

COMMISSION ON JUDICIAL SELECTION APPLICATION

FIRST JUDICIAL DISTRICT  
DEPARTMENT 2

By

Kristin N. Luis



Personal Information
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1.	Full Name	Kristin Noel Luis
2.	Have you ever used or been known by any other legal name (including a maiden name)? If so, state name and reason for the name change and years used.	Kristin Noel Herzchel - Maiden Name, used from June 1968 until June 2002, and changed following marriage.
3.	How long have you been a continuous resident of Nevada?	55 years
4.	City and county of residence	Carson City
5.	Age	55

Employment History
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6. Please start with your current employment or most recent employment, self-employment, and periods of unemployment for the last 20 years preceding the filing of this Application.

Current or Last Employer	Carson City Justice/Municipal Court
Phone	(775)887-2121
Physical Address & Website	885 East Musser Street #2007, Carson City, NV 89701 <a href="https://www.carson.org/government/departments-a-f/courts/justice-municipal-court-clerk">https://www.carson.org/government/departments-a-f/courts/justice-municipal-court-clerk</a>
Date(s) of Employment	January 2019 - Present
Supervisor's Name and Title	Not Applicable
Your Title	Justice of the Peace
Describe Your Key Duties	Review arrest reports daily and make findings of probable cause for arrest, conduct initial appearances and bail hearings in all criminal cases, hold preliminary hearings in gross misdemeanor and felony cases, conduct bench trials in traffic and misdemeanor criminal cases, conduct jury trials in domestic battery cases, determine issuance of protection orders and address alleged violations of such orders, address violations of pretrial and suspended sentence conditions. Preside over Carson City Mental Health Court and work with numerous agencies to coordinate treatment and services to assist this population. Conduct hearings and decide small claims actions, landlord/tenant cases and civil actions involving claims up to \$15,000. Conduct short jury trials in contested civil actions. Review and decide requests for search warrants and arrest warrants while on call after hours. Conduct civil wedding ceremonies.

Reason for Leaving	Current Position
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Previous Employer	Carson City District Attorney's Office
Phone	(775)887-2072
Address & Website	885 East Musser Street, Ste. 2030, Carson City, NV 89701 <a href="https://www.carson.org/government/departments-a-f/district-attorney-s-office">https://www.carson.org/government/departments-a-f/district-attorney-s-office</a>
Date(s) of Employment	January 2015 - January 2019
Supervisor's Name and Title	Jason D. Woodbury, District Attorney
Your Title	Assistant District Attorney
Describe Your Key Duties	Assisted the District Attorney in overall management of District Attorney's Office and worked in a coordinated manner with the Chief Civil Attorney to supervise, evaluate, and promote the development of attorneys in the Civil, Juvenile and Criminal Divisions of the office. Worked with department staff to implement and improve case management procedures and communicate with law enforcement and other City departments to integrate common goals and enhance regular operations. Participated in guidance and training to law enforcement agencies, Division of Child and Family Services and Juvenile Probation. Prosecuted all types of criminal cases including murder cases. Represented Carson City in juvenile delinquency and child dependency cases. Directly supervised Criminal Division prosecutors and Juvenile Division attorneys to ensure fair and just prosecution.
Reason for Leaving	I ran for and was elected as the Carson City Justice of the Peace

Previous Employer	First Judicial District Court, Carson City
Phone	(775)887-2082
Address & Website	885 East Musser Street, Ste. 3031, Carson City, NV 89701 <a href="https://www.carson.org/government/departments-a-f/courts/district-court-clerk">https://www.carson.org/government/departments-a-f/courts/district-court-clerk</a>
Date(s) of Employment	October 2010 – January 2015
Supervisor's Name and Title	Honorable James T. Russell, District Judge and Honorable James E. Wilson, District Judge
Your Title	Juvenile Special Master
Describe Your Key Duties	Heard cases involving juvenile delinquency, child welfare, and child support and made findings of fact, conclusion of law and recommendations in such cases. Presided over juvenile drug court and family dependency court and maintained grant funding and statistics for both programs. Served as Arbitration

	Commissioner and Mediation Coordinator and administered arbitration and mediation programs in accordance with local rules. Maintained accountability for Juvenile Court budget and supervised staff including judicial assistant, two court clerks and bailiff.
Reason for Leaving	Recruited by newly elected District Attorney to serve as Assistant District Attorney

Previous Employer	Carson City District Attorney's Office
Phone	(775)887-2072
Address & Website	885 East Musser Street, Ste. 2030, Carson City, NV 89701 <a href="https://www.carson.org/government/departments-a-f/district-attorney-s-office">https://www.carson.org/government/departments-a-f/district-attorney-s-office</a>
Date(s) of Employment	January 2000 - October 2010
Supervisor's Name and Title	Noel Waters, District Attorney and Anne Langer, Chief Criminal Deputy (January 2000 – December 2005)  Neil Rombardo, District Attorney and Gerald Gardner, Assistant District Attorney (January 2006 – October 2010)
Your Title	Deputy District Attorney
Describe Your Key Duties	Prosecuted all types of misdemeanor and felony cases, from arraignment through appeal before the Carson City Municipal and Justice Court, the First Judicial District Court and the Nevada Supreme Court. Duties included the review and preparation of search warrants and arrest warrants, analysis of police reports for charging purposes and to identify suppression and other evidentiary issues, drafting and arguing motions and appeals, and conducting misdemeanor trials, preliminary hearings and felony jury trials. Provided advice and training to local law enforcement agencies and provided supervision and training to criminal deputies. After many years in the criminal division, I transferred to the Civil Division. While in the Civil Division, I provided legal representation and advice to numerous City Departments including Parks and Recreation, Health and Human Services, Risk Management and Information Technology. Attended various board/commission meetings and addressed various legal issues/questions; reviewed, negotiated and drafted contracts; drafted and reviewed interlocal agreements, resolutions and ordinances; address human resource and risk management issues and assist with litigation affecting clients. Also, responsible to pursue civil forfeiture actions, prosecute animal code and building code violations, and participate in negotiation and mediation of employee grievances.

Reason for Leaving	I was appointed to serve as the Juvenile Special Master.
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Educational Background
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7. List names and addresses of high schools, colleges and graduate schools (other than law school) attended; dates of attendance; certificates or degrees awarded; reason for leaving.

Reno High School 1982-1986  
395 Booth Street, Reno, Nevada

University of Nevada, Reno 1986-1991  
1664 N. Virginia Street, Reno, Nevada Bachelor of Arts Degree

8. Describe significant high school and college activities including extracurricular activities, positions of leadership, special projects that contributed to the learning experience.

I participated in numerous honors courses and graduated with an honors diploma. I was a member of the Reno High School Diving team for 4 years and earned a varsity letter, taking third place in the Nevada State diving competition. I participated and competed as a member of the Reno High School Ski Team in my senior year and participated in ski club for 2 years.

I was on the diving team for 2 years at UNR with an athletic scholarship in diving. I also refereed intramural sports.

9. List names and addresses of law schools attended; degree and date awarded; your rank in your graduating class; if more than one law school attended, explain reason for change.

Gonzaga School of Law 1991 - 1994  
721 N. Cincinnati Street Juris Doctorate  
Spokane, WA 99202 Cum Laude  
My overall class rank in law school was 56 of 176 students.

10. Indicate whether you were employed during law school, whether the employment was full-time or part-time, the nature of your employment, the name(s) of your employer(s), and dates of employment.

I was not employed during the school year; however, I maintained seasonal employment with Harrah's as a valet parking attendant over winter, spring and summer break. I also interned with the Washoe County District Attorney's Office during summer break after my first year and with Washoe County Judge Mills Lane during summer break after my second year of law school.

11. Describe significant law school activities including offices held, other leadership positions, clinics participated in, and extracurricular activities.

I participated in Moot Court and worked as an extern in my third year of law school with the University Legal Assistance program. As an extern, I worked with supervising attorneys to represent indigent persons in Spokane, Washington with a variety of legal issues, including court appearances as needed.

Law Practice
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12. State the year you were admitted to the Nevada Bar.

I was admitted to the Nevada Bar in 1997.

13. Name states (other than Nevada) where you are or were admitted to practice law and your year of admission.

I am not admitted to practice in any other state.

14. Have you ever been suspended, disbarred, or voluntarily resigned from the practice of law in Nevada or any other state? If so, describe the circumstance, dates, and locations.

No

15. Estimate what percentage of your work over the last five years has involved litigation matters, distinguishing between trial and appellate courts. For judges, answer questions 16-20 for the five years directly preceding your appointment or election to the bench.

In the five years prior to my election as Justice of the Peace, I would estimate that 70% of my work involved litigation and 30% was transactional. In my current role as Justice of the Peace, all of my work is litigation based. For questions 16-20, I will be using my time spent at the District Attorney's Office as the Assistant District Attorney for reference.

16. Estimate percentage of time spent on:

Legal Discipline	Percentage of Practice
Domestic/family	15%
Juvenile matters	15%
Trial court civil	0%
Appellate civil	0%
Trial court criminal	60%
Appellate criminal	10%
Administrative litigation	0%
Other: Please describe	

17. In the past five years, what percentage of your litigation matters involved cases set for jury trials vs. non-jury trials?

During my time as Assistant District Attorney, approximately 30% of my cases were set for jury trial and approximately 70% of my cases were set for non-jury trials.

18. Give the approximate number of jury cases tried to a conclusion during the past five years with you as lead counsel. Give the approximate number of non-jury cases tried to a decision in the same period.

During the course of my career as a prosecutor, I tried 4-5 felony cases before a jury. I tried one felony case as a bench trial. Most of the cases I handled were either tried at the misdemeanor level or were negotiated pleas before the justice and/or district court.

Prior to becoming a prosecutor, I worked with 3 different private attorneys and assisted in the defense of a number of criminal jury trials including a child sexual abuse trial.

As a Justice of the Peace, I have conducted 3 misdemeanor domestic battery jury trials and 1 short civil trial. I believe I was the first Justice of the Peace in Nevada to conduct a misdemeanor domestic battery jury trial.

19. List courts and counties in any state where you have practiced in the past five years.

As Assistant District Attorney, I appeared in Carson City Justice Court, First Judicial District Court, First Judicial District Juvenile Court, and the Supreme Court of Nevada.

20. List by case name and date the five cases of most significance to you (not including cases pending in which you have been involved), complete the following tables:

Case 1
Case name and date: State v. Leonard Cardoza – Set for Felony jury trial after remand on charges of Murder with a Deadly Weapon, Attempt Murder with a Deadly Weapon, Battery With a Deadly Weapon, DUI, and Leaving the Scene of an Accident
Court and presiding judge and all counsel: First Judicial District Court, the Honorable James T. Russell, District Judge. Allison Joffee was defense counsel.
Importance of the case to you and the case's impact on you: This case was complicated due to the nature of the charges, the fact that it had been tried under a prior administration, and the conviction being overturned by the Nevada Supreme Court. Additionally, this case involved the death of a 19 year old girl and was of grave concern to the public. It impacted me because of the interactions with the victim's mother, who had to go through the process again. As time had gone on, a key witness had become uncooperative. The nature of the crime had a significant impact on me, but it also serves as a clear reminder of the importance of good decisions, not just on the legal process, but on the real people who exist and have to live with it.
Your role in the case: Second Chair Prosecutor with Jason D. Woodbury as First Chair.

Case 2
Case name and date: State v. John Aston (1) – felony jury trial for charges of Carry Concealed Weapon, Possess Short Barreled Gun on June 12, 2017. State v. John Aston (2) – felony jury trial on May 30, 2018, vacated due to Defendant’s death. Charges: Discharge Firearm into Occupied Structure, Arson Fourth Degree, Aggravated Stalking.
Court and presiding judge and all counsel: First Judicial District Court, the Honorable James E. Wilson, District Judge. Karin Kriezenbeck, Esq. and William Murphy, Esq. from the Public Defender’s Office served as defense counsel.
Importance of the case to you and the case’s impact on you: The cases against John Aston were important because after Mr. Aston lost a motion to dismiss a traffic case in front of Justice of the Peace John Tatro in 2005, he was later stopped by law enforcement and found to be in possession of a concealed weapon, a short-barreled gun, a significant amount of ammunition and other concerning evidence. After his release from custody, Mr. Aston failed to appear for court on the weapons charges and a warrant for his arrest was issued by Judge Tatro in 2011. Judge Tatro then became a target of a 4 year threat investigation which involved shots fired through the front door of his home on December 11, 2012, a Christmas card mailed to his home on December 23, 2014, stating “you will die” and an attempt to burn Judge Tatro’s property by placing plastic milk jugs with rubbing alcohol in front of his garage and trying to ignite them with matches. Until 2017, it was unknown that Mr. Aston was the culprit of these threats. In order to preserve the ability to pursue charges against the perpetrator in this case, Jason Woodbury, the District Attorney filed a DNA warrant utilizing DNA evidence taken from the milk jugs. This case is significant for a number of reasons – it was the first time Carson City had used a DNA warrant to preserve the ability to prosecute a case, the significance of the ongoing threats to a sitting Justice of the Peace, the overwhelming nature of the investigation, and the final discovery of the perpetrator shortly before his eventual death, approximately 1 year after his arrest.
Your role in the case: Second Chair Prosecutor with Jason D. Woodbury as First Chair.

Case 3
Case name and date: State v. Eric Buhl (1) – Guilty Plea to First Degree Murder and sentenced on February 15, 2018. State v. Eric Buhl (2) – Battery by Prisoner felony bench trial on August 30, 2017.
Court and presiding judge and all counsel: First Judicial District Court, the Honorable James E. Wilson, District Judge. Marcie Ryba, Esq. was defense counsel on the murder case and John Malone, Esq. was defense counsel for battery by prisoner.
Importance of the case to you and the case’s impact on you: This case involved the murder of a 2 year old child (Defendant’s niece) due to an episode of physical abuse by the Defendant. This case involved working with an expert to determine exact cause of the child’s untimely death and the review and presentation of numerous autopsy photos revealing multiple

physical injuries. There was a corresponding child welfare case that involved the Defendant and the mother of their common children. This case became challenging because the mother of the children moved to California and wavered back and forth in her cooperation with the criminal investigation. While the Defendant was in custody awaiting the resolution of his murder charge, he was additionally involved and charged with committing a battery on a fellow inmate. I prosecuted the felony Battery by a Prisoner charge at a bench trial where the Defendant was convicted.

Your role in the case: Supervising prosecutor and first chair, with Tyson League as second chair on the murder case and sole prosecutor on the Battery by a Prisoner case.

#### Case 4

Case name and date: State v. Patrick Williams – Guilty plea to charge of Promote Sexual Performance of a Minor on January 19, 2016.

Court and presiding judge and all counsel: First Judicial District Court, the Honorable James T. Russell, District Judge. Defense counsel: Marcie Ryba, Esq.

Importance of the case to you and the case's impact on you: This case involved the Defendant's son finding child pornography images and videos on a computer and thumb drive that he used to play games. The investigation of this case required forensic imaging of the computer to preserve its contents for discovery, to identify how and when the Defendant acquired the child pornography material, and to quantify the amount of material he possessed. These cases are difficult because the prosecution and presentation of the case requires viewing very disturbing material. This case resolved without going to jury trial which would have required the Defendant's son to testify.

Your role in the case: Supervising prosecutor and first chair, with Tyson League as second chair

#### Case 5

Case name and date: State v. Reed Skenandore, Jacob Huttman, Jonathan Skenandore, Jesus Garcia-Manriquez, Daniel Lease and Keenan Blackmore – Sentenced on May 1, 2017. Charges: Murder, Conspiracy to Commit Robbery, Accessory to Murder.

Court and presiding judge and all counsel: First Judicial District Court, the Honorable James E. Wilson, District Judge. Defense counsel for Reed Skenandore was Robert Ben Walker, Esq.; defense counsel for Jacob Huttman was Kay Armstrong, Esq.; defense counsel for Jonathan Skenandore was Richard Davies, Esq.; defense counsel for Jesus Garcia-Manriquez was Noel Waters, Esq.; defense counsel for Daniel Lease was John Malone, Esq.; defense counsel for Keenan Blackmore was John Oakes, Esq.

Importance of the case to you and the case's impact on you: This case was significant because it involved a conspiracy among 6 adult defendants, ranging in age from 18 to 21 and one juvenile, to rob 18 year old Grant Watkins, of 3 ounces of marijuana. In the process of

the robbery, Defendant Reed Skenandore shot and killed Grant Watkins at a local park. After the shooting, the defendants fled the scene, engaged in efforts to hide from law enforcement and to destroy evidence of the crime, including dismantling and burying the firearm used in the murder in Dayton. I was involved in the lengthy investigation of the case and the presentation of the State's case at a 5 day preliminary hearing involving 5 defendants and their defense attorneys. Ultimately, all defendants entered guilty pleas without proceeding to jury trial. Reed Skenandore (21 years old) was convicted of First Degree Murder, Jacob Huttman and Jonathan Skenandore were convicted of Second Degree Murder and Conspiracy to Commit Robbery, Jesus Garcia-Manriquez was convicted of Second Degree Murder, Keenan Blackmore was convicted of Accessory to Murder and Daniel Lease was convicted of Compounding Crimes.

Your role in the case: Lead prosecuting attorney along with Orrin Johnson.

21. Do you now serve, or have you previously served as a mediator, an arbitrator, a part-time or full-time judicial officer, or a quasi-judicial officer? To the extent possible, explain each experience.

Yes

In October 2010, I was appointed by the First Judicial District Court to serve as the Juvenile Special Master, a full time position which I held through January 2015. In this role, I presided over a busy calendar of juvenile delinquency, child welfare, and child support cases and made written findings of fact, conclusions of law and recommendations to the First Judicial District Court. I also presided over the juvenile drug court and family dependency court and maintained grant funding and prepared statistical reports for these specialty court programs. In this role, I discovered the importance of effectively responding to juvenile delinquency and child welfare issues for the betterment of the community and to prevent further involvement in the criminal justice and social welfare systems. As the Juvenile Special Master, I also served as the Arbitration Commissioner and Mediation Coordinator in accordance with local court rules and assisted in presenting local arbitration training.

In November of 2018, I was elected to serve as Justice of the Peace in Department 2 in Carson City. I took office and was sworn in to that role in January 2019. I currently oversee a calendar of civil and criminal case including small claims, evictions, and protection orders. Additionally, I carry a large criminal case load and hear 48 hearings, arraignments, preliminary hearings, bench and jury trials. I also am on call for arrest and search warrants on a monthly basis. Additionally, I serve as the judge for Mental Health Court. In this role, I have deepened my understanding of the connections between all of our court systems. Families who may have a custody hearing upstairs and also are addressing protection orders or criminal charges in my court room. They may also be dealing with a child welfare case or delinquency case with their children. It has shown me how important it is to keep the big picture in mind about what may be taking place in a person's life. It is a constant reminder that a duty of fairness can make decisions difficult, but that my ultimate responsibility is to my community, including the person who sits before me.

22. Describe any pro bono or public interest work as an attorney.

Due to my judicial position, I am limited in the pro bono work that I can provide. I have volunteered as a TIP Mentor for 3 years. I have provided pro bono assistance on property, family law, and non-profit liability where I am able, making sure not to create any conflicts.

23. List all bar associations and professional societies of which you are or have been a member. Give titles and dates of offices held. List chairs or committees in such groups you believe to be of significance. Exclude information regarding your political affiliation.

I have been on the board of the First Judicial Bar Association since 2010. I served as Treasurer from approximately 2015-2019 and as President from approximately 2019-2023.

I am also a member of the Nevada Judges of Limited Jurisdiction (NJLJ). I served as a Board Member from 2020 to 2022 and became the Secretary in 2023.

I am also an alternate judicial member of the Nevada Commission on Judicial Discipline and have served as such for the last 2 years.

24. List all courses, seminars, or institutes you have attended relating to continuing legal education during the past five years. Are you in compliance with the continuing legal education requirements applicable to you as a lawyer or judge?

I am in compliance with the continuing legal education requirements as both a lawyer and a judge as indicated below. Additionally, I was awarded my Basic Judicial Education Certificate in January 2023.

<b>Date</b>	<b>Course</b>	<b>Credits</b>
8/11/23	2023 Nevada Legislative Review	1.5 General
7/28/23	Vested Water Rights Current Issues and Strategies	1.0 General
6/23/23	2023 Nevada Limited Jurisdiction Judges Summer Conference	10.5 General 2.0 Ethics 1.0 AAMH
5/5/23	Case Law History of Establishment of V&T Railroad	1.0 General
4/21/23	Negotiation Strategy & Tactics	1.0 General
3/3/23	Office of Bar Counsel Insiders View	1.0 Ethics
1/27/23	2023 Nevada Limited Jurisdiction Judges Winter Seminar	9.0 General 2.5 Ethics 1.5 AAMH
1/6/23	Carson City Specialty Court Programs (Presented by me and Justice of the Peace Thomas Armstrong)	1.0 AAMH
11/4/22	State Board of Governors and State Bar of Nevada Updates	1.0 General
10/14/22	Nevada Specialty Court Conference 2022	7.5 General 3.5 Ethics 1.5 AAMH

8/12/22	Nevada Ethics Law	1.0 Ethics
6/10/22	Mediation Basics: What All Attorneys Should Know	1.0 General
5/6/22	Nevada Judicial Leadership Summit	12.0 General 3.5 Ethics
4/29/22	Substance Abuse Training for Attorneys	1.0 AAMH
2/15/22	Opioids: What Judges Should Know	1.0 General
2/11/22	Ethical Obligations of Attorneys as Mandatory Reporters	1.0 Ethics
1/25/22	2022 Nevada Limited Jurisdiction Judges Winter Seminar	1.0 General 3.0 Ethics 1.5 AAMH
1/1/22	2021 TIP Mentor Program Part 2	2.0 General
12/17/21	Involuntary Court-Ordered Hospital Admissions 2021	1.0 General
12/1/21	Bar Exam Survey Participation	3.0 General
11/5/21	Landlord Tenant Law	1.0 General
10/22/21	Employment Law and COVID Protocols	1.0 General
10/14/21	What Judges Need to Know: The Science of Marijuana	1.0 General
9/17/21	Core Skills for Judges: Consumer Credit After COVID	1.0 General
9/3/21	2021 TIP Mentor Program Part 1	2.0 General 1.0 Ethics
8/27/21	2021 Nevada Legislative Review	1.5 General
7/22/21	Family Law Updates: 2021 Legislative Session	1.0 General
7/15/21	2021 Eviction Procedures Update – AB 486	1.5 General
6/18/21	Review of Recent United States Supreme Court Opinions	1.5 General
6/4/21	2021 The Red Door Project – Evolve	3.0 Ethics
6/2/21	2021 What Judges Should Know When Non-US Citizen Appears	1.0 General
2/3/21	Navigating the Judicial Discipline Process	1.0 Ethics
1/22/21	Housing Hot Topics – Eviction Moratorium	1.5 General
11/12/20	Supreme Court Review: Civil & Criminal	2.0 General
10/13/20	2020 Nevada Specialty Court Virtual Conference	4.5 General 1.5 Ethics 5.0 AAMH
10/7/20	Evictions Update: Mediation Program	1.0 General
9/24/20	Digital Impersonation & Deepfakes	1.5 General
9/2/20	Nevada Supreme Court Civil Case Review	1.0 General
8/26/20	Nevada Supreme Court Criminal Case Review	1.0 General
7/23/20	Unmasking of the Eviction Moratorium in Nevada	1.0 General
7/2/20	Navigating New Normal: How to Thrive in Age of Millennials	1.0 General
6/19/20	Bail: A Pause for the Clause	1.5 General
5/29/20	NADCP All Rise 2020	12.5 General
5/22/20	Adult Guardianships & Ethics	1.0 General 1.0 Ethics
5/1/20	Landlord Tenant Law in the Age of Coronavirus	1.0 General
4/15/20	Sovereign Citizens as Challenging Litigants (webcast)	1.0 General
4/14/20	Examination of the COVID-19 Pandemic (webcast)	1.5 General
4/13/20	Handling Small Claims Cases Effectively (webcast)	24.0 General

3/26/20	The Judge's Role in a Pandemic (webcast)	1.0 General
3/6/20	Election Law: Direct Democracy in Nevada: Overview	1.0 General
3/3/20	Spring 2020 TIP Mentor	4.0 General 1.0 Ethics 1.0 AAMH
2/21/20	Employment Law Updates	1.0 General
1/28/20	2020 Nevada Limited Jurisdiction Judges Winter Seminar	7.5 General 3.5 Ethics 3.5 AAMH
1/24/20	Updates to the First Judicial District Court Rules	1.0 General
12/20/19	Nevada Pretrial Risk Assessment Training for Judges	1.5 General
10/21/19	Ethics, Fairness & Security in Courtroom & Community	19.0 General 6.0 Ethics
10/4/19	Addiction in the Legal Field	1.0 AAMH
9/26/19	2019 Nevada Legislative Review	1.5 General
9/20/19	Criminal Law Legislative Updates	1.0 General
8/9/19	Legal Basics of Starting a Non-Profit	1.0 General
6/18/19	2019 Nevada Judges of Limited Jurisdiction Summer Seminar	10.0 General 2.0 Ethics 1.0 AAMH
6/12/19	Nevada Landlord Tenant Law	1.0 General
6/3/19	Special Court Jurisdiction: Advanced	30.0 General 5.5 Ethics 2.5 AAMH
5/10/19	Education Rights & Procedures – IEP, etc.	1.0 General
4/5/19	Overview of Changes to Nevada Rules of Civil Procedure	1.0 General
3/6/19	2018 Nevada Appellate Courts Criminal Opinion Review	1.0 General
3/1/19	When Tragedy Strikes – Ethical & Legal Considerations	1.0 Ethics
2/15/19	Employment Law 101	1.0 General
1/15/19	2019 Nevada Limited Jurisdiction Judges Winter Seminar	10.0 General 3.0 Ethics 1.0 AAMH
1/14/19	2019 Nevada New Judge Orientation	6.5 General 2.0 Ethics
1/11/19	Nuts & Bolts of Worker's Compensation Claims for Attorneys	1.0 General
12/7/18	Substance Abuse Education: Overview of Level of Care	1.0 AAMH

25. Do you have Professional Liability Insurance or do you work for a governmental agency?

No, I have never been required to have Professional Liability Insurance. I have either worked as an associate for an attorney who held such insurance or I have been in government practice. Currently, as a Justice of the Peace, I am not required to maintain such insurance, as I work for a governmental entity.

<b>Business &amp; Occupational Experience</b>
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26. Have you ever been engaged in any occupation, business, or profession other than a judicial officer or the practice of law? If yes, please list, including the dates of your involvement with the occupation, business, or profession.

No, I have not.

27. Do you currently serve or have you in the past served as a manager, officer, or director of any business enterprise, including a law practice? If so, please provide details as to:
- the nature of the business
  - the nature of your duties
  - the extent of your involvement in the administration or management of the business
  - the terms of your service
  - the percentage of your ownership

No, I have not served in any of the capacities listed above.

28. List experience as an executor, trustee, or in any other fiduciary capacity. Give name, address, position title, nature of your duties, terms of service and, if any, the percentage of your ownership.

I don't have any experience in this area.

<b>Civic Professional &amp; Community Involvement</b>
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29. Have you ever held an elective or appointive public office in this or any other state?

Yes

Have you been a candidate for such an office?

Yes

If so, give details, including the offices involved, whether initially appointed or elected, and the length of service. Exclude political affiliation.

I was a candidate for the office of Carson City Justice of Peace in 2018. I won a contested election and I have held the office since I was sworn in January of 2019.

30. State significant activities in which you have taken part, giving dates and offices or leadership positions.

I am a member of the Carson City chapter of Soroptimist International since March 2018. I am currently a board member for that organization. Additionally, I serve on the Executive Board of the Children's Museum of Northern Nevada since May 2018. While on the Board, I served as the Treasurer, I believe from 2017-2019.

31. Describe any courses taught at law schools or continuing education programs. Describe any lectures delivered at bar association conferences.

I have not taught at a law school. When I was employed at the District Attorney's Office I taught Search and Seizure, Laws of Arrest, and Drug Crimes at Nevada's Police Officer Standards Training. I have presented on First Judicial District Mental Health Court Program before the Carson City Chamber of Commerce, First Judicial District Bar Association, Leadership Carson City, and as part of the Crisis Intervention Training.

32. List educational, military service, service to your country, charitable, fraternal and church activities you deem significant. Indicate leadership positions.

I have never served in the military. I do participate and contribute to numerous charitable causes, including sponsoring children through Compassion International. Through my involvement with Soroptimist, I have participated in the donation of Christmas gifts to senior citizens, Easter baskets for children in foster care, donation of clothes to children in foster care, back to school backpack drive, scholarships for WNC students and high school graduates. I regularly support food drives, Toys for Tots and participate in community charity golf tournaments and other fundraising events, including support of the Boys and Girls Club of Northern Nevada and Holiday with a Hero. The Justice Court also adopts a family for the holidays every year and I contribute to the meal and gifts for the family. I am also actively involved in with my church and their outreach activities.

33. List honors, prizes, awards, or other forms of recognition.

I received an award from the Carson City Chamber of Commerce for Women's History Month as the first elected female judge in Carson City.

34. Have you at any time in the last 12 months belonged to, or do you currently belong to, any club or organization that in practice or policy restricts (or restricted during the time of your membership) its membership on the basis of race, religion, creed, national origin or sex? If so, detail the name and nature of the club(s) or organization(s), relevant policies and practices, and whether you intend to continue as a member if you are selected for this vacancy.

No

35. List books, articles, speeches and public statements published, or examples of opinions rendered, with citations and dates.

None.

36. During the past ten years, have you been registered to vote?

Yes

Have you voted in the general elections held in those years?

Yes

37. List avocational interests and hobbies.

I enjoy spending time with my husband, two daughters and our two dogs. I am an outdoor enthusiast and I enjoy running, hiking, cycling, snow skiing, water skiing, golfing, camping, and quad riding.

Conduct

38. Have you read the Nevada Code of Judicial Conduct and are you able to comply if appointed?

Yes

39. Have you ever been convicted of or formally found to be in violation of federal, state or local law, ordinance or regulation? Provide details of circumstances, charges, and dispositions.

No

40. Have you ever been sanctioned, disciplined, reprimanded, found to have breached an ethics rule or to have acted unprofessionally by any judicial or bar association discipline commission, other professional organization or administrative body or military tribunal? If yes, explain. If the disciplinary action is confidential, please respond to the corresponding question in the confidential section.

No

41. Have you ever been dropped, suspended, disqualified, expelled, dismissed from, or placed on probation at any college, university, professional school or law school for any reason including scholastic, criminal, or moral? If yes, explain.

No

42. Have you ever been refused admission to or been released from any of the armed services for reasons other than honorable discharge? If yes, explain.

No

43. Has a lien ever been asserted against you or any property of yours that was not discharged within 30 days? If yes, explain.

No

44. Has any Bankruptcy Court in a case where you are or were the debtor, entered an order providing a creditor automatic relief from the bankruptcy stay (providing in rem relief) in any present or future bankruptcy case, related to property in which you have an interest?

No

45. Are you aware of anything that may require you to recuse or disqualify yourself from hearing a case if you are appointed to serve as a member of the judiciary? If so, please describe the circumstances where you may be required to recuse or disqualify yourself.

I would recuse or disqualify myself if I received a case involving someone with whom I have a close personal relationship. In my experience, these occurrences are rare but they do happen. My husband serves as a hearing officer for the State of Nevada and hears cases regarding victim rights and worker's compensation. Potentially, these cases can be appealed to the District Court; however, this is a rare occurrence. If one of his decisions were to be appealed to that level, I would need to recuse myself.

Other

46. If you have previously submitted a questionnaire or Application to this or any other judicial nominating commission, please provide the name of the commission, the approximate date(s) of submission, and the result.

I have not submitted any prior applications to a judicial nominating commission.

47. In no more than three pages (double spaced) attached to this Application, provide a statement describing what you believe sets you apart from your peers, and explains what education, experience, personality or character traits you possess, or have acquired, that you feel qualify you as a supreme court justice. In so doing, address appellate, civil (including family law matters), and criminal processes (including criminal sentencing).

48. Detail any further information relative to your judicial candidacy that you desire to call to the attention of the members of the Commission on Judicial Selection.

49. Attach a sample of no more than ten pages of your original writing in the form of a decision, "points and authorities," or appellate brief generated within the past five years, which demonstrates your ability to write in a logical, cohesive, concise, organized, and persuasive fashion.

## 47. Personal Statement

I am distinguished from other applicants for the position of District Judge because of the overall diversity of my legal experience and the insight I have gained from my experiences. At the beginning of my career, I interned with the Honorable Mills Lane and then served as a law clerk in Washoe County for the Honorable James Stone where I regularly observed court proceedings, reviewed cases, conducted legal research and prepared proposed orders for the court. I then worked as an associate with three different and well esteemed private attorneys, assisting with legal research, writing and court appearances in criminal defense, divorce and civil cases. I gained experience in a variety of criminal cases and participated in the defense of a number of high-profile cases, including a child sexual abuse case, high-level drug trafficking cases, and a murder case. I learned early on that there is more than one side to a case and there are many challenges to presenting a sound criminal defense.

Thereafter, I spent ten years prosecuting a variety of criminal cases, from misdemeanors to significant felony jury trials. I regularly handled arraignment and sentencing proceedings in District Court, conducted felony jury trials in DUI, Domestic Battery, drug and weapons cases, and addressed competency hearings, pre-trial and post-conviction habeas matters and appeals before the District Court and Nevada Supreme Court. I personally met with the witnesses and victims in my cases and learned to appreciate and understand different viewpoints. I also learned how to discuss difficult issues under very challenging circumstances, such as explaining to victims that there is insufficient evidence to successfully prosecute a claim of sexual assault.

I have also worked cooperatively with law enforcement agencies teaching various areas of law, providing legislative updates and offering legal guidance on criminal investigations. I have participated in numerous ride-a-longs with law enforcement, and I regularly met with officers in my cases to prepare them for trial and discuss evidentiary issues. I have reviewed and prepared

numerous search warrants and arrest warrants and spent many weeks handling on-call duties in this respect. I understand and respect the role of law enforcement in our community and the many challenges they face.

As a Civil Deputy District Attorney, I gained experience representing City departments, providing guidance and direction regarding legal issues and the open meeting law requirements at commission meetings, drafting, modifying and reviewing City contracts and inter-local agreements. I also handled civil forfeiture cases and involuntary commitment hearings before the District Court.

From my combined experience as a Criminal Deputy, a Civil Deputy and as the Assistant District Attorney, I have an enhanced view of the role the District Attorney's Office plays in addressing important community issues and trends, including substance abuse, mental health, homelessness, gang activity, juvenile delinquency and child welfare issues. I have been able to offer input on these matters and assist with solutions like specialty court programs. I have participated in multiple specialty court programs as both a prosecutor (Western Regional Drug Court, DUI Diversion Court, Mental Health Court) and as a judicial officer (Mental Health Court, Juvenile Drug Court and Family Dependency Court). I have received extensive training in the best practices of specialty court programs and have witnessed the positive results of these programs on a firsthand basis. I have had numerous successful participants return to court or approach me in the community to offer their thanks for the positive contribution of these valuable programs.

I have also had the benefit of representing this community in a judicial role in two very different settings. I was appointed and served as the Juvenile Special Master for the First Judicial District Court for over four years. In this position, I learned a new area of state and federal law and policies relating to juvenile delinquency, child welfare and child support. I quickly realized

the sensitive nature of these cases and the new challenge of handling them as a judge. It is one thing to know the law, but another thing to interact with emotional parents and children in a court room setting and make difficult decisions regarding the supervision and placement of those children and in some cases, making decisions to recommend a case be filed to terminate parental rights. My experience in this role impacted my community perspective and judicial demeanor the most. It showed me that offering effective interventions for juveniles and families in this community is the best way to prevent lifelong criminal justice and social system involvement.

In 2019, I was sworn in as Justice of the Peace, having won a highly contested election in November 2018. I currently handle a busy docket with a variety of criminal and civil cases, small claims, evictions, and protection orders, which can involve temporary child custody, visitation and child support issues between parents. Criminal cases begin in the Justice/Municipal Court with 48-hour hearings or initial appearances. I make probable cause and bail decisions daily, conduct plea, preliminary, and sentencing hearings for misdemeanor cases, misdemeanor bench and jury trials, and preside over the mental health court.

I truly enjoy my work and my experience and perspective have grown with each step in my career. As Justice of the Peace, I continue to see juveniles that I once addressed while at the Juvenile Court. I have developed a deep understanding of the complex issues that impact my community and the services and programs available to address those needs. When I first began my career, I never expected to be a judge, not in any setting or any court; however, at this time I believe that the diversity of my experiences has equipped me to serve as an effective District Judge. I have always and will continue to work hard for the betterment of my community and the people who appear before our courts.

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IN THE JUSTICE COURT OF CARSON TOWNSHIP  
IN AND FOR CARSON CITY, STATE OF NEVADA

STATE OF NEVADA,

Plaintiff,

v.

CORAL BATESEL,

Defendant.

Case No. 20 CR 01199 1C

Dept. No. JC2

**ORDER REGARDING EVIDENCE PRESENTED AT PRELIMINARY HEARING**

This matter was remanded from District Court for reconsideration of a probable cause determination on a felony charge of Possession of Controlled Substance after the District Court overruled the admissibility of the declaration by Criminalist, Kolby Hicks pursuant to NRS 50.320(1) and NRS 50.325.

In this case, the standard of review on a pretrial petition for writ of habeas corpus is "whether all of the evidence received at the preliminary hearing . . . establishes probable cause to believe that an offense has been committed and that the accused committed it." *Kinsey v. Sheriff*, 87 Nev. 361, 363, 487 P.2d 340, 341 (1971). "The finding of probable cause may be based on slight, even marginal evidence, . . . because it does not involve a determination of guilt or innocence of the accused." *Sheriff v. Hodes*, 96 Nev. 184, 186, 606 P.2d 178, 180 (1980) (quoting *Sheriff v. Badillo*, 95 Nev. 593, 600 P.2d 221 (1979).

1 The relevant issue on remand is whether there is probable cause to believe the  
2 Defendant possessed a controlled substance. This Court reviewed the preliminary hearing  
3 recording and without considering the Criminalist's declaration, the following testimony and  
4 evidence was considered.

5 Deputy Espino is employed as a Deputy with the Carson City Sheriff's Office ("CCSO")  
6 and has been employed in that capacity since August 18, 2017. Deputy Espino worked in the  
7 jail prior to patrol and passed field training programs in both areas. He testified that he had  
8 general training and experience relating to the identification of narcotics and that he had come  
9 across numerous types of narcotics during his time in the jail and on patrol, including  
10 methamphetamine. He described methamphetamine as typically being white or clear and  
11 possessing a crystalline form.  
12

13 On October 8, 2020, Deputy Espino conducted a traffic stop on the Defendant's vehicle  
14 in Carson City, Nevada and contacted the Defendant, the driver and sole occupant of the  
15 vehicle. During his contact with the Defendant, he noted that she kept putting her right hand  
16 inside a bag next to her on the seat, despite being asked to keep her hands in view on the  
17 steering wheel. While running the Defendant's identifying information, Deputy Espino  
18 determined that the Defendant was on Parole and Probation supervision.  
19

20 Deputy Chaney arrived on scene to assist with the investigation and used his canine,  
21 Remus, to conduct a sniff of the Defendant's vehicle. Deputy Chaney explained that he and  
22 Remus participated in numerous hours of training and received a certification for narcotics in  
23 April 2020. Deputy Chaney also testified regarding his training and experience in drug  
24 identification. Deputy Chaney explained how he conducted the exterior sniff of the vehicle and  
25 how Remus alerts in response to a narcotic odor that he is trained to identify. Deputy Chaney  
26 testified that Remus alerted to the odor of a narcotic at the driver's door by sitting. Deputy  
27 Chaney advised Deputy Espino of the canine alert, which concluded his role in the case.  
28

1 Deputy Espino searched the car pursuant to the canine's positive alert. He located a  
2 two plastic bags inside the purse next to where the Defendant was sitting - the same purse  
3 that she had been asked to remove her hand from on at least two occasions and which  
4 contained a wallet and cards bearing the Defendant's name. Inside one of the plastic bags,  
5 Deputy Espino observed a substance that he visually recognized as methamphetamine. He  
6 described the substance as a white, clear crystalline substance and identified the evidence  
7 and its packaging in photographs that were admitted as Exhibits 1,2 and 3. Deputy Espino  
8 also testified that the plastic baggies shown in the photographs were consistent with the  
9 packaging of methamphetamine in his experience.  
10

11 On cross-examination, Deputy Espino acknowledged that he did not have specific  
12 training or certification in the identification of narcotics beyond POST or on the job training. He  
13 also denied knowledge of counterfeit controlled substances or the ability to differentiate  
14 between a real or counterfeit substance.  
15

16 At the close of evidence defense counsel conceded the low standard required for  
17 probable cause, but still argued that insufficient evidence was presented to establish that the  
18 substance in question was methamphetamine. He specifically pointed out that Deputy Chaney  
19 failed to testify regarding the types of narcotics that Remus was trained to identify, calling into  
20 question the validity of the alert for methamphetamine.  
21

22 In re-evaluating the evidence without the Criminalist's declaration, this Court still finds  
23 there is probable cause for the charge of possession of methamphetamine. The evidence  
24 shows that the Defendant was lawfully stopped in Carson City, Nevada. She was the sole  
25 occupant of the vehicle and her hand was observed inside the purse where the substance in  
26 issue was located.  
27

28 The Defendant was determined to be on Parole and Probation supervision and Deputy  
Chaney was contacted to assist with the investigation. Deputy Chaney and his dog Remus

1 have a current certification for narcotics detection, though the specific type of narcotics was  
2 not indicated. Remus alerted to the odor of a narcotic at the driver's door and Deputy Espino  
3 conducted a search of the vehicle based upon the canine alert. As a matter of law, it has been  
4 determined that a drug detection dog's alert gives officers probable cause to believe a  
5 controlled substance is located in the vehicle. *State v. Lloyd*, 129 Nev. 739, 312 P.3d 467  
6 (2013); *see also, Florida v. Harris*, 568 U.S. 237 (2013) ("[A] court can presume (subject to  
7 any conflicting evidence offered) that the dog's alert provides probable cause to search.");  
8 *Latham v. State*, 97 Nev. 279, 280, 629 P.2d 780, 780-81 (1981) (upholding issuance of a  
9 search warrant based upon a trained drug detection dog's alert).

10  
11 In response to the alert, a quantity of white crystalline substance was located in a  
12 plastic bag along with another dime size plastic bag inside a purse in the driver's area of the  
13 vehicle. Deputy Espino testified that the substance in issue was consistent in both packaging  
14 and appearance with methamphetamine which he has encountered numerous times in the jail  
15 and on patrol. No other substances were reported to have been found in the vehicle or on the  
16 Defendant's person.

17  
18 While the evidence does not conclusively establish that the substance found in the  
19 Defendant's vehicle was in fact methamphetamine, the canine alert together with Deputy  
20 Espino's testimony regarding the packaging and appearance of the substance and the fact  
21 that no other narcotic substance was found, would constitute the modicum of "slight, even  
22 marginal evidence" that is required at a preliminary hearing.

23 DATED this \_\_\_\_ day of October, 2021.

24  
25  
26 \_\_\_\_\_  
Justice of the Peace  
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