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Cliff J. ...
CLERK OF THE COURT

1 0001
2 DAVID ROGER
3 Clark County District Attorney
4 Nevada Bar #002781
5 200 Lewis Avenue
6 Las Vegas, Nevada 89155-2211
7 (702) 671-2500
8 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,
10 Plaintiff,

11 -vs-

12 ORENTHAL JAMES SIMPSON,
13 #2648927
14 Defendant.

Case No. C237890

Dept No. V

15
16 **NOTICE OF MOTION AND MOTION TO REVOKE BAIL**
17 **AND EX-PARTE MOTION TO DETAIN DEFENDANT PENDING**
18 **HEARING ON MOTION TO REVOKE BAIL**

19 DATE OF HEARING:
20 TIME OF HEARING: 9:00 A.M.

21 COMES NOW, the State of Nevada, by DAVID ROGER, District Attorney, and files
22 this Notice of Motion and Motion to Revoke Bail and Ex-parte Motion to Detain Defendant
23 Pending Hearing on Motion to Revoke Bail.

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

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MC

1 NOTICE OF HEARING

2 YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the undersigned
3 will bring the foregoing motion on for setting before the above entitled Court, in Department
4 V thereof, on Wed, the 16th of January, 2008, at the hour of 9:00
5 o'clock A.M., or as soon thereafter as counsel may be heard.

6 POINTS & AUTHORITIES

7
8 On September 19, 2007, Defendant entered into an agreement with the State
9 regarding his bail status. A copy of the hearing transcript is attached as Exhibit A and
10 incorporated by reference. Defendant was allowed to post \$125,000 bail. The conditions of
11 his release were that he would surrender his passport to his attorney and that he would have
12 no direct or indirect contact with the victims, witnesses or co-defendants. The court
13 accepted the Defendant's stipulation and warned Defendant:

14 "Mr. Simpson, by 'no contact' I mean no direct contact, no
15 indirect contact whatsoever. If you see them you're to avoid
16 contact. If you see them walking down the street you're to cross
17 the street. You're to have no indirect contact. You're not to use
18 any means to contact these individuals; don't use e-mail,
19 telephone, mail, passenger pigeon, no whatsoever contact."

20 (Pg 8, lines 15-22)

21 Later, the court questioned the Defendant:

22 "Do you understand the no contact order includes having third
23 parties contacts any of these individuals on your behalf? Do you
24 understand that?"

25 THE DEFENDANT: Yes, sir.

26 THE COURT: Obviously, a violation of any of these
27 orders would be a violation of your release in this case. I will be
28 made aware by the district attorney of any violations and we can
proceed with you in custody on this case if you violate this order.
Do you understand everything?

THE DEFENDANT: I do, sir."

(pg 9, lines 4-14).

After being admitted to bail with the conditions set forth above, Defendant attempted to dissuade a co-defendant from testifying and cooperating with law enforcement.

1 Defendant directed his bail bondsman to contact co-defendant Clarence Stewart to give him
2 a message from the defendant. A copy of the voice mail transcript is attached as Exhibit B
3 and incorporated by reference.

4 Defendant asked his bondsman to tell co-defendant Clarence Stewart:

5 "Hey Miguel, It's me _____ I just want, want CJ to know
6 that the whole thing all the time he was tellin' me that s---t, ya
7 know, I hope he was telling me the truth don't be trying to
8 change the mother f---g s---t now, mother f---g a---s
9 I'm tired of this s---t. Fed up with mother f---s changing what
they told me. Alright? _____"

10 Defendant's attempt to contact his co-defendant is a violation of the conditions of his
11 release.

12 Defendant has breached his agreement with the prosecution. He has also violated the
13 court's order set forth above and he has committed new crimes. As a result, Defendant's bail
14 should be revoked and he should be held without bail pending trial. See NRS 178.484 and
15 NRS 178.487.

16 DATED this 11th day of January, 2008.

17 DAVID ROGER
18 Clark County District Attorney
19 Nevada Bar #002781

20 BY David Roger
21 DAVID ROGER
22 District Attorney
23 Nevada Bar #002781
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ORDER SHORTENING TIME

Upon the application of the State of Nevada and good cause appearing therefore,

IT IS HEREBY ORDERED that the time for hearing in the Motion is shortened and that the hearing on the State's Motion to Revoke Bail be held on the 16th day of January, 2008, at the hour of 9:00 A.M.

DATED this ____ day of January, 2008.

DISTRICT JUDGE

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that service of STATE'S NOTICE OF MOTION AND MOTION TO REVOKE BAIL, was made this 11th day of January, 2008, by facsimile transmission to:

GABRIEL GRASSO, ESQ.
FAX #868-5778



Employee of the District Attorney's Office

kjk

1 Las Vegas, Nevada, September 19, 2007

2 9:00 a.m.

3 * * * * *

4 P R O C E E D I N G S .

5 THE COURT: State of Nevada versus
6 Orenthal James Simpson. There's a procedural matter
7 right off the bat. Is Mr. Simpson present?

8 Mr. Simpson is present, in custody.

9 This is the State of Nevada versus
10 Orenthal James Simpson. First of all, there's
11 multiple cases on calendar today. The case 07F19420X
12 was assigned to Department Eight. This case number
13 was generated at the Clark County Detention Center
14 when Mr. Simpson was arrested and booked on several
15 charges on Sunday, September 16 of this year. Prior
16 to that, on February -- excuse me, on Friday,
17 September 14, the district attorney generated a case
18 number for Mr. Simpson in anticipation of filing a
19 criminal complaint and requesting an arrest warrant.
20 That case number was 07F19284X, assigned to Department
21 Nine. That process was never completed before Mr.
22 Simpson was arrested on September 16.

23 Apparently the detention center was
24 unaware that the district attorney had already
25 generated a case number for Mr. Simpson, therefore, he

1 was booked under a new case number, which is the
2 07F19420X case assigned to Department VIII.

3 Las Vegas Justice Court and the District
4 Attorney have a long-standing protocol to consolidate
5 multiple cases involving the same defendant to the
6 lowest case number when appropriate. This maintains
7 the integrity of the judicial process and avoids judge
8 shopping by either party. So in light of this,
9 pursuant to long standing protocols and procedures,
10 this case will proceed under the lowest case number
11 and, in fact, that is what the district attorney has
12 filed the complaint under. That case Number is
13 07F19284A, assigned to Las Vegas Justice Court,
14 Department Nine.

15 Counsel have any questions about that
16 procedure?

17 MR. GALANTER: No, Your Honor.

18 MR. ROGER: No, Your Honor.

19 THE COURT: Then as to State of Nevada
20 versus Orenthal James Simpson, Case No. 07F19284A, Mr.
21 Simpson is present, in custody.

22 Counsel for the State?

23 MR. ROGER: Dave Roger.

24 THE COURT: I'll address Mr. Simpson
25 first.

1 Mr. Simpson, why don't you stand up,
2 please, Mr. Simpson.

3 Mr. Simpson, I have a criminal complaint
4 before me. Have you received a copy of this criminal
5 complaint?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: This charges you with the
8 crimes of conspiracy to commit a crime, a gross
9 misdemeanor offense; conspiracy to commit kidnapping,
10 a felony offense; conspiracy to commit robbery, a
11 felony offense; burglary while in possession of a
12 deadly weapon, a felony offense; two counts of first
13 degree kidnapping with use of a deadly weapon, both
14 felony offenses; two counts of robbery with use of a
15 deadly weapon, both felony offenses; two counts of
16 assault with use of a deadly weapon, both felony
17 offenses; and coercion with use of a deadly weapon, a
18 felony offense.

19 Mr. Simpson, do you understand the charges
20 against you?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: We have counsel present on Mr.
23 Simpson's behalf.

24 MR. GALANTER: Yes, Your Honor. Yale
25 Galanter and Gabriel Grasso on behalf of O.J. Simpson

1 and only Yale Galanter and Gabriel Grasso only on
2 behalf of O.J. Simpson.

3 THE COURT: Mr. Galanter, are you licensed
4 to practice here in Nevada?

5 MR. GALANTER: I'm not fully licensed.
6 I've filed the paperwork, I've been told by the
7 Nevada Bar that it takes five days to get it
8 processed, but I can tell you as an officer the Court
9 the paperwork has been filed.

10 THE COURT: There are certain Supreme
11 Court rules that need to be followed. That's in the
12 process.

13 Where are you from?

14 MR. GALANTER: I'm from Florida.

15 THE COURT: Let me hear from Mr. Roger.
16 Any objection to Mr. Galanter making representations
17 today based upon the understanding that the proper
18 paperwork is --

19 MR. ROGER: No sir, and he has Gabe Grasso
20 with him.

21 THE COURT: Mr. Grasso, is that correct,
22 as local counsel?

23 MR. GRASSO: I will be local counsel,
24 Judge, and only me will be local counsel.

25 THE COURT: Now, also, as to this

1 procedural issue, the defendant in this case is
2 remanded to the custody of the sheriff in this case.
3 Mr. Simpson currently is being held without bail. Are
4 we planning to address bail today?

5 MR. GALANTER: Yes, Your Honor. I'll let
6 Mr. Roger make that announcement to the Court.

7 THE COURT: I'll hear from Mr. Roger.

8 MR. ROGER: Judge, right now the defendant
9 is being held without bail; another court made that
10 decision. As you're aware, the Nevada Constitution
11 provides that all people charged with crimes, with the
12 exception of murder in the first degree, are entitled
13 to reasonable bail. With that in mind, the defense
14 and I have entered into a stipulation. We'd ask the
15 Court to accept the stipulation, and it is as follows:

16 Mr. Simpson will post \$125,000 bail, cash
17 or surety. The conditions of his bail are that he
18 will surrender his passport to his attorney within 24
19 hours, that he'll have no contact with the witnesses,
20 victims or codefendants in this case, either
21 personally or through his agents. Of course, his
22 defense team, attorneys, investigators are obviously
23 entitled to contact these witnesses if they feel it's
24 appropriate. That he will, obviously, not be able to
25 travel outside of the country because he'll be

1 surrendering his passport, but he'll be able to travel
2 between here and Florida or whatever is appropriate,
3 whatever him and his attorneys decide.

4 That's the extent of the stipulation,
5 Judge.

6 MR. GRASSO: Judge, just to clarify, my
7 understanding is he could travel freely within the
8 continental United States.

9 THE COURT: Is that your understanding?

10 MR. ROGER: Yes, sir.

11 THE COURT: Otherwise, is that a correct
12 statement of the stipulation?

13 MR. GALANTER: That's correct. That is the
14 agreement Mr. Roger and I reached a few days ago and
15 it is stated accurately.

16 We'd like to thank the district attorney
17 for his courteous professionalism in this matter,
18 Judge.

19 THE COURT: I'll note that another judge
20 initially reviewed this case, did order the defendant
21 held without bail. I'll note that, obviously, the
22 charges here are different than what Mr. Simpson was
23 originally arrested on. The standard bail for first
24 degree kidnapping with use of a deadly weapon is a
25 no-bail hold, a set-in-court amount. I'm willing to

1 follow the agreement of the parties, the stipulation
2 entered into by the District Attorney David Roger and
3 counsel for Mr. Simpson. Accordingly, bail is set on
4 this case at \$125,000 total bail, cash or surety.

5 As a condition, Mr. Simpson, there are
6 certain conditions to posting bond here. You're
7 ordered to surrender your passport to your attorney
8 Mr. Galanter. Additionally, you're ordered to have no
9 contact whatsoever with any codefendants named in this
10 case, any potential witnesses named in this case.
11 These witnesses include any named victims in this case
12 or any other potential witnesses.

13 Do you understand that order?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Mr. Simpson, by "no contact" I
16 mean no direct contact, no indirect contact
17 whatsoever. If you see them you're to avoid contact.
18 If you see them walking down the street you're to
19 cross the street. You're to have no indirect contact.
20 You're not to use any means to contact these
21 individuals; don't use e-mail, telephone, mail,
22 passenger pigeon, no whatsoever contact.

23 You're to have -- obviously, you can
24 travel. Where do you live, Mr. Simpson?

25 THE DEFENDANT: I live in Miami, Florida.

1 THE COURT: You're allowed travel in the
2 Continental United States. Obviously, you'll have to
3 travel back to Las Vegas for court.

4 Do you understand the no contact order
5 includes having third parties contacts any of these
6 individuals on your behalf? Do you understand that?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Obviously, a violation of any
9 of these orders would be a violation of your release
10 in this case. I will be made aware by the district
11 attorney of any violations and we can proceed with you
12 in custody on this case if you violate this order. Do
13 you understand everything?

14 THE DEFENDANT: I do, sir.

15 THE COURT: Bail will be set. How would
16 you like to set this matter for preliminary hearing?

17 MR. ROGER: We'd ask that you set this for
18 status check, perhaps the third week in October.
19 There are other defendants who have received return
20 dates sometime in October. We'd like to have
21 everybody in court at the same time.

22 THE COURT: It looks like we have the "B"
23 defendant on for a return date on October 16, the "C"
24 defendant on for a return date on October 17. I would
25 suggest we pass this for status check on a setting of

1 the hearing and continued arraignment on all
2 defendants the week after. Is that acceptable?

3 MR. ROGER: That is judge.

4 MR. GALANTER: Yes, sir.

5 THE COURT: Set this for status check the
6 week of the 22nd.

7 THE CLERK: October 22, 7:30.

8 THE COURT: Anything else, counsel?

9 MR. GALANTER: No, thank you.

10 MR. GRASSO: Your Honor, one last thing.
11 That will be in your regular courtroom?

12 THE COURT: That will be in a courtroom to
13 be determined at another time. There's some obviously
14 some logistic issues involved in this case that we'll
15 have to discuss with court staff.

16

17

18 ATTEST: Full, true and accurate transcript of
19 proceedings.

20

21


TOM MERCER, C.C.R. No. 33

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24

25

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
SURREPTITIOUS RECORDING
PAGE 1

EVENT #070913-2924

SPECIFIC CRIME: ROBBERY

The following is the transcription of a surreptitious recording of a voice mail message left by Orenthal Simpson for Miguel Pereira on November 16th, 2007.

Simpson: Hey Miguel, It's me _____ I just want, want CJ to know that the whole thing all the time he was tellin' me that shit, ya know, I hope he was telling me the truth don't be trying to change the mother f_____g s_____ now, mother f_____g a_____ h_____s I'm tired of this s____t. Fed up with mother f_____s changing what they told me. Alright? _____

A6079C/010308

EXHIBIT B