appearances in Family Court, subsequent to the issuance of the arrest warrant and the criminal complaint in December, but I don't have that information. The information has not been brought to me because I don't have those records yet. I'm waiting on those records.

But, beyond everything else, he was living openly and notoriously. They could have easily searched for him. Literally, I googled his name, and it comes up with the eviction case from December, or I think it’s -- I don't even remember at this point. Whenever in 2023, I think it’s April of 2023 is -- it’s on Google.

They didn't do any necessary measures to try and procure his appearance and bring him to trial. As soon as he finds out that -- he gets arrested right; as soon as he's brought out here, he comes to Justice Court. He files the appropriate motion with his Public Defender. They go to court to argue it; however the State at that point voluntarily dismisses the charges, waits an additional three weeks, and now goes to the Grand Jury and doesn't just indict on those four charges; they dismiss two of them, and add 60 more.

So, now we're standing here for 62 counts related to the same incident that happened six and a half years ago, and now we're not six and a half years, we're six years, nine months down the road.

MR. ALLMON: Your Honor, just -- plainly on this; there's just no prejudice to him at this point. When you look at the prejudice, it would be long incarceration; that doesn't exist here. And then, and he's out even. You know, the State has him on no bail, did not ask for bail at this point.

And so, there's a two-week incarceration, he's got essentially.

And then, as far as prejudice to the case itself, his right to defend himself, which is the whole point of *Doggett* right, is the idea that you go up and you have a fair trial. That's all there because he is interviewed back when this is initially disclosed, and when he's interviewed, if he had -- if

he had a so-called alibi, he would've preserved it at that point. He would've let the detectives know. It doesn't exist. And, he sat, he gave a full statement. He did not provide an alibi; anything that would've supposedly been helpful to his defense, he would've provided at the interview, or he would've at least try to preserve or reach out to someone; none of that exists.

When you look at the case law on this issue, on the actual prejudice, I mean we're talking about cases where they've even identified people where the Defendant will say; that guy is my alibi and that guy is dead, and he died after the police did not come and arrest me, and they say that's not enough either, you have to have something actual firm, some firm statement saying that this was a real alibi. You can't just point to someone that's dead.

The Defendant doesn't have an alibi. There is no alibi. There is nothing that he has lost that's exculpatory in this whole process, and that's the big thing to look at.

So, he's not lost any exculpatory evidence. He's not lost the opportunity to present any exculpatory evidence. He's not incarcerated.

And so, there's just essentially no prejudice to him in this case.

And then, if you look at that too, the actions of the police officers, that's a small factor. I would submit to you

that doesn't raise to the level of gross negligence, like it did in *Inzunza*.

So, you know, when you look at -- weighing it out, with all those factors, the factors just don't support the Defense, and again the biggest one being incarceration and prejudice; they're just not there at all.

MS. WACASTER: And Your Honor, obviously we have to go to the four-factor analysis. I understand the State wants to focus on prejudice, however, you have to talk about the length of the delay.

In the State's own opposition, it says the State does not dispute the six and a half year delay in apprehending Defendant is sufficient to trigger the analysis.

Then you get to factor two, which is the reason for the delay. That is the most important factor to look at in this case, because it is the lack of law enforcement in taking any steps necessary to try to get his appearance.

THE COURT: Is that really the most important? I don't know that that's the most important. Frankly, I would think other ones are more important.

MS. WACASTER: Okay, well that goes into factor three, which is he invoked his right to a speedy trial, so that factor is met; and factor four, which is the prejudice factor.

Under *Doggett*, it specifically indicates; excessive delay presumptively compromises the reliability of a trial in

ways that neither party can prove or for that matter identify. It's importance increases with the length of delay.

I appreciate the State's argument that they want to say that if he had an alibi, could have continued to mount a defense to a case he didn't know existed at the time back six and a half years ago, that is just one potential defense. That does not mean that, that is the defense we have to go with for the trial. That does not mean that witness issues haven't presented themselves. That does not mean that there is exculpatory evidence that we could have obtained six and a half years ago --

THE COURT: Like what?

MS. WACASTER: -- that any steps were taken.

THE COURT: Like what?

MS. WACASTER: So, one of the main things is the allegations in this case arise from supposedly the touching happens every time the child wanted to play an Xbox.

I talked to my client to see whether or not he can figure out exactly when he had started the Xbox, like monthly subscription service right. To do online stuff, they have to have a monthly subscription. It's six and a half years ago.

Trying to find information because contrary to -- but the -- in -- the alleged victim in this case is claiming, the timing is an issue.

There is also potential exculpatory evidence that this

same victim made the exact same allegations against a prior home and was removed from that home in 2012. There are issues that we have --

THE COURT: And how -- how is -- how -- you can't find them now? But you could've found it six years ago?

MS. WACASTER: I'm going to attempt to, but then trying to find those witnesses; memories change and things have changed.

Clearly from the initial disclosure by the alleged victim in this case, which only led to the original -- four -- original four charges, obviously changed six and a half years later because now here -- we're standing here and he's saying it's doing every day for two months. So, now here we are with 62 counts.

Things have already changed, and the prejudice to my client has exponentially grown. I don't have to list specifics, but those are some of them.

THE COURT: I want to -- I want to read the State's opposition and we'll come back whenever you guys want to come back.

MS. WACASTER: The sooner the better, Your Honor. I am going to be filing a writ -- a pretrial writ today because is my deadline on that. He is, at this point, under the statute, not going to be waiving his right to a speedy trial, however should the Court not make a decision on that writ, prior to 15

days before, I have discussed with him how that would affect the analysis. But, if we need to litigate that separately, I can do that as well. I would ask for as soon as possible.

THE COURT: How about Monday?

MS. WACASTER: That works. I have a trial starting that Monday, but if I do, and it's not resolved, I will let the Court know so we can --

MR. ALLMON: I also have a trial that morning, but I would assume I can get here first thing to argue.

THE COURT CLERK: November 17th at 9:30.

MS. WACASTER: And is Your Honor asking the State to have the witnesses present as well at the evidentiary hearing should we need to go into the actual -- the State's allegations and their claims that these things were taken, and these steps were taken, is not something that's just to be --

THE COURT: That's not my --

MS. WACASTER: -- relied upon by itself.

THE COURT: -- and if I need that, I'll set it --

MS. WACASTER: Okay.

THE COURT: -- I'm not setting this for an evidentiary hearing. I'm setting this to read -- to see if I need an evidentiary hearing.

Frankly, like I said, I'm less concerned with that -- the prong that you are more concerned with.

MS. WACASTER: Okay.

THE COURT: In terms of the evidentiary hearing, there's other things that concern me more.

MS. WACASTER: Okay.

THE COURT: That's low on my list. But, I'll give you plenty of time --

MS. WACASTER: Okay.

THE COURT: -- to subpoena, if that's what you're asking me.

MS. WACASTER: Thank you.

THE COURT: Yes.

The Proceedings Concluded at 10:57 a.m.

ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case to the best of my ability.

Yvette G. Sison
Court Recorder/Transcriber

Electronically Filed
11/10/2025 1:13 PM
Steven D. Grierson
CLERK OF THE COURT

PWHC
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Attorney for Benjamine Furlow

DISTRICT COURT
CLARK COUNTY

State of Nevada, Plaintiff, v. Benjamine Furlow, #7162385, Defendant.	Case No. C-25-394180-1 Dept. No. 18 Hearing Requested Date: Time:

PETITION FOR WRIT OF HABEAS CORPUS

To: The Honorable Judge of the Eighth Judicial District Court of The State of Nevada, in and for the County of Clark

Defendant-Petitioner's counsel, Tiffany Wacaster #15349, Deputy Special Public Defender, verifies and affirms as follows:

1. That I am a duly qualified, practicing, and licensed attorney in the City of Las Vegas, County of Clark, State of Nevada.

2. That Petitioner makes application for a Writ of Habeas Corpus; that the place where the Petitioner is actually or constructively imprisoned and restrained of his liberty is the Clark County Detention Center; that the officer by whom he is imprisoned and restrained is the Sheriff of Clark County Nevada.

Case Number: C-25-394180-1

3. That the constructive imprisonment and restraint of said Petitioner is unlawful because insufficient, unparticularized, and unduly suggestive evidence was presented to the grand jury to support Counts 1 through 60 of Lewdness with a Child Under the Age of 16 as charged in the Indictment.

4. Pursuant to NRS 34.700(b)(2), Petitioner consents that if the Petition is not decided within 15 days before the date set for trial, the Court may, without notice of hearing, continue the trial indefinitely or to a date designated by the Court. Petitioner is **not** waiving his statutory or constitutional right to speedy trial as it is believed the Petition can be heard at least 15 days prior to the date currently set for his invoked jury trial of January 5, 2026.

6. That Petitioner personally authorized me to commence this action.

WHEREFORE, Petitioner prays that this Honorable Court make an order directing the County of Clark to issue a Writ of Habeas Corpus directed to the said Sheriff of Clark County Nevada, commanding him to bring the Petitioner before your Honor, and return the cause of his imprisonment.

Dated November 10, 2025.

Verified and Submitted by,

F. Virginia Eichacker
Clark County Special Public Defender

/s/ Tiffany Wacaster
Tiffany Wacaster #15349
Deputy Special Public Defender

NOTICE OF HEARING

To: Clark County District Attorney, attorney for Petitioner.

Notice that the Clark County Special Public Defender, counsel for Defendant, will bring the above and foregoing petition for writ of habeas corpus on for hearing before the Court on the ____ day of _____, _____ at _____ a.m.

POINTS AND AUTHORITIES

I. Procedural History

Petitioner Benjamine Furlow is charged, by way of Indictment, with Counts 1 through 60: Lewdness with a Child Under the Age of 16 (Category B Felonies), Count 61: Attempt Sexual Assault with a Minor Under Sixteen Years of Age (Category B Felony), and Count 62: Battery with Intent to Commit Sexual Assault Victim Under 16 (Category A Felony) for alleged incidents occurring on or between March 1, 2017 and July 31, 2018. The State presented its case to the Grand Jury on September 16, 2025, during which a true bill was returned for the above charges. Benjamine was arraigned on October 20, 2025, at which point he pled not guilty and invoked his right to a speedy trial. Calendar Call is currently set for December 29, 2025, with a Jury Trial set to commence on January 5, 2026.

II. Statement of Facts

The allegations leading to the Indictment in this case are stated on information and belief from the contents of the Reporter's Transcripts of Proceedings from the grand jury proceedings held on September 16, 2025. *See* Exhibit A: Grand Jury Transcript. The State called one witness, K.F., who is the named victim.

Benjamine adopted K.F. approximately one year after fostering him, when K.F. was about thirteen years old. Ex. A at 7. Benjamine's partner Marcus, as well as K.F.'s sisters M.B. and T.B. also lived in the home. *Id*. at 8, 12. Around September 2018, K.F. reported that he had been sexually abused by Benjamine. *Id*. at 8-9. K.F. indicated that the first incident occurred when he was fourteen years old and he had

gone to Benjamine's room to ask to play a game. *Id*. at 9. Benjamine said K.F. could play the game "if you let me touch your penis or whatever," to which K.F. described his response as, "me being young and me liking the game I agreed to it." *Id*. K.F. described that Benjamine would then use his hand to stroke K.F.'s penis, and then K.F. would be allowed to play the game. *Id*. K.F. testified that this would occur "any time I wanted to play the game." *Id*. at 10. K.F. testified that this started "like a couple of months before I reported it" and that it was "a daily occurrence because I wanted to play the game every day." *Id*. at 11. (*Counts 1 through 60*).

K.F. also described a separate incident in September 2018 when K.F. was fifteen years old where Benjamine called K.F. to the closet to show him a pair of shoes; however, K.F. said there were no shoes, and when he entered the closet, Benjamine "whips his stuff out and he tries to force me to suck it but you know I don't do that and when he tried to do that I just ran out the closet and ran to my sisters and told them what had happened." *Id*. at 12-13. K.F. was asked to clarify what he meant by Benjamine trying to force K.F. to suck his penis, and K.F. said Benjamine "grabbed my head." *Id*. at 12. After telling his sisters M.B. and T.B. what happened, K.F. told Marcus when Marcus got home from work. *Id*. at 12-13. (*Counts 61 & 62*).

K.F. testified that he was interviewed in September 2018 and he did not disclose everything that happened because he "wasn't comfortable saying the other things." *Id*. at 13-14. K.F. testified that the incidents took place at a home near Saville Middle School in Clark County, but he could not remember the exact address. *Id*. at 14-15.

After K.F. was excused, the State informed the members of the grand jury that there were corrections officers present with K.F. during his testimony, as he had been convicted of Robbery since becoming an adult. *Id*. at 17.

III. Argument

To hold a defendant to answer for trial, the State must demonstrate by slight or marginal evidence that (1) a crime has been committed and (2) the defendant committed the crime. NRS 172.155(1); *Sheriff v. Dhadda*, 115 Nev. 175, 179-80, 980 P.2d 1062, 1065 (1999); *Frutiger v. State*, 111 Nev. 1385, 1389, 907 P.2d 158, 159 (1995); *Sheriff v. Hodes*, 96 Nev. 184, 186, 606 P.2d 178, 180 (1980). Probable cause requires that there shall be more evidence for guilt than against. It must be supported by evidence which inclines the mind to believe, though there may be room for doubt. The state of facts must be such as would lead a man of ordinary caution and prudence to believe and conscientiously entertain a strong suspicion. *State v. Von Brinken*, 86 Nev. 769, 773, 476 P.2d 733, 735 (1970) (*citing Ex Parte Kline*, 71 Nev. 124, 282 P.2d 367 (1955)). A writ of habeas corpus shall be granted if there is a lack of legal probable cause to show that a crime was committed, and that the defendant committed the crime. *In re Rowland*, 74 Nev. 215, 2018, 326 P.2d 1102, 1103 (1958).

A. Lack of Particularity & Unnecessarily Suggestive Questions as to Counts 1 through 60

Benjamine is charged in Counts 1 through 60 of the Indictment with Lewdness with a Child Under the Age of 16 for which the State failed to produce slight or marginal evidence to support each and every charge.

The Nevada Supreme Court has held that testimony of a sexual assault victim standing alone, is enough to uphold a conviction. *LaPierre v. State*, 108 Nev. 528, 531, 836 P.2d 56, 58 (1992) (*citing Deeds v. State,* 97 Nev. 216, 217, 626 P.2d 271, 272 (1981); and *Henderson v. State*, 95 Nev. 324, 326, 594 P.2d 712, 713 (1979)). However, the Court has also held that the victim "must testify with *some* particularity regarding the incident in order to uphold the charge." *LaPierre v. State*, 108 Nev. at 531, 836 P.2d at 58. "We do not require that the victim specify exact numbers of

incidents, but there must be some reliable indicia that the number of acts charged actually occurred." *Id*.

Although the above standard was outlined in relation to testimony during a jury trial, it should similarly be relied upon by this Court for purposes of evaluating the instant grand jury proceedings and whether there was slight or marginal evidence to support the sixty counts of Lewdness. Should the State argue that this standard is inapplicable to grand jury proceedings, it is requested this Court look to Instruction Number 11 of Exhibit 2A which was given to the grand jurors in the instant case. *See* Exhibit B: Page 5 of GJ Exhibit 2A.

When analyzing the instant case, the following questioning and testimony relating to Counts 1 through 60 are important for consideration:

> State: Did that happen only once?
> K.F.: No, it happened any time I wanted to play the game.
> …
> Q: Would it be every time you played the Xbox?
> A: Every time.
> …
> Q: Okay. And was that sexual act the same every time?
> A: Every time.
> Q: Okay. And you say it happened when you were 14 is when it first started?
> A: Yes, sir.
> Q: Was that like a month before you reported it, a year before you reported it or something different?
> A: *I would say it was like a couple of months before I reported it*.
> Q: Okay. So a couple months before you reported it is when it started happening?
> A: Uh-huh.
> Q: And then was it a daily occurrence or a weekly occurrence or something different?
> A: I would say a daily occurrence because I wanted to play the game every day.
> Q: Okay. So weekdays and weekends do you think?
> A: Every day.
> Q: *So every day for about two months?*
> A: Yes.

Ex. A at 10-11. (emphasis added)

> Q: All right. So you said this happened for *about two months* every day before that; is that correct?
> A: Yes.

Ex. A at 15. (emphasis added)

This questioning by the State and resulting answers by K.F. clearly indicate that K.F. did not know exactly how many times the acts occurred, nor provided an estimate himself. It was not until the State introduced the time period of *two months* – i.e.: two months equals sixty days, which defense counsel is assuming is how the State got to sixty counts – that there was any suggested number of times the acts occurred. In fact, K.F. merely testified that the acts occurred more than once, and that the time frame was "like a couple of months before I reported it" – not that the acts had been happening every day for two months, until such was suggested by the State.

The State improperly asked K.F. leading questions, which he answered in the affirmative without any indicia of specificity. Such suggestive questioning by the State of a "two month" period, where the initial testimony by K.F. was just that it took place "like a couple of months before I reported it," is not specific enough indicia to support a finding of slight or marginal evidence that sixty charged counts of Lewdness were committed. Had the State followed up with more questions to elicit potential support for the sixty charged counts of Lewdness, this argument would likely fail and maybe some or all of the charges could stand; however, the significant lack of testimony as to any reliable indicia of timing or details in this case is glaring. As such, Counts 1 through 60 of Lewdness with a Child Under the Age of 16 must be dismissed.

CONCLUSION

There was insufficient, unparticularized, and unduly suggestive evidence presented to the grand jury to support Counts 1 through 60 of Lewdness with a Child Under the Age of 16. As such, Benjamine Furlow respectfully requests this Court dismiss Counts 1 through 60 of the Indictment against him.

Dated November 10, 2025.

Respectfully submitted,

F. Virginia Eichacker
Clark County Special Public Defender

/s/ Tiffany Wacaster
Tiffany Wacaster #15349
Deputy Special Public Defender

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Eighth Judicial District Court by using the Court's mandatory electronic filing system (EFS). The EFS will serve a file-stamped copy of this document on all participants to this matter who are registered users. EJDC Rule 8.04; NEFCR. The EFS will provide proof of service by email to all addresses listed in the service list for that particular case, including:

Party	**Email**
State of Nevada	motions@clarkcountydanv.gov
Michael Allmon	Michael.Allmon@clarkcountydanv.gov

Dated November 10, 2025.

Signed,

/s/J. McCall

An employee of the
Special Public Defender

EXHIBIT A

Electronically Filed
9/23/2025 8:23 AM
Steven D. Grierson
CLERK OF THE COURT

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA, Plaintiff, vs. BENJAMINE FURLOW, Defendant.	GJ No. 25AGJ176X DC No. C394180

Taken at Las Vegas, Nevada

Tuesday, September 16, 2025

10:32 a.m.

REPORTER'S TRANSCRIPT OF PROCEEDINGS

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

Case Number: C-25-394180-1

GRAND JURORS PRESENT ON SEPTEMBER 16, 2025

SABRINA POND, FOREPERSON
CHRISTOPHER DI MURO, DEPUTY FOREPERSON
BARBARA WILLIAMS, Secretary
CHERYL TAUBER, Assistant Secretary
KEN BRENGLE
RICHARD CLARK
DEBORAH CORNELL
EBONY HEARON
ZOE HIGH
DEBBIE JONES
DAVID LYNCH
MICHAEL MAYER
SCOTT MCKENZIE
NORMA PRICE
NANCY SCHERER
LORRISHAMAE SLAUGHTER

Also present at the request of the Grand Jury:
Michael Allmon, Deputy District Attorney

12:00

INDEX OF WITNESSES

	Examined
KOLBION FURLOW	6

INDEX OF EXHIBITS

Grand Jury Exhibits	Identified
1 - PROPOSED INDICTMENT	5
1A - AMENDED PROPOSED INDICTMENT	16
2 - INSTRUCTIONS	5
2A - INSTRUCTIONS	16
3 - PHOTO	7

12:00

LAS VEGAS, NEVADA, SEPTEMBER 16, 2025

* * * * * * *

DANETTE L. ANTONACCI,

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

MR. ALLMON: Good morning everyone. I am
10:32 Deputy District Attorney Michael Allmon. I'm presenting the case State of Nevada versus Benjamin Furlow. Before you you have the Grand Jury proposed Indictment and the instructions. Those together provide the elements of the crimes. If at any time you need questions or
10:33 answers, you have questions or need answers on the elements go ahead and raise your hand I will answer those questions. Of course at any time if you have a question of the witness go ahead and ask.

With that I will call our first witness
10:33 here.

The Grand Jury proposed Indictment is Exhibit 1 and the instructions are Number 2.

THE FOREPERSON: Please stand and raise your right hand.

10:33 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, ma'am.

THE FOREPERSON: You may be seated.

You are advised that you are here today to give testimony in the investigation pertaining to the offenses of attempt lewdness with a child under the age of 16, lewdness with a child under the age of 16, attempt sexual assault with a minor under 16 years of age, involving Benjamin Furlow.

Do you understand this advisement?

THE WITNESS: Yes, ma'am.

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

THE WITNESS: Kolbion Furlow.

K-O-L-B-I-O-N, Furlow, F-U-R-L-O-W.

KOLBION FURLOW,

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 Kolbion.

10:34 A. Good morning.
Q. Sir, how old are you today?
A. I'm 22 years old.
Q. What's your date of birth?
10:34 A. June 27, 2003.
Q. I'm going to show you Exhibit 3. Do you recognize this?
A. Yes, sir.
Q. What is Exhibit 3?
10:35 A. Exhibit 3 is Benjamin Furlow.
Q. Does that picture fairly and accurately depict him?
A. Yes, sir.
Q. Okay. Now Benjamin, what's his
10:35 relationship to you?
A. He was my adopted father when I was in foster care.
Q. Now approximately when did he adopt you?
A. He adopted me I'd say a year after we were
10:35 his foster kid so I want to say when I was like 13.
Q. Okay. Do you think you moved with him around 12 then?
A. Yes.
Q. You moved in with him at 12 and he was your
10:35 foster parent at that point?

A. Yes, sir.
Q. And at 13 he adopted you?
A. Yes.
Q. So he adopted you. Did you have another foster parent that became your adopted parent as well?
A. No, just Furlow. I mean Benjamin Furlow.
Q. Was there another adult living in the house?
A. Yes, sir.
Q. Who was that?
A. Marcus Sibley.
Q. What was Marcus and Benjamin's relationship?
A. They were boyfriends I guess.
Q. Okay. So live-in boyfriends between the two of them?
A. Yes.
Q. But only Benjamin adopted you?
A. Yes.
Q. And only Benjamin was officially your foster father?
A. Yes.
Q. So you reported this in around September of 2018, right?
A. Yes, sir.

Q. And did the abuse happen before September of 2018?
A. Yes.
Q. Approximately when did the abuse start?
A. When I was 14.
Q. And when, what was the first time that the defendant ever tried to do anything sexually to you?
A. The first time he ever tried to do something sexual is when he called me to his room and I had went in there to ask him to play a game and he had told me if you let me touch your penis or whatever I'll let you play the game for as long as you want. And me being young and me liking the game I agreed to it.
Q. And would he touch your penis after that?
A. Yes.
Q. What part of his body touched your penis?
A. His hand.
Q. And what would he do with his hand?
A. He would stroke my penis.
Q. I know it's an obvious question but you have to answer it. Okay?
A. Uh-huh.
Q. So he would stroke your penis and after that he would let you play the game?
A. Yes.

Q. Did you want that to happen?
A. No.
Q. Did you consent to that?
A. No.
Q. Did you feel like you could tell him no with him being your father, your adopted father?
A. No.
Q. Did that happen only once?
A. No, it happened any time I wanted to play the game.
Q. And the game is what?
A. The video, Xbox.
Q. So you wanted to play Xbox and if you wanted to play it you had to go get his permission it sounds like?
A. Yes.
Q. Would it be every time you played the Xbox?
A. Every time.
Q. So if you want to play the Xbox you basically had to go in his room, get permission and then he would say you have to do the act?
A. Yes.
Q. Okay. And was that sexual act the same every time?
A. Every time.

Q. Okay. And you say it happened when you were 14 is when it first started?

A. Yes, sir.

Q. Was that like a month before you reported it, a year before you reported it or something different?

A. I would say it was like a couple of months before I reported it.

Q. Okay. So a couple months before you reported it is when it started happening?

A. Uh-huh.

Q. And then was it a daily occurrence or a weekly occurrence or something different?

A. I would say a daily occurrence because I wanted to play the game every day.

Q. Okay. So weekdays and weekends do you think?

A. Every day.

Q. So every day for about two months?

A. Yes.

Q. Now was there a time that he tried to do something in addition to touching your penis with his hand?

A. Like?

Q. Was there an incident in the closet?

A. Yes.
Q. Tell me about what happened in the closet.
A. Okay. In the closet, well, basically what happened he had called me to show me a pair of shoes.
Q. When you say show me a pair of shoes and while you're saying that you're doing air quotes.
A. Yeah, because there wasn't no shoes. So when I come in there, he whips his stuff out and he tries to force me to suck it but you know I don't do that and when he tried to do that I just ran out the closet and ran to my sisters and told them what had happened.
Q. Okay. And you say that he tried to force you to suck it. And what was it?
A. His penis.
Q. Okay. How did he try to force you to do it?
A. He grabbed my head.
Q. And you said you ran to your sisters and you told them what happened?
A. Yes.
Q. Who are your sisters?
A. Markajia Marie Bennett and Tonjanique Muriah Bennett.
Q. Can you spell those for the court reporter?

A. Markajia Marie Bennett is M-A-R-K-A-J-I-A, M-A-R-I-E, B-E-N-N-E-T-T, and then Tonjanique Muriah Bennett is T-O-N-J-A-N-I-Q-U-E, M-U-R-I-A-H, B-E-N-N-E-T-T.

Q. So you ran and told them. What did you tell them happened?

A. I told them that Benjamin Furlow tried to force me to suck his penis in the closet.

Q. Did you eventually tell an adult what happened?

A. Yes, I told Marcus Sibley when he came back home from work.

Q. And so you told Marcus what happened. And is this the first day that he did something other than touching your penis?

A. Yes.

Q. Now when you interviewed you were how old?

A. Like 15.

Q. Okay. So this is again September of 2018 so you're about 15 you said?

A. Yes.

Q. And at that point is it fair to say that you weren't, you didn't exactly provide all of the events that happened, right?

A. No, I didn't.

Q. Why is that?
A. I wasn't comfortable saying the other things.
Q. So you were a teenager, now you're an adult, and so there's actually more to it than what we were talking about when you were a teenager, right?
A. Yes.
Q. Do you remember where this happened? Do you remember if it was in Las Vegas, Clark County, Nevada?
A. It was in Las Vegas.
Q. Do you remember the house you lived in at the time?
A. It was some houses that's by the middle school of Saville.
Q. You don't remember the exact address?
A. I don't remember the exact address.
Q. Were you going to Saville Middle School at the time?
A. Yes, sir.
Q. So you guys lived in a house that was close to that?
A. Yes.
Q. And of course that's in Las Vegas, Clark County, Nevada?

A. Yes.

Q. All right. So you said this happened for about two months every day before that; is that correct?

A. Yes.

Q. Anything else? Is there anything else that we're missing?

A. No.

MR. ALLMON: All right. That's all the questions I have for this witness. Do any members of the Grand Jury have any questions? No?

Okay. Seeing no hands.

THE FOREPERSON: 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, ma'am.

10:44 THE FOREPERSON: Thank you. You may be excused.

THE WITNESS: Thank you.

MR. ALLMON: That's going to conclude our witnesses today. I will be back at a break with an amended Indictment which I'll have you guys deliberate on at that point. Okay. Can we go off the record?

(Recess.)

MR. ALLMON: So back on the record.

11:56 There is an amended Indictment essentially that's going to be marked as 1A and then there's going to be additional instructions that will be 2A. But specifically what you're looking at, the amendment, there are no attempted lewdnesses on this count. Okay? 11:57 So it's going to be lewdness with a child under the age of 16, attempted sexual assault with a minor under 16 years of age and battery with intent to commit sexual assault with a victim under 16.

Lewdness is going to be basically, did on 11:57 or between March 1, 2017 and July 31, 2018, willfully lewdly, unlawfully and feloniously commit a lewd or lascivious act upon or with the body or any part or member thereof of a child, to-wit: K.F., a child under the age of 16 years, by rubbing, touching and/or 11:57 fondling the said K.F.'s genitals with the intent of

arousing, appealing to or gratifying the lust, passion or sexual desires of the defendant or K.F. That is going to be counts, the language there is going to be the same for Counts 1 through 60.

Count 61 will be attempted sexual assault with a minor under 16 years of age. There is no change from the original of that.

And then 62 will be battery with intent to commit sexual assault, victim under 16. That the defendant did, on or between March 1, 2017 and July 31, 2018, willfully, unlawfully and feloniously use force or violence upon the person of another, to-wit: K.F., a child under 16 years of age, with the intent to commit sexual assault by grabbing and pulling the victim's head toward the defendant's genitals with the intent that K.F. perform fellatio on the defendant.

For the record too we had two corrections officers here with the victim. Those were B. Heaton, P number 32192, and R. Tobar, P number 29333. And so the victim you saw testifying here today, since he's been an adult, he has been convicted of robbery.

All right. So with that I will turn it over for deliberations.

///

///

11:59 (At this time, all persons, other than members of the Grand Jury, exit the room at 11:59 a.m. and return at 12:04 p.m.)

THE FOREPERSON: Mr. District Attorney, by
12:04 a vote of 12 or more grand jurors a true bill has been returned against defendant Benjamin Furlow charging of the crimes lewdness with a child under the age of 16, and sexual, sorry, attempt sexual assault with a minor under 16 years of age, and battery with intent to commit
12:04 sexual assault-victim under 16, in the case number 25AGJ176X. We instruct you to prepare an Indictment in conformance with the proposed Indictment previously submitted to us.

MR. ALLMON: Thank you.

12:04 (Proceedings concluded.)

--oo0oo--

12:04

REPORTER'S CERTIFICATE

STATE OF NEVADA)
: ss
COUNTY OF CLARK)

12:04

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

12:04

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,

12:04

September 23, 2025.

/s/ Danette L. Antonacci

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

12:04

AFFIRMATION

Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding TRANSCRIPT filed in GRAND JURY CASE NUMBER 25AGJ176X:

_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
_____ 9-23-25
Signature Date

Danette L. Antonacci
Print Name

Official Court Reporter
Title

EXHIBIT B

INSTRUCTION NO. 8

Battery with Intent to Commit Sexual Assault is any person who commits a battery upon another with the specific intent to commit a Sexual Assault.

INSTRUCTION NO. 9

"Battery" means any willful and unlawful use of force or violence upon the person of another.

The force used by the defendant need not be violent or severe, and need not cause bodily pain or bodily harm. Any slight touching by the defendant upon the person of another suffices, as long as the touching was intentional and unwanted.

The word "willfully", when applied to the intent with which an act is done, implies simply a purpose or willingness to commit the act in question. It does not require in its meaning that the defendant held any intent to violate any law, or to injure another, or to acquire any advantage.

INSTRUCTION NO. 10

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

INSTRUCTION NO. 11

Where multiple counts are charged, the alleged victim must testify with some particularity regarding each incident in order to uphold each charge. There must be some reliable indicia that the number of acts charged actually occurred. If you find that the State has not proven that there is a reliable indicia that the number of acts alleged actually occurred, you must find the Defendant not guilty as to those individual counts.

There is no absolute requirement that the State allege the exact date of the offense charged, but may instead give the approximate date on which it believes the crime occurred. However, the alleged victim must testify with some particularity regarding the incident in order to find the Defendant guilty as to each count.

GJ Case # 25AGJ176X

Exhibit # 2 A

Date 9-16-25

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	**COURT MINUTES**	**November 17, 2025**
C-25-394180-1	State of Nevada vs Benjamine Furlow	**Department 18**

November 17, 2025 **09:30 AM** **Defendant's Motion to Dismiss for Violation of Defendant's State and Federal Right to Speedy Trial Pursuant to State v. Inzunza**

HEARD BY: Holthus, Mary Kay **COURTROOM:** RJC Courtroom 03F

COURT CLERK: Yorke, Dara

RECORDER: Sison, Yvette G.

REPORTER:

PARTIES PRESENT:

Benjamine Furlow	**Defendant**
Michael Donovan Allmon	**Attorney for Plaintiff**
State of Nevada	**Plaintiff**
Tiffany Wacaster	**Attorney for Defendant**

JOURNAL ENTRIES

Deft. present out of custody via Zoom video conference.

Court noted it's understanding was Ms. Wacaster was not filing a Reply, which Ms. Wacaster concurred. Court indicated Ms. Wacaster was welcome to argue. Ms. Wacaster informed the Court the only new development obtained was two documents. Court inquired as to the time lapse of charges being filed, and Deft. leaving the jurisdiction. Further statements by Ms. Wacaster regarding Deft.'s interview with detectives. Further, Ms. Wacaster requested to make Arizona Records an exhibit, which she did provide a copy to the State. Exhibits presented (see worksheet). Court advised, it didn't believe prejudice was substantial, and arguably FINDS the timing could be argued to be fleeing the jurisdiction. COURT ORDERED, Defendant's Motion to Dismiss for Violation of Defendant's State and Federal Right to Speedy Trial Pursuant to State of Inzunza was hereby DENIED for the reasons set forth in State's paperwork. Ms. Wacaster requested a stay at the instant time and to order the Transcripts from the instant hearing as well as from the previous Monday, November 10, 2025. No objection by Mr. Allmon. Court inquired if Deft. was on board with the stay, which Deft. concurred. Court explained, it would make the time longer. COURT DIRECTED Ms. Wacaster to submit an Order for stay and Transcripts, and the State to submit an Order and findings. COURT FURTHER ORDERED, status check SET in 90 days; calendar call and jury trial VACATED. Ms. Wacaster requested to stay the Petition for Writ of Habeas Corpus as well. COURT SO ORDERED. No objection by Mr. Allmon. Colloquy regarding terms of release and no contact orders. Following colloquy, COURT ADDITIONALLY ORDERED, Deft. to have no contact with minor's under 18.

NIC

2/18/26 9:30 AM STATUS CHECK: STAY

Electronically Filed
11/21/2025 2:06 PM
Steven D. Grierson
CLERK OF THE COURT

TRAN

DISTRICT COURT

CLARK COUNTY, NEVADA

STATE OF NEVADA, Plaintiff (s), vs. BENJAMINE FURLOW, Defendant (s).	CASE NO. C-25-394180-1 DEPT. XVIII **Transcript of Proceedings**

BEFORE THE HONORABLE MARY KAY HOLTHUS, DISTRICT COURT JUDGE

MONDAY, NOVEMBER 17, 2025

DEFENDANT'S MOTION TO DISMISS FOR VIOLATION OF DEFENDANT'S STATE AND FEDERAL RIGHT TO SPEEDY TRIAL PURSUANT TO STATE V. INZUNZA

APPEARANCES:

FOR THE STATE: MICHAEL ALLMON, ESQ.
Deputy District Attorney

FOR THE DEFENDANT: TIFFANY WACASTER, ESQ.
Special Public Defender

RECORDED BY: YVETTE SISON, COURT RECORDER

LAS VEGAS, NEVADA, MONDAY, NOVEMBER 17, 2025 AT 10:08 A.M.

THE COURT CLERK: State of Nevada versus Benjamine Furlow, C392180; Defendant is on Zoom.

MR. ALLMON: Good Morning, Your Honor, Michael Allmon for the State.

THE COURT: Good Morning.

MS. WACASTER: Tiffany Wacaster, #15349 on his behalf; he is present at liberty on Zoom.

THE COURT: My understanding is you did not intend to reply, correct?

MS. WACASTER: Correct. So, I did not -- I was not in the office on Thursday or Friday. I was at a training all day. I received your law clerk's voicemail this morning. My intention was not to file a reply --

THE COURT: Okay.

MS. WACASTER: -- based on the arguments last week, and then if Your Honor had any questions, I could further argue today.

THE COURT: No, I mean it's -- you're welcome to argue.

MS. WACASTER: The only new development that I have since last week, is I did obtain two different documents. One, he had an Arizona ID card that was issued to him in June of 2022.

THE COURT: Can you tell me what the time lapse between the charges being filed and him leaving the jurisdiction.

MS. WACASTER: When he leaves and goes to Arizona?

THE COURT: When he leaves, I don't care where he goes.

MS. WACASTER: Benjamine, when did you leave and go to Arizona -- it was a --

THE COURT: How long after the conversation with Metro?

MS. WACASTER: -- so Metro's conversation with him was -- let me get my list -- his interview with detectives was on November 8th of 2018. How long after November 8th of 2018 was it before until you moved to Arizona?

THE DEFENDANT: I moved -- I started my job in Arizona on November 11th of 2018.

MS. WACASTER: And so, at the time of the hearing -- or I mean the interview on November 8th, Detective Martinez acknowledges that he had moved already but doesn't get a new address for him or anything like that.

So, he says -- they're outside, I belief it's where Safe Haven or Child Haven was. He acknowledges that he had moved but doesn't obtain any new information for him, any address or anything like that. My client stays in contact with him and provides him then the updated phone number.

So, he moves to Arizona, starts his job, and then in December when he changes his phone number, ends up sending Detective Martinez an email with that current phone number, so he can continue to stay in contact with him. Because they did say it was ongoing investigation. They weren't sure whether or not charges were gonna be filed, whatever was happening with the tangential Family Court CPS case, was also still going on at the time.

My understanding is that the ultimate termination of his parental rights did not actually happen until August of 2019, was that what it was Mr. Furlow?

THE DEFENDANT: Yes.

MS. WACASTER: It was August of 2019. So, at that point, he's having communication with not only the detective but as well as his Family Court lawyer while those termination proceedings were happening.

THE COURT: What was the basis for the termination?

MS. WACASTER: I believe it's because he pled no contest to a Family Court proceeding, so then that way he did not have to have the children put back with him.

He was their adopted father, and they had told him that depending on how it was gonna go, if he was to fight the case and succeed in Family Court, they would try to do reunification, and my client didn't want that.

THE COURT: Okay.

MS. WACASTER: And I am still waiting on those specific records to figure out exactly what happened in Family Court, as well as CPS.

And, Your Honor, if I may approach with the Arizona Department of Transportation records, I would just ask that this be made a court exhibit please.

THE COURT: Sure.

MS. WACASTER: And I did give a copy to the State.

THE COURT: Okay.

MR. ALLMON: That's correct.

THE COURT: All right, on the whole -- on the balance, it's not ideal, and they probably could've done more, but at the end of the day, I don't think it warrants dismissal of the charges.

I don't think that the prejudice is so substantial. He clearly was aware that this was going on back at the time, and to the extent that there was an alibi. He was interviewed by the police several times. There was no mention of I was someplace else, I was doing something someplace else; I just don't see it.

And, I think arguably, the timing could be argued to be fleeing the jurisdiction. I find it coincidental that right around the time these very serious allegations come out, he starts a new job and takes off; and for the other reasons set forth in the State's paperwork.

We'll go ahead and make this Defense exhibit -- is that what you want to do, exhibit -- Defense exhibit? Is that what you want?

MS. WACASTER: Yes please.

[Colloquy - the Court and the clerk]

MR. ALLMON: I have no objection, it appears to be a certified record from Arizona, so.

THE COURT: I looked at it, but it's hers. You can do what you want. What are we doing?

THE COURT CLERK: Defense exhibit.

THE COURT: Okay, we're doing Defense exhibit.

MS. WACASTER: And Your Honor, based on that, I would just be asking for a stay at this time, and asking for the order of the transcript from this hearing, as well as from last Monday.

THE COURT: State, any objection?

MR. ALLMON: No Your Honor.

THE COURT: Okay. Mr. Furlow, you're on board with that as well?

THE DEFENDANT: With what part?

THE COURT: The stay.

MS. WACASTER: So, the Judge did not dismiss, she denied our motion this morning, and so I asked for a stay so we can writ it to the Supreme Court like we discussed.

THE DEFENDANT: Yes, that's fine, definitely.

THE COURT: All right, you understand it's just going to exacerbate the time. It's going to make it even longer.

THE DEFENDANT: Yes, that's fine.

THE COURT: Okay.

MS. WACASTER: Thank you. And do I need to submit --

THE COURT: Let's do -- you'll need to submit an order and --

MS. WACASTER: Okay.

THE COURT: -- State, you'll need to submit an order and findings please.

MR. ALLMON: Yes, Your Honor.

THE COURT: And --

MR. ALLMON: Does the Court want additional findings about the fleeing that --

THE COURT: -- I want all the findings. It's those specifically, but the totality of your opposition is the basis for my ruling.

THE COURT RECORDER: Judge, can you ask her to submit an order for the transcripts please.

THE COURT: And, she'll need an order for transcripts.

MS. WACASTER: Okay, understood.

THE COURT RECORDER: Thank you.

THE COURT: And what else do we need to do? Status check it what, like 90 days you think?

MS. WACASTER: I think so, that should be fine.

MR. ALLMON: Sounds good.

THE COURT: All right.

MR. ALLMON: And, I think we have a January --

MS. WACASTER: Trial.

MR. ALLMON: -- trial date set right now, so.

THE COURT: So, we'll go ahead and grant -- not grant that, we'll vacate that right?

MS. WACASTER: Yes.

MR. ALLMON: Yes please.

THE COURT CLERK: And what about the petition for the writ?

THE COURT: What about the writ?

MS. WACASTER: Obviously, I would ask that that be stayed as well until we can either have a decision or something going on from the Supreme Court.

THE COURT: You got it. You don't object do you?

MR. ALLMON: No, Your Honor.

THE COURT CLERK: February 18th at 9:30.

MS. WACASTER: Thank you.

THE COURT: Any terms with Mr. Furlow's release?

MR. ALLMON: He has a warrant currently, Your Honor.

THE COURT: He's got nothing? I mean any --

MR. ALLMON: I just ask for no contact.

THE COURT: -- minor contact type thing?

MS. WACASTER: He doesn't have any children, he

doesn't have any contact with any minors. If Your Honor wants to impose a no contact --

THE COURT: Yes.

MS. WACASTER: -- with minors under the age of 18, that's not a problem.

THE COURT: Yes please, that'll be the order.

MS. WACASTER: Thank you.

Proceedings Concluded at 10:17 a.m.

ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case to the best of my ability.

Yvette G. Sison
Court Recorder/Transcriber

Case No.: **C394180**

Dept. No.: **18**

Plaintiff: State of Nevada

vs.

Defendant: Benjamine Furlow

Hearing Date: 11/17/25

Judge: Mary Kay Holthus

Court Clerk: Dara Yorke

Recorder: Yvette Sison

Counsel for Plaintiff: Michael Allmon, Esq.

Counsel for Defendant: Tiffany Wacaster, Esq.

HEARING BEFORE THE COURT

DEFENDANT'S EXHIBITS

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted
A	Arizona Motor Vehicle Record	11/17/25	No	11/17/25

ADOT

Motor Vehicle Division

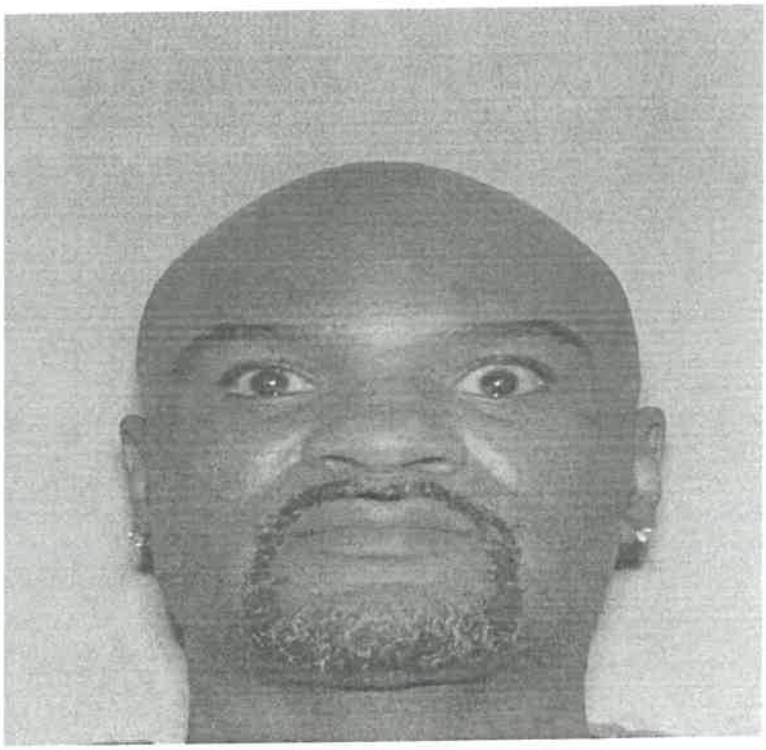
15-1009 R4/22 azdot.gov

PHOTO MOTOR VEHICLE RECORD

License Number

K42905412

Image Date: 06/25/2022



Name

Benjamine Furlow, III

Address

6857 W Carter Rd
Laveen, AZ 853397052

Date of Birth

06/27/1973

Gender	Height
Male	5' -11"

Weight	Eyes	Hair
195 lb	Brown	Brown

This document is a certified duplicate of the information contained in the computer storage devices of the Department of Transportation, Motor Vehicle Division, in accordance with Arizona Revised Statutes section 28-444.

DEFENDANT'S EXHIBIT A

CR-2022-011180

0230

11/17/25

PENGAD 800-631-6989

ARIZONA
— DEPARTMENT OF —
TRANSPORTATION

62-8405 R03/25 azdot.gov

CERTIFICATE OF AUTHENTICATION

The duly appointed Division Director, Arizona Department of Transportation, Motor Vehicle Division, certifies that the signature on the accompanying document(s) is that of the Custodian of Records related to the issuance of Arizona titles and driver licenses for the Motor Vehicle Division, Arizona Department of Transportation, and is incumbent in the office and the signature is genuine.

Eric R. Jorgensen
DIVISION DIRECTOR
Motor Vehicle Division
Arizona Department of Transportation

Date: 10/24/2025

ARIZONA
DEPARTMENT OF TRANSPORTATION
MOTOR VEHICLE DIVISION

40-0205 R05/25 azdot.gov

Mail Drop 504M
Records Management Unit
Motor Vehicle Division
PO Box 2100
Phoenix AZ 85001-2100

RECORD NOT AVAILABLE

Date:
10/24/2025

Document Names:
Uncertified Vehicle Record

Record Requested For:
Benjamine Furlow III DOB: 06/27/1973

The documents requested are not available for the following reasons:

- ☐ In response to your request, there is no existing driver and/or vehicle record in the Arizona record system based on the information you provided.
- ☒ As of this date, we are unable to locate any vehicles for the individual shown above.
- ☐ Record destroyed per approved Records Retention and Disposition Schedule.
- ☐ Extensive search was unable to locate the document.
- ☐ Document is a Medical Review Report. We are unable to provide this information. For procedures to obtain a medical file, please call 602.771.2460.

Other:

ARIZONA
— DEPARTMENT OF —
TRANSPORTATION

62-8405 R03/25 azdot.gov

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Eric R. Jorgensen
DIVISION DIRECTOR
Motor Vehicle Division
Arizona Department of Transportation

Date: 10/24/2025

Extended Certified MVR As of: 10/24/2025 10:00 AM

This document is a certified duplicate of the information contained in the computer storage devices of the Department of Transportation, Motor Vehicle Division, in accordance with Arizona Revised Statutes section 28-444.

AZ Privilege Status: 10/24/2025

Commercial: Eligible

Non-Commercial: Eligible

ID Card: Licensed

Earliest Commercial Eligibility Date in Arizona: N/A

Earliest Noncommercial Eligibility Date in Arizona: N/A

Customer Information

Name	DOB	DLN	Customer Number	Gender	Eye	Hair	Height	Weight
Benjamine Furlow, III	06/27/1973	K42905412	16290082	Male	Brown	Brown	5' -11"	195 lb

Street	City	State	ZIP	AddressType
6857 W Carter Rd	Laveen	AZ	853397052	Physical

Current Credential

Credential Type	Issue Date	Expiration Date	Restrictions	Endorsements	Attributes
Class I Identification Card	06/25/2022				

AKA Data

Name Type	Name	DOB	DLN
Legal Name	Benjamine Furlow, III	06/27/1973	

Address

Type	Street	Ste, Apt, Etc	City	State	Zip Code	Source	Active
Physical	6857 W Carter Rd		Laveen	AZ	853397052	Application	Yes

Prior Credentials

No Prior Credentials

Driving History Points as of 10/24/2025 12 Months (0 Points) | 36 Months (0 Points)

No history within specified period

ARIZONA
— DEPARTMENT OF —
TRANSPORTATION

62-8405 R03/25 azdot.gov

CERTIFICATE OF AUTHENTICATION

The duly appointed Division Director, Arizona Department of Transportation, Motor Vehicle Division, certifies that the signature on the accompanying document(s) is that of the Custodian of Records related to the issuance of Arizona titles and driver licenses for the Motor Vehicle Division, Arizona Department of Transportation, and is incumbent in the office and the signature is genuine.

Eric R. Jorgensen
DIVISION DIRECTOR
Motor Vehicle Division
Arizona Department of Transportation

Date: 10/24/2025

ADOT
Motor Vehicle Division
40-5122 R10/21 azdot.gov

TRAVEL LICENSE / IDENTIFICATION APPLICATION

What are you applying for?

☐ Driver License ☒ Identification Card ☐ Commercial License
☐ Permit (Not For Federal Identification) ☐ CDL Permit (Not For Federal Identification) ☐ Motorcycle

Contact Number (optional): (480) 881 4474

Have you ever had a DL/ID issued in Arizona? ☐ **Yes**

Social Security Number	Applicant Name (First, Middle, Last)	Suffix
385-88-8220	Benjamine Furlow	III

Residence Street Address	(Apt / Unit #)	City	State	Zip
6857 W Carter Rd		Laveen	AZ	85339
Mailing Address (if different from above) ☐ *Appear on license*	(Apt / Unit #)	City	State	Zip

Sex	Weight (lbs)	Height (Ft/In)	Eye Color	Hair	Date of Birth (Month/Day/Year)
☐ Female ☒ Male	195	5 11	brown	brown	06 27 1973

Voter Registration: Do you want to register to vote or update your voter registration **and** do you meet all the following eligibility requirements? (1) I am a **U.S. citizen**; (2) I am an **Arizona resident**; (3) I will be at least **18 years old** by the next general election; (4) I have **NOT** been convicted of a **felony** (or had my civil rights restored); and (5) I have **NOT** been found mentally **incapacitated** with my voting rights revoked.

To vote in the next election, you must register at least 29 days before the election. The place where you register, or your decision not to register, will be kept confidential. Submitting a false voter registration is a class 6 felony.

☐ **YES, register me to vote or update my registration. By signing below, I swear or affirm that I meet all eligibility requirements listed above.**
1. ☐ I want to be placed on the **Active Early Voting List** (AEVL) and receive an early ballot by mail for each election I am eligible for.
2. **Party Preference**: ☐ Republican ☐ Democrat ☐ Other _____ ☐ None/No Party

☒ **NO, do not use this information for voter registration.**

1. ☐ **DONOR♥** I check this box to become an organ/tissue donor and join the DonateLifeAZ Registry. DONOR♥ will print on my license.
2. ☐ I am a U.S. Military veteran who was enlisted, drafted, inducted or commissioned to serve in the active military, naval, or air service and I was not dishonorably discharged. I would like the word "VETERAN" printed on my license/ID. **(Proof Required)**
3. ☐ I have a medical condition that I want displayed on my license/ID. **(Proof Required)**
4. Do you have a physical, psychological or visual condition (other than wearing corrective lenses), or alcohol/drug dependency or are you currently taking any medications that could affect your ability to safely operate a motor vehicle? ☐ **YES**

Please Explain

5. Have you ever been determined to be incapacitated by a court? ☐ **YES**

CDL APPLICANT ONLY

States where you held any type of license in the last 10 years (CFR) 49 Section 384.206

☐ Non-Excepted Interstate: I certify that I operate, or expect to operate, in interstate commerce and that I meet the qualifications under 49 CFR 391. I understand that I am required to obtain a medical examiner's certificate according to 49 CFR 391.45.

☐ Non-Excepted Intrastate: I certify that I operate in intrastate commerce and therefore am subject to Arizona driver qualifications. I understand that I am required t obtain a medical examiner's certificate according to 49 CFR 391.45.

☒ I do not want a Travel DL/ID (Federal REAL ID Act compliant credential). I understand that by checking this box, my license or ID will state NOT FOR FEDERAL IDENTIFICATION across the top and cannot be used at airport security or to enter federal buildings, military bases or nuclear power plants and might not be usable for other purposes.

All Applicants: I certify under penalty of perjury that the information above is true and correct. I understand that I must report a change of address or name to MVD within 10 days. **All Driver Applicants:** I understand the laws, rules and regulations described in the Arizona Driver License Manual, and that I must report to MVD in writing, within 10 days, any medical condition that develops or worsens that may affect my ability to safely operate a motor vehicle.

Social Security Number: You are required by A.R.S. §§ 28-3158(D)(4) and §§ 28-3165(F), under authority of 42 U.S.C. §§ 405(c)(2)(C) and § 666 (a)(13)(A), to provide your Social Security Number. It will be used to verify your identity and to comply with federal and state child support enforcement laws. It will not be used as your driver license or identification card number.

Male Applicants Under 26: By submitting this application, I consent to registration with the Selective Service System if I am required to register under federal law. If I am under 18, I understand that I will be registered as required by federal law when I become 18.

Applicant Signature

Acknowledged before me this date. Notary or MVD Agent Signature & PACF

Date	County (notary only)	State	Commission Expires
6/25/22	07	AZ	

Notary Stamp

GG&D
Third Party Motor Vehicle Services
Pedro Tolentino E1599
TPCP # 6065

MVD AGENT – Vision Results

Passed Vision Exam – YES ☐ or Passed Daylight Restriction Vision Exam – YES ☐ - **Corrective Lens** ☐ – MVD Agent RACF _____

Notary Stamp

Legal Guardian Certificate
For under 18 license/permit applicants
Initial one of the boxes that applies to your relationship with the applicant:

1. Natural/Adoptive parent, married to other natural/adoptive parent (Initial) _____
2. Natural/Adoptive parent with sole custody (Initial) _____
3. Natural/Adoptive parents share joint custody **(Both parents signatures required)** (Initial) _____
4. Full legal guardian (Initial) _____ **(Proof required)** _____
5. Other (Initial) _____ **(Proof required)** _____

Driving Practice Certificate

_____ (Initials) By initialing, I attest that the Driver License applicant has completed one of the following:

- The applicant completed at least 30 hours of supervised driving practice, including at least 10 hours at night for a graduated driver license;at least 30 hours of motorcycle riding practice for a motorcycle license or motorcycle endorsement.

OR:

- The applicant completed at least 20 hours of supervised driving practice including at least 6 hours at night if the applicant completed a driver education program offered by a traffic survival school or a certified defensive driving school approved by the Arizona Supreme Court; at least 30 hours of motorcycle riding practice for a motorcycle license or motorcycle endorsement.

OR:

- The minor has completed a High School Driver Education or Authorized Third Party Driver License Driver Education Program and provided proof of completion within twelve months of issuance.

I am responsible for any negligence or willful misconduct caused by the minor applicant.

Parent or Guardian Name				Parent or Guardian Name			
Parent or Guardian Signature				Parent or Guardian Signature			
Acknowledged before me this date.	Notary or MVD Agent Signature & RACF			Acknowledged before me this date.	Notary or MVD Agent Signature & RACF		
Date	County (notary only)	State	Commission Expires	Date	County (notary only)	State	Commission Expires

MVD AGENT

☐ **Driving/MSF Certificate Submitted Date:** _____

CDL Other

Date	GK	Air Brk	Comb	H	N	P	S	T	MVD Agent
Date	GK	Air Brk	Comb	H	N	P	S	T	MVD Agent
Date	GK	Air Brk	Comb	H	N	P	S	T	MVD Agent

☐ **Re-Examination Skills Test**

Rules of the Road

Date	☐ Pass	MVD Agent RACF

Motorcycle Knowledge Test

Date	☐ Pass	MVD Agent RACF

CDL Road/Skills Test

	CCD #	Date	VIT	BCST	RT	MVD Agent
1st						
2nd	CCD#	Date	VIT	BCST	RT	MVD Agent
3rd	CCD#	Date	VIT	BCST	RT	MVD Agent

☐ **Passed Parking**
MVD AGENT RACF _____

Road/Skills Test

Date	☐ Pass	MVD Agent RACF

MVD AGENT

Primary
Used OnBase/Base Record date: _____

Social Security Verification
Used ONBASE Doc date: _____

Residency
☐

I certify that the documents used in order to establish this customers identity and eligibility have been verified and scanned into the system.

MVD Agent Signature & RACF 2/5-99

DA7739[illegible]0237

ADOT

Motor Vehicle Division

Driver License/Identification Card Receipt

This receipt may not be accepted when presented without additional documentation to organizations, businesses, or government agencies to establish identity, age, or address. The decision to accept this document will be made independently by the reviewing entity.

Save time. Go online!
azmvdnow.gov

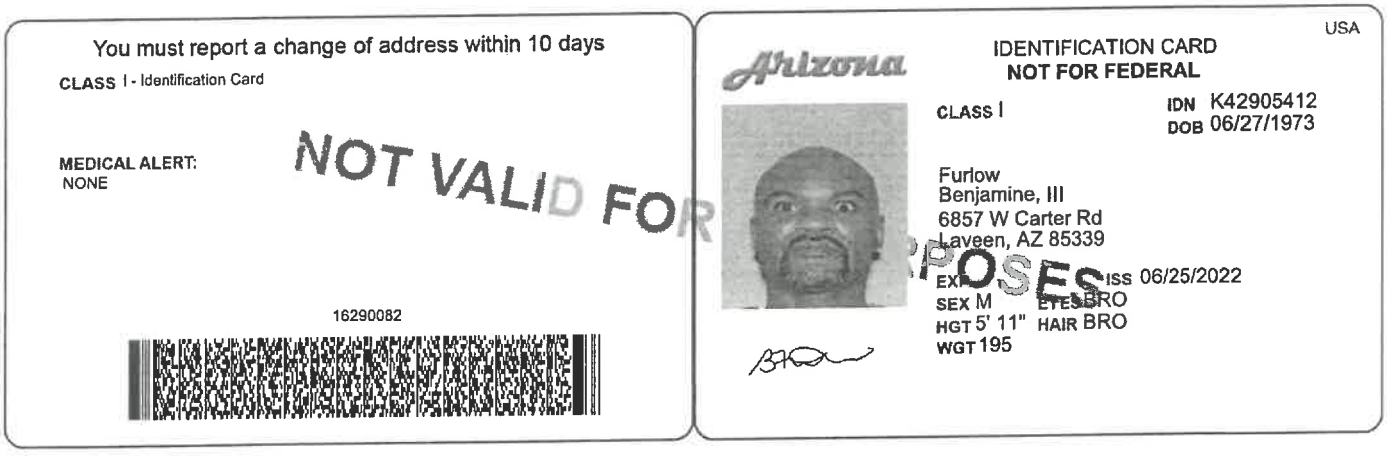
- Registration renewals
- Appointment scheduling
- Sold notices and title transfers
- Replacement driver license
- Renewal driver license
- Address and insurance updates

Contact the Motor Vehicle Division
Online: azdot.gov/MVD
Phone: 602.255.0072
Hearing/Speech Impaired TDD: 800.324.5425

AZ MVD NOW™

Let us know how we did today!
Complete a quick survey
azdot.gov /MVD/CustomerSurvey

Your permanent credential will be mailed to: 6857 W Carter Rd Laveen, AZ 85339



Upload your ID to your phone.
Never leave home without it.

MiD
Arizona Mobile ID
mobileID.az.gov

Download on the App Store | GET IT ON Google Play

Continue to carry your physical ID because not all entities are able to verify mID yet.

It is a violation of Arizona Revised Statute 13-2002 to alter, forge or counterfeit this document. Any violation of ARS 13-2002 is a Class 4 Felony.

ARIZONA
— DEPARTMENT OF —
TRANSPORTATION

62-8405 R03/25 azdot.gov

CERTIFICATE OF AUTHENTICATION

The duly appointed Division Director, Arizona Department of Transportation, Motor Vehicle Division, certifies that the signature on the accompanying document(s) is that of the Custodian of Records related to the issuance of Arizona titles and driver licenses for the Motor Vehicle Division, Arizona Department of Transportation, and is incumbent in the office and the signature is genuine.

Eric R. Jorgensen
DIVISION DIRECTOR
Motor Vehicle Division
Arizona Department of Transportation

Date: 10/24/2025

Electronically Filed
11/24/2025 1:16 PM
CLERK OF THE COURT

ORDR (TSPCA)
F. Virginia Eichacker, #4977
Clark County Special Public Defender
Tiffany Wacaster #15349
Deputy Special Public Defender
330 S. 3rd St., Suite 800
Las Vegas, Nevada 89155
(702) 455-6265
(702) 455-6273 (fax)
Tiffany.Wacaster@ClarkCountyNV.gov
Attorney for Benjamine Furlow

DISTRICT COURT
CLARK COUNTY

State of Nevada, Plaintiff, v. Benjamine Furlow, ID #7162385 Defendant.	Case No. C-25-394180-1 Dept. No. 18

EX PARTE REQUEST AND ORDER TO FILE UNREDACTED COPY OF DEFENSE EXHIBIT O OF MOTION TO DISMISS FOR VIOLATION OF DEFENDANT'S STATE AND FEDERAL RIGHT TO SPEEDY TRIAL PURSUANT TO *STATE V. INZUNZA* (FILED UNDER SEAL)

Benjamine Furlow submits the attached exhibit as the unredacted version of "Exhibit O" of his Motion to Dismiss for Violation of Defendant's State and Federal Right to Speedy Trial Pursuant to *State v. Inzunza*. The document contains sensitive and privileged information that is requested be filed under seal. An unredacted copy was provided to DDA Michael Allmon during the court proceedings on November 10, 2025. Due to the fact this matter is going to be presented to the Nevada Supreme Court, it is requested this unredacted exhibit be filed under seal for a complete record.

ORDER

Upon the ex parte request of Benjamine Furlow, by and through his attorney, Tiffany Wacaster, Deputy Special Public Defender, IT IS HEREBY ORDERED that the attached UNREDACTED version of Exhibit O to the Defendant's Motion to Dismiss for Violation of Defendant's State and Federal Right to Speedy Trial Pursuant to *State v. Inzunza* be FILED UNDER SEAL.

Dated this 24th day of November, 2025

Mary Kay Holthus

596 3DB B342 554B
Mary Kay Holthus
District Court Judge

Submitted by

F. Virginia Eichacker
Clark County Special Public Defender

By: */s/ Tiffany Wacaster*
Tiffany Wacaster #15349
Deputy Special Public Defender

EXHIBIT O

(Unredacted)

Social Security Administration

BENJAMINE FURLOW
13625 S 48TH ST
APT 2168
PHOENIX AZ 85044-5070

Date: July 19, 2019
BNC: 19BI114H29477
REF: A ,DI

You asked us for information from your record. The information that you requested is shown below. If you want anyone else to have this information, you may send them this letter.

Information About Current Social Security Benefits

Beginning December 2018, the full monthly Social Security benefit before any deductions is $1,274.20.

We deduct $135.50 for medical insurance premiums each month.

The regular monthly Social Security payment is $1,138.00.
(We must round down to the whole dollar.)

Social Security benefits for a given month are paid the following month. (For example, Social Security benefits for March are paid in April.)

Your Social Security benefits are paid on or about the third of each month.

Information About Past Social Security Benefits

From August 2015 to November 2018, the full monthly Social Security benefit before any deductions was $0.00.

We deducted $0.00 for medical insurance premiums each month.

The regular monthly Social Security payment was $0.00.
(We must round down to the whole dollar.)

Type of Social Security Benefit Information

You are entitled to monthly disability benefits.

Information About Supplemental Security Income Payments

Beginning March 2006, the current Supplemental Security Income payment is $0.00 .

This payment amount may change from month to month if income or living situation changes.

Supplemental Security Income Payments are paid the month they are due. (For example, Supplemental Security Income Payments for March are paid in March.)

Payments were stopped beginning March 2007.

Type of Supplemental Security Income Payment Information

You are entitled to monthly payments as a disabled individual .

Date of Birth Information

The date of birth shown on our records is June 27, 1973.

Medicare Information

You are entitled to hospital insurance under Medicare beginning November 2007.
You are entitled to medical insurance under Medicare beginning November 2007.

Your Medicare number is 7A83-N38-XV02. You may use this number to get medical services while waiting for your Medicare card.

If you have any questions, please log onto http://Medicare.gov/, or call 1-800-MEDICARE (1-800-633-4227).

Suspect Social Security Fraud?

Please visit http://oig.ssa.gov/r or call the Inspector General's Fraud Hotline at 1-800-269-0271 (TTY 1-866-501-2101).

If You Have Questions

We invite you to visit our web site at www.socialsecurity.gov on the Internet to find general information about Social Security. If you have any specific questions, you may call us toll-free at 1-800-772-1213, or call your local office at 866-964-0203. We can answer most questions over the phone. If you are deaf or hard of hearing, you may call our TTY number, 1-800-325-0778. You can also write or visit any Social Security office. The office that serves your area is located at:

SOCIAL SECURITY
SUITE 100
250 N SEVENTH AVE
PHOENIX, AZ 85007

If you do call or visit an office, please have this letter with you. It will help us answer your questions. Also, if you plan to visit an office, you may call ahead to make an appointment. This will help us serve you more quickly when you arrive at the office.

Social Security Administration

CSERV

DISTRICT COURT
CLARK COUNTY, NEVADA

State of Nevada	CASE NO: C-25-394180-1
vs	DEPT. NO. Department 18
Benjamine Furlow	

AUTOMATED CERTIFICATE OF SERVICE

This automated certificate of service was generated by the Eighth Judicial District Court. The foregoing 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: 11/24/2025

Dept 18 Law Clerk	Dept18LC@clarkcountycourts.us
DA SVU	DASVUTeam@clarkcountydanv.gov
Special PDdocs	SpecialPDdocs@clarkcountynv.gov
Tiffany Wacaster	Tiffany.Wacaster@clarkcountynv.gov
Jaclyn Mosley	Jaclyn.Mosley@clarkcountynv.gov
District Attorney	motions@clarkcountydanv.gov
michael allmon	Michael.Allmon@clarkcountydanv.gov
DA1 .	Motions@clarkcountydanv.gov

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CLERK OF THE COURT

ORDR
F. Virginia Eichacker #4977
Clark County Special Public Defender
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330 S. 3rd St., Suite 800
Las Vegas, Nevada 89155
(702) 455-6265
(702) 455-6273 (fax)
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Attorney for Benjamine Furlow

DISTRICT COURT
CLARK COUNTY

State of Nevada, Plaintiff, v. Benjamine Furlow, ID #7162385 Defendant.	Case No. C-25-394180-1 Dept. No. 18

ORDER GRANTING DEFENDANT'S REQUEST FOR A STAY

This matter having come before the Court on November 17, 2025, upon oral motion by defense counsel with no objection by the State, and good cause appearing therefore,

IT IS HEREBY ORDERED that the proceedings in the instant case are STAYED while Defendant, by and through defense counsel, seeks relief from the Nevada Supreme Court. All future dates are hereby VACATED, and a status check SCHEDULED for February 18, 2026, at 9:30AM.

Dated this 24th day of November, 2025

Mary Kay Holthus

B63 CFB 69F9 E742
Mary Kay Holthus
District Court Judge

Respectfully submitted,

/s/ Tiffany Wacaster
Tiffany Wacaster
Deputy Special Public Defender

CSERV

DISTRICT COURT
CLARK COUNTY, NEVADA

State of Nevada	CASE NO: C-25-394180-1
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michael allmon	Michael.Allmon@clarkcountydanv.gov
DA1 .	Motions@clarkcountydanv.gov