

1 **NOASC**
2 **TERRENCE M. JACKSON, ESQ.**
3 Nevada Bar No. 00854
4 Law Office of Terrence M. Jackson
5 624 South Ninth Street
6 Las Vegas, NV 89101
7 T: 702-386-0001 / F: 702-386-0085
8 Terry.jackson.esq@gmail.com

Electronically Filed
Jan 05 2022 11:47 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

9 *Counsel for Defendant, Jeffrey M. Clark*

10 **IN THE EIGHTH JUDICIAL DISTRICT COURT**
11 **CLARK COUNTY, NEVADA**

12 **THE STATE OF NEVADA,**

District Case No.: C-20-352144-1

13 **Plaintiff,**

Dept.: IX

14 **v.**

15 **JEFFREY MICHAEL CLARK,**
16 **#1656086,**

NOTICE OF APPEAL

17 **Defendant.**

18 NOTICE is hereby given that the Defendant, JEFFREY MICHAEL CLARK, by and through
19 his attorney, TERRENCE M. JACKSON, ESQ., hereby appeals to the Nevada Supreme Court, from
20 the Judgment of Conviction (Plea of Guilty) and Sentence, file-stamped December 10, 2021, in
21 which the Defendant was adjudged guilty by plea of guilty of Sexual Assault.

22 Defendant, JEFFREY MICHAEL CLARK, further states he is indigent and requests that the
23 filing fees be waived.

24 Respectfully submitted this 27th day of December, 2021.

25 /s/ Terrence M. Jackson
26 Terrence M. Jackson, Esquire
27 Nevada Bar No. 00854
28 Law Office of Terrence M. Jackson
624 South Ninth Street
Las Vegas, NV 89101
T: 702-386-0001 / F: 702-386-0085

Counsel for Defendant, Jeffrey M. Clark

1 **CERTIFICATE OF SERVICE**

2 I hereby certify I am an assistant to Terrence M. Jackson, Esq., not a party to this action, and
3 on the 27th day of December, 2021, I served a true, correct and e-filed stamped copy of the
4 foregoing: Defendant, Jeffrey M. Clark's, NOTICE OF APPEAL as follows:
5

- 6 [X] Via Odyssey eFile and Serve to the Eighth Judicial District Court;
7 [X] Via the NSC Drop Box on the 1st floor of the Nevada Court of Appeals, or U.S. mail to
8 NSC, located at 408 E. Clark Avenue in Las Vegas, Nevada;
9 [X] and by United States first class mail to the Nevada Attorney General and the Defendant as
10 follows:
11

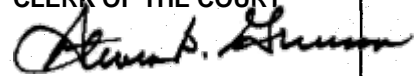
12 STEVEN B. WOLFSON
13 Clark County District Attorney
14 steven.wolfson@clarkcountyda.com

JACOB J. VILLANI
Chief Deputy District Attorney
jacob.villani@clarkcountyda.com

15
16 JEFFREY M. CLARK
17 ID# 1656086
18 C. C. D. C. - 330 S. Casino Ctr. Drive
19 Las Vegas, NV 89101

AARON D. FORD, ESQUIRE
Nevada Attorney General
100 North Carson Street
Carson City, NV 89701

20
21 By: /s/ Ila C. Wills
22 Assistant to T. M. Jackson, Esq.
23
24
25
26
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28



1 **ASTA**
2 **TERRENCE M. JACKSON, ESQ.**
3 Nevada Bar No. 00854
4 Law Office of Terrence M. Jackson
5 624 South Ninth Street
6 Las Vegas, NV 89101
7 T: 702-386-0001 / F: 702-386-0085
8 Terry.jackson.esq@gmail.com

9 *Counsel for Defendant, Jeffrey M. Clark*

10 **IN THE EIGHTH JUDICIAL DISTRICT COURT**
11 **CLARK COUNTY, NEVADA**

12 **THE STATE OF NEVADA,**)

District Case No.: C-20-352144-1

13 Plaintiff,)

Dept.: IX

14 v.)

15 **JEFFREY M. CLARK,**)
16 #1656086,)

CASE APPEAL STATEMENT

17 Defendant.)
18 _____)

19 1. Appellant(s): JEFFREY MICHAEL CLARK

20 2. Judge: CRISTINA D. SILVA

21 3. Appellant(s): JEFFREY MICHAEL CLARK

22 Counsel:

23 Terrence M. Jackson
24 624 South Ninth Street
25 Las Vegas, NV 89101
26 (702) 386-0001

27 4. Respondent: STATE OF NEVADA

28 Counsel:

Steven B. Wolfson, District Attorney
200 Lewis Avenue
Las Vegas, NV 89101
(702) 671-2700

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5. Appellant(s)'s Attorney Licensed in Nevada: YES
Permission Granted: N/A
Respondent(s)'s Attorney Licensed in Nevada: YES
Permission Granted: N/A

- 6. Appellant Represented by Appointed Counsel in District Court: YES
- 7. Appellant Represented by Appointed Counsel on Appeal: YES
- 8. Appellant Granted Leave to Proceed in Forma Pauperis: NO
- 9. Date Commenced in District Court: November 16, 2020
- 10. Brief Description of the Nature of the Action: Criminal
Type of Judgment or Order Being Appealed:
Judgment of Conviction (Plea of Guilty)
- 11. NO.
Supreme Court Docket Number(s): --
- 12. Child Custody or Visitation: N/A

Dated this 27th day of December, 2021.

/s/ Terrence M. Jackson
Terrence M. Jackson, Esquire
Nevada Bar No. 00854
Law Office of Terrence M. Jackson
624 South Ninth Street
Las Vegas, NV 89101
T: 702-386-0001 / F: 702-386-0085
Terry.jackson.esq@gmail.com
Counsel for Defendant, Jeffrey M. Clark

1 **CERTIFICATE OF SERVICE**

2 I hereby certify I am an assistant to Terrence M. Jackson, Esq., not a party to this action, and
3 on the 27th day of December, 2021, I served a true, correct and e-filed stamped copy of the
4 foregoing: Defendant, JEFFREY M. CLARK'S, CASE APPEAL STATEMENT as follows:
5

6 [X] Via Odyssey eFile and Serve to the Eighth Judicial District Court;

7 [X] Via the NSC Drop Box on the 1st floor of the Nevada Court of Appeals, located at 408 E.
8 Clark Avenue in Las Vegas, Nevada;

9 [X] and by United States first class mail to the Nevada Attorney General and the Defendant as
10 follows:
11

12 STEVEN B. WOLFSON
13 Clark County District Attorney
14 steven.wolfson@clarkcountyda.com
15

JACOB J. VILLANI
Chief Deputy District Attorney - Criminal
jacob.villani@clarkcountyda.com

16 JEFFREY M. CLARK
17 #1656086
18 C. C. D. C. - 330 S. Casino Ctr. Drive
19 Las Vegas, NV 89101
20
21
22

AARON D. FORD, ESQUIRE
Nevada Attorney General
100 North Carson Street
Carson City, Nevada 89701

23
24 By: /s/ Ila C. Wills
25 Assistant to T. M. Jackson, Esq.
26
27
28

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. C-20-352144-1

State of Nevada
vs
Jeffrey Clark

§
§
§
§
§
§
§
§

Location: **Department 9**
Judicial Officer: **Silva, Cristina D.**
Filed on: **11/16/2020**
Case Number History:
Cross-Reference Case **C352144**
Number:
Defendant's Scope ID #: **1656086**
ITAG Case ID: **2265761**
Lower Court Case Number: **20CRH001536-0000**

CASE INFORMATION

Offense	Statute	Deg	Date	Case Type:	Felony/Gross Misdemeanor
1. SEXUAL ASSAULT	200.366.2b	F	07/01/2019		
Arrest: 11/03/2020				Case Status:	12/10/2021 Closed

Statistical Closures
12/10/2021 Guilty Plea with Sentence (before trial) (CR)

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number	C-20-352144-1
Court	Department 9
Date Assigned	09/07/2021
Judicial Officer	Silva, Cristina D.

PARTY INFORMATION

Defendant **Clark, Jeffrey Michael**

Lead Attorneys
Gruber, Harvey
Retained
7025664099(W)

Plaintiff **State of Nevada**

Wolfson, Steven B
702-671-2700(W)

DATE


EVENTS & ORDERS OF THE COURT

INDEX


EVENTS

11/16/2020	Criminal Bindover - Confidential [1]	In #1
11/16/2020	Criminal Bindover [2]	In #2
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11/17/2020	Amended Information [4] Amended Information	In #4
11/17/2020	Reporters Transcript [5] Reporter's Transcript of Unconditional Waiver of Preliminary Hearing November 10, 2020	In #5


CASE SUMMARY
CASE NO. C-20-352144-1

11/18/2020	 Guilty Plea Agreement Party: Defendant Clark, Jeffrey Michael <i>[6] Guilty Plea Agreement</i>	In #6
12/29/2020	 PSI <i>[7]</i>	In #7
01/04/2021	Case Reassigned to Department 23 <i>Judicial Reassignment to Judge Jasmin Lilly-Spells</i>	
04/23/2021	 Order <i>[8] Order for Transcript</i>	In #8
04/27/2021	 Recorders Transcript of Hearing <i>[9] Recorder's Transcript of Hearing: Sentencing, February 8, 2021</i>	In #9
04/27/2021	 Recorders Transcript of Hearing <i>[10] Recorder's Transcript of Hearing: Sentencing, February 17, 2021</i>	In #1
04/29/2021	 Order <i>[11] ORDER FOR TRANSCRIPT</i>	In #1
05/07/2021	 Recorders Transcript of Hearing <i>[12] Recorder's Transcript of Hearing Re: Initial Arraignment; Thursday, November 19, 2020</i>	In #1
07/19/2021	 Motion to Withdraw Plea Filed By: Defendant Clark, Jeffrey Michael <i>[13] Motion to Withdraw Guilty Plea</i>	In #1
07/19/2021	 Clerk's Notice of Hearing <i>[14] Notice of Hearing</i>	In #1
07/26/2021	 Opposition Filed By: Plaintiff State of Nevada <i>[15] State's Opposition to Defendant's Motion to Withdraw Guilty Plea</i>	In #1
08/24/2021	 Reply Filed by: Defendant Clark, Jeffrey Michael <i>[16] Defendant's Reply to State's Opposition to Defendant's Motion to Withdraw Guilty Plea</i>	In #1
09/07/2021	Case Reassigned to Department 9 <i>From Judge Jasmin Lilly-Spells to Judge Cristina Silva</i>	
12/10/2021	 Judgment of Conviction <i>[17] Judgment of Conviction (Plea of Guilty)</i>	In #1
12/21/2021	 Order Denying Motion <i>[18] Order Denying Defendant's Motion to Withdraw Guilty Plea</i>	In #1

CASE SUMMARY
CASE NO. C-20-352144-1

12/27/2021  Notice of Appeal (Criminal)
 Party: Defendant Clark, Jeffrey Michael
[19] Notice of Appeal

In
 #1

12/27/2021  Case Appeal Statement
 Filed By: Defendant Clark, Jeffrey Michael
[20] Case Appeal Statement

In
 #2

DISPOSITIONS


11/18/2021 **Plea** (Judicial Officer: Silva, Cristina D.)
 1. SEXUAL ASSAULT
 Guilty
 PCN: Sequence:


12/08/2021 **Disposition** (Judicial Officer: Silva, Cristina D.)
 1. SEXUAL ASSAULT
 Guilty
 PCN: Sequence:

12/08/2021 **Adult Adjudication** (Judicial Officer: Silva, Cristina D.)
 1. SEXUAL ASSAULT
 07/01/2019 (F) 200.366.2b (DC50095)
 PCN: Sequence:

Sentenced to Nevada Dept. of Corrections
 Term: Life with the possibility of parole after:10 Years
 Credit for Time Served: 402 Days
 Condition
 1. Register As A Sex Offender
 2. Lifetime Supervision
 Fee Totals:
 Administrative Assessment Fee 25.00
 \$25
 Genetic Marker Analysis AA Fee 3.00
 \$3
 Indigent Defense Civil Assessment 250.00
 Fee - ASK
 Fee Totals \$ 278.00
 \$150.00 DNA Fee waived if previously collected

HEARINGS

11/19/2020  **Initial Arraignment** (8:00 AM) (Judicial Officer: Jones, Tierra)
 Plea Entered;
 Journal Entry Details:
APPEARANCES CONTINUED: Brittini Griffith, Deputized Law Clerk on behalf of the State, and Mike Feliciano, Public Defender's Office on behalf of Defendant, present and both appearing via BlueJeans. NEGOTIATIONS are as contained in the Guilty Plea Agreement. Colloquy regarding the settlement conference. DEFENDANT CLARK ARRAIGNED AND PLED GUILTY TO SEXUAL ASSAULT (F). Court ACCEPTED plea and ORDERED, matter REFERRED to the Division of Parole and Probation (P & P) and SET for SENTENCING. IN CUSTODY 02/04/2021 8:30 A.M. SENTENCING (DEPT. 15);

02/08/2021  **Sentencing** (11:00 AM) (Judicial Officer: Lilly-Spells, Jasmin)
 02/08/2021, 02/17/2021

CASE SUMMARY
CASE NO. C-20-352144-1

MINUTES

Continued;

Set Status Check;

Journal Entry Details:

Colloquy regarding Mr. Hughes appointment. Mr. Brower as a friend-of-the-court advised that Mr. Hughes, who is not present, could not accept the appointment due to conflict. Colloquy regarding status of the case. Court to contact office of appointed counsel to have conflict counsel appointed to review Defendant's request for withdrawal of plea.

CUSTODY 3/29/21 11:00 a.m. Status Check: Appointment of Conflict Counsel /// Status Check: Sentencing;

Continued;

Set Status Check;

Journal Entry Details:

Mr. Feliciano stated Defendant wishes to withdraw his plea. Colloquy. COURT ORDERED, attorney Ed Hughes APPOINTED to review the case to see if Defendant has ground. Clerk to contact counsel to be present next date.

MATTER CONTINUED. CUSTODY 2/17/21 11:00 a.m. Status Check: Sentencing;

SCHEDULED HEARINGS

Status Check (03/29/2021 at 11:00 AM) (Judicial Officer: Lilly-Spells, Jasmin)

03/29/2021, 04/14/2021, 05/12/2021

Status Check: Confirmation of Conflict Counsel / Motion to Withdraw Plea



Status Check (03/29/2021 at 11:00 AM) (Judicial Officer: Silva, Cristina D.)

03/29/2021, 04/14/2021, 05/12/2021, 05/19/2021, 06/09/2021, 07/07/2021, 07/21/2021, 09/13/2021, 09/20/2021

Status Check: Sentencing

03/29/2021 **Status Check** (11:00 AM) (Judicial Officer: Lilly-Spells, Jasmin)

03/29/2021, 04/14/2021, 05/12/2021

Status Check: Confirmation of Conflict Counsel / Motion to Withdraw Plea

Continued;

Matter Continued;

Matter Continued;

Continued;

Matter Continued;

Matter Continued;

Continued;

Matter Continued;

Matter Continued;

03/29/2021 **Status Check** (11:00 AM) (Judicial Officer: Silva, Cristina D.)

03/29/2021, 04/14/2021, 05/12/2021, 05/19/2021, 06/09/2021, 07/07/2021, 07/21/2021, 09/13/2021, 09/20/2021

Status Check: Sentencing

Continued;

Matter Continued;

Matter Continued;

Counsel Confirmed;

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Matter Continued;

Set Status Check;

Continued;

Matter Continued;

Matter Continued;

Counsel Confirmed;

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Matter Continued;

Set Status Check;

Continued;

Matter Continued;

Matter Continued;

CASE SUMMARY

CASE NO. C-20-352144-1

Counsel Confirmed;

Continued;

Continued;

Continued;

Matter Continued;

Set Status Check;

Journal Entry Details:

STATE- JAKE VILLANI Counsel noted a motion to withdraw the guilty plea was submitted. COURT ORDERED, matter CONTINUED 9/13/21 11:00am. CUSTODY;

Continued;

Matter Continued;

Matter Continued;

Counsel Confirmed;

Continued;

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Matter Continued;

Set Status Check;

Journal Entry Details:

Mr. Gruber indicated he would be filing a Motion to Withdraw the Guilty Plea. COURT ORDERED, matter CONTINUED 7/21/21 11:00AM. CUSTODY;

Continued;

Matter Continued;

Matter Continued;

Counsel Confirmed;

Continued;

Continued;

Continued;

Matter Continued;

Set Status Check;

Journal Entry Details:

STATE- JAKE VILLANI DEFENSE-HARVEY GRUBER Mr. Gruber requested a continuance for a possible withdraw of plea. There being no objection. COURT ORDERED, matter CONTINUED 7/7/21 11:00AM. CUSTODY;

Continued;

Matter Continued;

Matter Continued;

Counsel Confirmed;

Continued;

Continued;

Continued;

Matter Continued;

Set Status Check;

Journal Entry Details:

Mr. Gruber confirmed as counsel, advised he had received the transcript and requested a 30-day continuance. COURT ORDERED, matter CONTINUED for status check regarding sentencing. CUSTODY 06/09/21 11:00 AM STATUS CHECK: SENTENCING;

Continued;

Matter Continued;

Matter Continued;

Counsel Confirmed;

Continued;

Continued;

Continued;

Matter Continued;

Set Status Check;

Continued;

Matter Continued;

Matter Continued;

Counsel Confirmed;

Continued;


Continued;

Continued;

CASE SUMMARY
CASE NO. C-20-352144-1


Matter Continued;
 Set Status Check;
 Continued;
 Matter Continued;
 Matter Continued;
 Counsel Confirmed;
 Continued;
 Continued;
 Continued;
 Matter Continued;
 Set Status Check;

03/29/2021

 **All Pending Motions** (11:00 AM) (Judicial Officer: Lilly-Spells, Jasmin)


Matter Heard;
 Journal Entry Details:
STATUS CHECK: CONFIRMATION OF CONFLICT COUNSEL / MOTION TO WITHDRAW PLEA ... STATUS CHECK: SENTENCING Mr. Saxe stated Mr. Spencer Judd was appointed on the Deft.'s other case; therefore, advised he thought he could be appointed for the Deft. on this case. Upon Court's inquiry, Deft. confirmed Mr. Judd had been appointed on his other case. COURT ORDERED, Spencer Judd APPOINTED as counsel for Deft. and matter SET for status check on confirmation of counsel; status check setting CONTINUED. CUSTODY 4/7/21 - 11:00 AM - STATUS CHECK: SENTENCING ... STATUS CHECK: CONFIRMATION OF COUNSEL (S. JUDD);

04/14/2021

 **All Pending Motions** (11:00 AM) (Judicial Officer: Lilly-Spells, Jasmin)

Matter Heard;
 Journal Entry Details:
STATUS CHECK: SENTENCING...STATUS CHECK: WITHDRAWAL OF PLEA Mr. Judd stated that he was appointed to review the Deft's plea, has an investigator working on the matter and requested the matter be continued. COURT ORDERED, MATTER CONTINUED. CUSTODY CONTINUED TO: 5/12/21 11:00 AM;

05/12/2021

 **All Pending Motions** (11:00 AM) (Judicial Officer: Lilly-Spells, Jasmin)


Matter Heard;
 Journal Entry Details:
STATUS CHECK: CONFIRMATION OF CONFLICT COUNSEL / MOTION TO WITHDRAW PLEA . . . STATUS CHECK: SENTENCING Mr. Beaumont requested Harvey Gruber be appointed as Deft.'s counsel; noting Mr. Gruber has already filed an order for transcripts and he is Deft.'s counsel for his other case. Colloquy regarding appointing Mr. Gruber. COURT ORDERED, Mr. Gruber provisionally APPOINTED as counsel and DIRECTED staff to contact Drew Christensen to approve appointment. COURT FURTHER ORDERED, matter CONTINUED. CONTINUED TO: 05/19/2021 11:00 AM CLERK'S NOTE: The above minute order has been distributed to: Harvey Gruber: HGruber@defendingnevada.com 5/13/21km;

09/13/2021

Motion to Withdraw Plea (11:00 AM) (Judicial Officer: Silva, Cristina D.)
09/13/2021, 09/20/2021


Defendant's Motion to Withdraw Guilty Plea
 Matter Continued;
 Set Status Check;
 Matter Continued;
 Set Status Check;

09/13/2021

 **All Pending Motions** (11:00 AM) (Judicial Officer: Silva, Cristina D.)

Matter Heard;
 Journal Entry Details:
Upon the Court's inquiry Defendant stated he wanted to speak to his attorney and asked to continue the matter. COURT ORDERED, Defendant's Motion to Withdraw Guilty Plea and sentencing status check CONTINUED. CUSTODY CONTINUED TO: 9/20/2021 11:00 AM;

09/20/2021

 **All Pending Motions** (11:00 AM) (Judicial Officer: Silva, Cristina D.)


Matter Heard;
 Journal Entry Details:
DEFENDANT'S MOTION TO WITHDRAW GUILTY PLEA... STATUS CHECK: SENTENCING... Mr. Gruber argued in support of the Motion to Withdraw Guilty Plea as the Defendant felt pressed into taking the Guilty Plea. Upon

CASE SUMMARY

CASE NO. C-20-352144-1

Court's inquiry, Mr. Gruber stated no objection to having an evidentiary hearing if the Court feels it is necessary. Mr. Villani argued this plea was the result of a settlement conference, and the Defendant entered his plea in his other case, two weeks before this case, pointing out the Defendant was canvassed twice. COURT ADVISED they did not take the plea, however do not know if they have an evidentiary hearing, and ORDERED, matter SET for decision. CUSTODY 10/7/2021 3:00 A.M. DECISION: EVIDENTIARY HEARING;

10/07/2021

 **Decision** (3:00 AM) (Judicial Officer: Silva, Cristina D.)


Decision Re: Evidentiary Hearing

Granted; Decision Re: Evidentiary Hearing

Journal Entry Details:

Pending before the Court is Defendant s Motion to Withdraw Guilty Plea, which includes a request for an evidentiary hearing. Having reviewed Defendant s Motion, the State s opposition, and Defendant s reply, the Court hereby GRANTS Defendant s request to have an evidentiary hearing. The scope of the hearing will be addressing allegations of ineffective assistance of counsel, and if Defendant chooses, the introduction of evidence regarding arguments regarding a lack of understanding regarding the potential consequences of his plea. The parties shall meet and confer about dates they are available for an evidentiary on a Tuesday, Thursday, or Friday during November and December. Chambers will contact the parties about the times when special settings can be made. The parties should thereafter contact chambers, no later than October 27, 2021, to schedule the evidentiary hearing. CLERK S NOTE: Counsel are to ensure a copy of the forgoing minute order is distributed to all interested parties; additionally, a copy of the foregoing minute order was distributed to the registered service recipients via Odyssey eFileNV E-Service (10-7-2021 ks).;

11/23/2021


 **Evidentiary Hearing** (1:30 PM) (Judicial Officer: Silva, Cristina D.)

Matter Heard;

Journal Entry Details:

COURT STATED the matter is set for an evidentiary hearing regarding Defendant's Motion to Withdraw Guilty Plea. COURT STATED the hearing would be limited in scope to the Defendant s claim of ineffective assistance of counsel and the Defendant s lack of understanding of the guilty plea. Testimony presented. Mr. Gruber argued the Defendant didn t feel he received any assistance from Mr. Feliciano and should be allowed to withdraw his guilty plea. Mr. Villani argued ineffective assistance of counsel is a common complaint made by Defendants and that the Court should allow the Guilty Plea Agreement signed by the Defendant to stand. COURT ORDERED Motion to Withdraw Guilty Plea DENIED due to not having met the standards of the Strickland Test. COURT NOTED there was no evidence that at any time the Defendant was pressured by anyone to take the plea, rather there was a discussion that took place with Mr. Feliciano. COURT FURTHER NOTED it did not see a fair and just reason to withdraw the plea at this time. COURT DIRECTED Mr. Villani to prepare an order within THIRTY (30) days. CUSTODY 12/8/2021 11:00 A.M. STATUS CHECK: SENTENCING ;

12/08/2021

 **Sentencing** (11:00 AM) (Judicial Officer: Silva, Cristina D.)

Status Check: Sentencing

Defendant Sentenced;

Journal Entry Details:

Upon Court's inquiry, Mr. Gruber stated they have reviewed the Pre-Sentence Investigation (PSI) Report with the Defendant. Defendant stated he has reviewed the Report and objection to it reading that he has been an alcoholic since the age of ten. Mr. Villani stated they held a hearing on a Motion to Withdraw Plea, and they would submit on the negotiations, as this case is to run concurrent with his other case, pointing out there were letters submitted and two victim speakers. Upon Court's inquiry, Mr. Villani stated the two victim speakers present today are from the Defendant's other case, as when the Motion to Withdraw Plea was denied in Department 6, Judge Bluth rolled right into sentencing, and they were noticed in this case. Mr. Gruber stated his objection as they are not victims in this instant matter. Mr. Villani stated they are victims of the Defendant, and he would submit to the Court. Statement by Defendant. Mr. Gruber stated this was the result of a settlement conference, and requested the Court follow the negotiations. Mr Gruber renewed his objection to the victim speakers, as they are not victims in this case. Mr. Villani stated his appellate concerns if the victims did speak today, and he would prefer they do not speak. COURT STATED they have reviewed the PSI in this case, and the PSI in Defendant's other case since it is to run concurrent, and reviewed the Victim Impact Statements, and would join in the request of not having the victims speak today. DEFENDANT CLARK ADJUDGED GUILTY of SEXUAL ASSAULT (F). COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, a \$150.00 DNA analysis fee, including testing to determine genetic markers, waived if previously collected, \$3.00 DNA Collection fee, and \$250.00 Indigent Defense Civil Assessment fee, Defendant SENTENCED to a MAXIMUM term of LIFE with a MINIMUM parole eligibility of TEN (10) YEARS in the Nevada Department of Corrections (NDC) CONCURRENT TO COUNT C-20-349141-1, WITH FOUR HUNDRED TWO (402) DAYS credit for time served. COURT FURTHER ORDERED, a SPECIAL SENTENCE of LIFETIME SUPERVISION is imposed to commence upon release from any term of imprisonment, probation or parole; ADDITIONALLY ORDERED to REGISTER as a sex offender in accordance with NRS 179D.460 within TWENTY-FOUR (24) HOURS after any release from custody. BOND, if any, EXONERATED. NDC CLERK S NOTE: This Minute Order was prepared by listening to the JAVs recording. (12-11-2021 ks);

CASE SUMMARY

CASE NO. C-20-352144-1

FINANCIAL INFORMATION

DATE

Defendant Clark, Jeffrey Michael	
Total Charges	278.00
Total Payments and Credits	0.00
Balance Due as of 12/29/2021	278.00

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DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

JEFFERY MICHAEL CLARK
#1656086

Defendant.

CASE NO. C-20-352144-1
DEPT. NO. IX

JUDGMENT OF CONVICTION
(PLEA OF GUILTY)

The Defendant previously appeared before the Court with counsel and entered a plea of guilty to the crime of SEXUAL ASSAULT (Category A Felony) in violation of NRS 200.364, 200.366; thereafter, on the 8th day of December, 2021, the Defendant was present in court for sentencing with counsel HARVEY GRUBER, ESQ., and good cause appearing,

THE DEFENDANT IS HEREBY ADJUDGED guilty of said offense and, in addition to the \$25.00 Administrative Assessment Fee, \$250.00 Indigent Defense Civil Assessment Fee and \$3.00 DNA Collection Fee, the Defendant is sentenced as follows: LIFE with a

1 MINIMUM parole eligibility of TEN (10) YEARS in the Nevada Department of Corrections
2 (NDC), CONCURRENT with C-20-349141-1; with FOUR HUNDRED TWO (402) DAYS
3 credit for time served. As the \$150.00 DNA Analysis Fee and Genetic Testing have been
4 previously imposed, the Fee and Testing in the current case are WAIVED.
5

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

15
16 ADDITIONALLY, the Defendant is ORDERED to REGISTER as a sex offender in
17 accordance with NRS 179D.460 within FORTY-EIGHT (48) HOURS after any release from
18 custody.
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21 Dated this 10th day of December, 2021

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/s/SS

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26 **E39 E7F 43C0 09AA**
27 **Cristina D. Silva**
28 **District Court Judge**

1 CSERV

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA

4
5
6 State of Nevada

CASE NO: C-20-352144-1

7 vs

DEPT. NO. Department 9

8 Jeffrey Clark
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 12/10/2021

15 Esther Garcia

esther@hgruberlaw.com

16 Mike Feliciano

feliciam@clarkcountynv.gov

17 SVU DA District Attorney's Office

DASVUTeam@clarkcountyda.com

18 Harvey Gruber

hgruber@hgruberlaw.com

19 Jennifer Georges

Jennifer.Georges@clarkcountynv.gov

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 19, 2020

C-20-352144-1 State of Nevada
 vs
 Jeffrey Clark

November 19, 2020 8:00 AM Initial Arraignment

HEARD BY: Jones, Tierra **COURTROOM:** RJC Lower Level Arraignment

COURT CLERK: Kory Schlitz

RECORDER: Stacey Ray

REPORTER:

PARTIES

PRESENT: Clark, Jeffrey Michael Defendant

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Brittni Griffith, Deputized Law Clerk on behalf of the State, and Mike Feliciano, Public Defender's Office on behalf of Defendant, present and both appearing via BlueJeans.

NEGOTIATIONS are as contained in the Guilty Plea Agreement. Colloquy regarding the settlement conference. DEFENDANT CLARK ARRAIGNED AND PLED GUILTY TO SEXUAL ASSAULT (F). Court ACCEPTED plea and ORDERED, matter REFERRED to the Division of Parole and Probation (P & P) and SET for SENTENCING.

IN CUSTODY

02/04/2021 8:30 A.M. SENTENCING (DEPT. 15)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 08, 2021

C-20-352144-1 State of Nevada
 vs
 Jeffrey Clark

February 08, 2021 11:00 AM Sentencing

HEARD BY: Lilly-Spells, Jasmin

COURTROOM: RJC Courtroom 12D

COURT CLERK: Alan Castle

RECORDER: Maria Garibay

REPORTER:

PARTIES

PRESENT:	Clark, Jeffrey Michael	Defendant
	Feliciano, Mike	Attorney
	Pandelis, Christopher P.	Attorney
	Public Defender	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Mr. Feliciano stated Defendant wishes to withdraw his plea. Colloquy. COURT ORDERED, attorney Ed Hughes APPOINTED to review the case to see if Defendant has ground. Clerk to contact counsel to be present next date. MATTER CONTINUED.

CUSTODY

2/17/21 11:00 a.m. Status Check: Sentencing

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 29, 2021

C-20-352144-1 State of Nevada
 vs
 Jeffrey Clark

March 29, 2021 11:00 AM All Pending Motions

HEARD BY: Lilly-Spells, Jasmin **COURTROOM:** RJC Courtroom 12D

COURT CLERK:
 Andrea Natali

RECORDER: Toshiana Pierson

REPORTER:

PARTIES

PRESENT: Clark, Jeffrey Michael Defendant
 Pandelis, Christopher P. Attorney
 Saxe, Benjamin R. Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- STATUS CHECK: CONFIRMATION OF CONFLICT COUNSEL / MOTION TO WITHDRAW PLEA ... STATUS CHECK: SENTENCING

Mr. Saxe stated Mr. Spencer Judd was appointed on the Deft.'s other case; therefore, advised he thought he could be appointed for the Deft. on this case. Upon Court's inquiry, Deft. confirmed Mr. Judd had been appointed on his other case. **COURT ORDERED**, Spencer Judd **APPOINTED** as counsel for Deft. and matter SET for status check on confirmation of counsel; status check setting **CONTINUED**.

CUSTODY

4/7/21 - 11:00 AM - STATUS CHECK: SENTENCING ... STATUS CHECK: CONFIRMATION OF

C-20-352144-1

COUNSEL (S. JUDD)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 14, 2021

C-20-352144-1 State of Nevada
 vs
 Jeffrey Clark

April 14, 2021 11:00 AM All Pending Motions

HEARD BY: Lilly-Spells, Jasmin

COURTROOM: RJC Courtroom 12D

COURT CLERK:

Jill Chambers

RECORDER: Maria Garibay

REPORTER:

PARTIES

PRESENT:	Clark, Jeffrey Michael	Defendant
	Judd, Spencer M.	Attorney
	State of Nevada	Plaintiff
	Villegas, Victoria A.	Attorney

JOURNAL ENTRIES

- STATUS CHECK: SENTENCING...STATUS CHECK: WITHDRAWAL OF PLEA

Mr. Judd stated that he was appointed to review the Deft's plea, has an investigator working on the matter and requested the matter be continued. COURT ORDERED, MATTER CONTINUED.

CUSTODY

CONTINUED TO: 5/12/21 11:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 12, 2021

C-20-352144-1 State of Nevada
 vs
 Jeffrey Clark

May 12, 2021 11:00 AM All Pending Motions

HEARD BY: Lilly-Spells, Jasmin **COURTROOM:** RJC Courtroom 12D

COURT CLERK:
 Kathryn Hansen-McDowell

RECORDER: Maria Garibay

REPORTER:

PARTIES

PRESENT: Beaumont, Austin C. Attorney
 Clark, Jeffrey Michael Defendant
 State of Nevada Plaintiff

JOURNAL ENTRIES

- STATUS CHECK: CONFIRMATION OF CONFLICT COUNSEL / MOTION TO WITHDRAW PLEA . . . STATUS CHECK: SENTENCING

Mr. Beaumont requested Harvey Gruber be appointed as Deft.'s counsel; noting Mr. Gruber has already filed an order for transcripts and he is Deft.'s counsel for his other case. Colloquy regarding appointing Mr. Gruber. COURT ORDERED, Mr. Gruber provisionally APPOINTED as counsel and DIRECTED staff to contact Drew Christensen to approve appointment. COURT FURTHER ORDERED, matter CONTINUED.

CONTINUED TO: 05/19/2021 11:00 AM

CLERK'S NOTE: The above minute order has been distributed to: Harvey Gruber:
HGruber@defendingnevada.com 5/13/21km

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor COURT MINUTES May 19, 2021

C-20-352144-1 State of Nevada
 vs
 Jeffrey Clark

May 19, 2021 11:00 AM Status Check

HEARD BY: Lilly-Spells, Jasmin **COURTROOM:** RJC Courtroom 12D

COURT CLERK:
 Carolyn Jackson

RECORDER: Maria Garibay

REPORTER:

PARTIES

PRESENT: Clark, Jeffrey Michael Defendant
 Gruber, Harvey Attorney
 Raman, Jay Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- Mr. Gruber confirmed as counsel, advised he had received the transcript and requested a 30-day continuance. **COURT ORDERED**, matter **CONTINUED** for status check regarding sentencing.

CUSTODY

06/09/21 11:00 AM STATUS CHECK: SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 09, 2021

C-20-352144-1 State of Nevada
 vs
 Jeffrey Clark

June 09, 2021 11:00 AM Status Check

HEARD BY: Lilly-Spells, Jasmin **COURTROOM:** RJC Courtroom 12D

COURT CLERK: Alice Jacobson

RECORDER: Maria Garibay

REPORTER:

PARTIES

PRESENT: Clark, Jeffrey Michael Defendant

JOURNAL ENTRIES

- STATE- JAKE VILLANI
DEFENSE-HARVEY GRUBER

Mr. Gruber requested a continuance for a possible withdraw of plea. There being no objection.
COURT ORDERED, matter CONTINUED 7/7/21 11:00AM.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 07, 2021

C-20-352144-1 State of Nevada
 vs
 Jeffrey Clark

July 07, 2021 11:00 AM Status Check

HEARD BY: Lilly-Spells, Jasmin **COURTROOM:** RJC Courtroom 12D

COURT CLERK:
 Alice Jacobson

RECORDER: Maria Garibay

REPORTER:

PARTIES

PRESENT: Clark, Jeffrey Michael Defendant
 Gruber, Harvey Attorney
 State of Nevada Plaintiff
 Villegas, Victoria A. Attorney

JOURNAL ENTRIES

- Mr. Gruber indicated he would be filing a Motion to Withdraw the Guilty Plea. COURT ORDERED, matter CONTINUED 7/21/21 11:00AM.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 21, 2021

C-20-352144-1 State of Nevada
 vs
 Jeffrey Clark

July 21, 2021 11:00 AM Status Check

HEARD BY: Lilly-Spells, Jasmin

COURTROOM: RJC Courtroom 12D

COURT CLERK:

Alice Jacobson

RECORDER: Maria Garibay

REPORTER:

PARTIES

PRESENT: Clark, Jeffrey Michael Defendant
 Gruber, Harvey Attorney

JOURNAL ENTRIES

- STATE- JAKE VILLANI

Counsel noted a motion to withdraw the guilty plea was submitted. COURT ORDERED, matter CONTINUED 9/13/21 11:00am.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 13, 2021

C-20-352144-1 State of Nevada
 vs
 Jeffrey Clark

September 13, 2021 11:00 AM All Pending Motions

HEARD BY: Silva, Cristina D.

COURTROOM: RJC Courtroom 11B

COURT CLERK: Rem Lord

RECORDER: Gina Villani

REPORTER:

PARTIES

PRESENT: Clark, Jeffrey Michael Defendant
 Gruber, Harvey Attorney

JOURNAL ENTRIES

- Upon the Court's inquiry Defendant stated he wanted to speak to his attorney and asked to continue the matter. COURT ORDERED, Defendant's Motion to Withdraw Guilty Plea and sentencing status check CONTINUED.

CUSTODY

CONTINUED TO: 9/20/2021 11:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 20, 2021

C-20-352144-1 State of Nevada
 vs
 Jeffrey Clark

September 20, 2021 11:00 AM All Pending Motions

HEARD BY: Silva, Cristina D.

COURTROOM: RJC Courtroom 11B

COURT CLERK: Kory Schlitz

RECORDER: Gina Villani

REPORTER:

PARTIES

PRESENT:	Clark, Jeffrey Michael	Defendant
	Gruber, Harvey	Attorney
	State of Nevada	Plaintiff
	Villani, Jacob J.	Attorney

JOURNAL ENTRIES

- DEFENDANT'S MOTION TO WITHDRAW GUILTY PLEA... STATUS CHECK: SENTENCING...

Mr. Gruber argued in support of the Motion to Withdraw Guilty Plea as the Defendant felt pressed into taking the Guilty Plea. Upon Court's inquiry, Mr. Gruber stated no objection to having an evidentiary hearing if the Court feels it is necessary. Mr. Villani argued this plea was the result of a settlement conference, and the Defendant entered his plea in his other case, two weeks before this case, pointing out the Defendant was canvassed twice. COURT ADVISED they did not take the plea, however do not know if they have an evidentiary hearing, and ORDERED, matter SET for decision.

CUSTODY

10/7/2021 3:00 A.M. DECISION: EVIDENTIARY HEARING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 07, 2021

C-20-352144-1

State of Nevada

vs

Jeffrey Clark

October 07, 2021

3:00 AM

Decision

**Decision Re:
Evidentiary Hearing**

HEARD BY: Silva, Cristina D.

COURTROOM: Chambers

COURT CLERK: Kory Schlitz

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Pending before the Court is Defendant s Motion to Withdraw Guilty Plea, which includes a request for an evidentiary hearing. Having reviewed Defendant s Motion, the State s opposition, and Defendant s reply, the Court hereby GRANTS Defendant s request to have an evidentiary hearing. The scope of the hearing will be addressing allegations of ineffective assistance of counsel, and if Defendant chooses, the introduction of evidence regarding arguments regarding a lack of understanding regarding the potential consequences of his plea. The parties shall meet and confer about dates they are available for an evidentiary on a Tuesday, Thursday, or Friday during November and December. Chambers will contact the parties about the times when special settings can be made. The parties should thereafter contact chambers, no later than October 27, 2021, to schedule the evidentiary hearing.

CLERK S NOTE: Counsel are to ensure a copy of the forgoing minute order is distributed to all interested parties; additionally, a copy of the foregoing minute order was distributed to the registered service recipients via Odyssey eFileNV E-Service (10-7-2021 ks).

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

November 23, 2021

C-20-352144-1 State of Nevada
vs
Jeffrey Clark

November 23, 2021 1:30 PM Evidentiary Hearing

HEARD BY: Silva, Cristina D. COURTROOM: RJC Courtroom 11B

COURT CLERK: Michele Tucker
Brittany Ates

RECORDER: Gina Villani

REPORTER:

PARTIES

PRESENT: Clark, Jeffrey Michael Defendant
Gruber, Harvey Attorney
State of Nevada Plaintiff
Villani, Jacob J. Attorney

JOURNAL ENTRIES

- COURT STATED the matter is set for an evidentiary hearing regarding Defendant's Motion to Withdraw Guilty Plea. COURT STATED the hearing would be limited in scope to the Defendant's claim of ineffective assistance of counsel and the Defendant's lack of understanding of the guilty plea. Testimony presented. Mr. Gruber argued the Defendant didn't feel he received any assistance from Mr. Feliciano and should be allowed to withdraw his guilty plea. Mr. Villani argued ineffective assistance of counsel is a common complaint made by Defendants and that the Court should allow the Guilty Plea Agreement signed by the Defendant to stand. COURT ORDERED Motion to Withdraw Guilty Plea DENIED due to not having met the standards of the Strickland Test. COURT NOTED there was no evidence that at any time the Defendant was pressured by anyone to take the plea, rather there was a discussion that took place with Mr. Feliciano. COURT FURTHER NOTED it did not see a fair and just reason to withdraw the plea at this time. COURT DIRECTED Mr. Villani to prepare an order within THIRTY (30) days.

C-20-352144-1

CUSTODY

12/8/2021 11:00 A.M. STATUS CHECK: SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 08, 2021

C-20-352144-1 State of Nevada
vs
Jeffrey Clark

December 08, 2021 11:00 AM Sentencing

HEARD BY: Silva, Cristina D. **COURTROOM:** RJC Courtroom 11B

COURT CLERK: Sharyne Suehiro

RECORDER: Gina Villani

REPORTER:

PARTIES

PRESENT:	Clark, Jeffrey Michael	Defendant
	Gruber, Harvey	Attorney
	State of Nevada	Plaintiff
	Villani, Jacob J.	Attorney

JOURNAL ENTRIES

- Upon Court's inquiry, Mr. Gruber stated they have reviewed the Pre-Sentence Investigation (PSI) Report with the Defendant. Defendant stated he has reviewed the Report and objection to it reading that he has been an alcoholic since the age of ten. Mr. Villani stated they held a hearing on a Motion to Withdraw Plea, and they would submit on the negotiations, as this case is to run concurrent with his other case, pointing out there were letters submitted and two victim speakers. Upon Court's inquiry, Mr. Villani stated the two victim speakers present today are from the Defendant's other case, as when the Motion to Withdraw Plea was denied in Department 6, Judge Bluth rolled right into sentencing, and they were noticed in this case. Mr. Gruber stated his objection as they are not victims in this instant matter. Mr. Villani stated they are victims of the Defendant, and he would submit to the Court. Statement by Defendant. Mr. Gruber stated this was the result of a settlement conference, and requested the Court follow the negotiations. Mr Gruber renewed his objection to the victim speakers, as they are not victims in this case. Mr. Villani stated his appellate concerns if the victims did speak today, and he would prefer they do not speak. COURT STATED they have reviewed the

PSI in this case, and the PSI in Defendant's other case since it is to run concurrent, and reviewed the Victim Impact Statements, and would join in the request of not having the victims speak today. DEFENDANT CLARK ADJUDGED GUILTY of SEXUAL ASSAULT (F). COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, a \$150.00 DNA analysis fee, including testing to determine genetic markers, waived if previously collected, \$3.00 DNA Collection fee, and \$250.00 Indigent Defense Civil Assessment fee, Defendant SENTENCED to a MAXIMUM term of LIFE with a MINIMUM parole eligibility of TEN (10) YEARS in the Nevada Department of Corrections (NDC) CONCURRENT TO COUNT C-20-349141-1, WITH FOUR HUNDRED TWO (402) DAYS credit for time served. COURT FURTHER ORDERED, a SPECIAL SENTENCE of LIFETIME SUPERVISION is imposed to commence upon release from any term of imprisonment, probation or parole; ADDITIONALLY ORDERED to REGISTER as a sex offender in accordance with NRS 179D.460 within TWENTY-FOUR (24) HOURS after any release from custody. BOND, if any, EXONERATED.

NDC

CLERK S NOTE: This Minute Order was prepared by listening to the JAVs recording. (12-11-2021 ks)

Certification of Copy

State of Nevada }
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; JUDGMENT OF CONVICTION (PLEA OF GUILTY); DISTRICT COURT MINUTES

STATE OF NEVADA,

Plaintiff(s),

vs.

JEFFREY MICHAEL CLARK,

Defendant(s).

Case No: C-20-352144-1

Dept No: IX

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto Set my hand and Affixed the seal of the Court at my office, Las Vegas, Nevada This 29 day of December 2021.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk

