

COMMISSION ON JUDICIAL SELECTION APPLICATION

**NEVADA SUPREME COURT
SEAT F**

By

(TIERRA DANIELLE JONES)



Personal Information

1.	Full Name	Tierra Danielle Jones
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.	I have not ever used or been known by another legal name.
3.	How long have you been a continuous resident of Nevada?	41 years
4.	City and County of residence	Las Vegas, Clark County
5.	Age	41

Employment History

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	Eighth Judicial District Court
Phone	(702) 671-4385
Physical Address & Website	200 Lewis Avenue, Las Vegas, Nevada 89155 www.clarkcountycourts.us
Date(s) of Employment	May 2017 – Present
Supervisor's Name and Title	N/A
Your Title	District Court Judge – Department 10
Describe Your Key Duties	I am the Presiding Criminal Judge of the Eighth Judicial District Court and the Presiding Judge of the Homicide Team. My case assignment is homicide and criminal cases. I hear motion calendars, preside over court hearings, conduct evidentiary hearings, and jury trials. I also conduct the initial appearances and assignments of all homicide cases in Clark County.
Reason for Leaving	I am currently employed as District Court Judge – Department 10

Previous Employer	Clark County District Attorney
Phone	(702) 671-2500
Address & Website	200 Lewis Avenue, Las Vegas, Nevada 89101 www.clarkcountynv.gov/government/departments/district_attorney
Date(s) of Employment	August 2013 – May 2017
Supervisor's Name and Title	Steve Wolfson District Attorney
Your Title	Deputy District Attorney
Describe Your Key Duties	I prosecuted criminal cases; ranging from misdemeanors to felonies. This included handling jury trials, bench trials, arraignments, and preliminary hearings. I prepared and argued pre-trial motions. I also subpoenaed witnesses to come to court and I conducted pre-trial conferences to prepare witnesses to testify before the court. I also contacted victims and assisted them with understanding the criminal process and helped them become involved in the process of the court.
Reason for Leaving	I left this office when I was appointed to be a District Court Judge in 2017.

Previous Employer	Nye County District Attorney's Office
Phone	(775) 751-7080
Address & Website	1520 E. Basin Avenue, Pahrump, Nevada 89060 www.nyecountynv.gov/District-Attorney
Date(s) of Employment	November 2011 – August 2013
Supervisor's Name and Title	Brian Kunzi District Attorney
Your Title	Deputy District Attorney
Describe Your Key Duties	I prosecuted criminal cases; ranging from misdemeanors to felonies. This included handling jury trials, bench trials, arraignments, and preliminary hearings. I prepared and argued pre-trial motions. I also subpoenaed witnesses to come to court and I conducted pre-trial conferences to prepare witnesses to testify before the court. I also contacted victims and assisted them with understanding the criminal process and helped them become involved in the process of the court.
Reason for Leaving	I left this office to pursue a job opportunity at the Clark County District Attorney's Office

Previous Employer	Clark County Public Defender's Office
Phone	(702) 455-4685
Address & Website	309 S. Third Street, Las Vegas, Nevada 89101 www.clarkcountynv.gov/government/departments/public_defender
Date(s) of Employment	October 2006 – November 2011
Supervisor's Name and Title	Philip Kohn Public Defender
Your Title	Deputy Public Defender
Describe Your Key Duties	<p>I represented indigent defendants in all stages of the criminal proceedings; from arraignment to jury trial. One of my duties was to advise the defendants of their rights and assist them through the criminal process. I prepared and argued pre-trial motions on my assigned cases. I also conducted jury trials, preliminary hearings, and arraignments. During my time at the Clark County Public Defender's Office I argued in front of the Nevada Supreme Court.</p> <p>While I was working at the Clark County Public Defender's Office, I was assigned as the lobbyist for the office, at the Nevada Legislature. In this role, I represented the office's position with regard to new laws made at the legislature, and testified regarding that position. I also met with legislators and worked on amendments to proposed legislation.</p>
Reason for Leaving	I left this office to pursue a job opportunity as a prosecutor with the Nye County District Attorney's Office

Current or Last Employer	Clark County Public Defender's Office
Phone	(702) 455-4685
Physical Address & Website	309 S. Third Street, Las Vegas, Nevada 89101 www.clarkcountynv.gov/government/departments/public_defender
Date(s) of Employment	August 2006 – October 2006
Supervisor's Name and Title	Philip Kohn Public Defender
Your Title	Law Clerk
Describe Your Key Duties	In this position, I assisted the attorneys with representing indigent defendants in all stages of the criminal proceedings; from arraignment to jury trial. I helped them with client visits and prepared pre-trial motions and briefs.
Reason for Leaving	I left this position when I was promoted to an attorney position after I passed the bar exam.

Current or Last Employer	Eighth Judicial District Court
Phone	(702) 671-4344
Physical Address & Website	200 Lewis Avenue, Las Vegas, Nevada 89155 www.clarkcountycourts.us
Date(s) of Employment	June 2006 – August 2006
Supervisor's Name and Title	Honorable Stewart Bell (Ret.) District Court Judge
Your Title	Law Clerk
Describe Your Key Duties	I performed legal research on the cases that were in the court. I also prepared bench memorandums to discuss and analyze legal issues before the court. I also reviewed legal briefs and documents. I would observe the law and motion calendar on a daily basis. I also observed many jury trials and assisted the court with jurors.
Reason for Leaving	I left this job to pursue a job opportunity at the Clark County Public Defender's Office.

Current or Last Employer	Federal Public Defender – District of Nevada
Phone	(702) 388-6577
Physical Address & Website	411 E. Bonneville Avenue, Las Vegas, Nevada 89101 https://fpdnevada.org
Date(s) of Employment	January 2005 – May 2006
Supervisor’s Name and Title	Honorable Linda Bell Assistant Federal Public Defender (<i>currently District Court Judge in Department 7</i>)
Your Title	Law Clerk
Describe Your Key Duties	I performed legal research and prepared legal briefs on federal habeas corpus issues in the United States District Court and the Ninth Circuit Court of Appeals.
Reason for Leaving	I left this job because I graduated from law school and this was a student clerk position.

Current or Last Employer	Unemployed (Law Student)
Phone	N/A
Physical Address & Website	N/A
Date(s) of Employment	August 2003 – January 2005
Supervisor’s Name and Title	N/A
Your Title	N/A
Describe Your Key Duties	N/A
Reason for Leaving	N/A

Current or Last Employer	SOC LLC
Phone	(775) 945-7658
Physical Address & Website	2 N. Maine Avenue, Hawthorne, Nevada 89415 www.soc-usa.com
Date(s) of Employment	May 2003 – August 2003
Supervisor's Name and Title	Yvonne Downs Environmental Services Manager
Your Title	Summer Hire
Describe Your Key Duties	During my time as a summer hire at SOC, I updated the safety manual. I was also tasked with distributing a copy of that safety manual to organizations around town. I also recycled materials for the company.
Reason for Leaving	I left this job to move to Las Vegas to begin law school.

Current or Last Employer	University of Nevada – Reno – College of Human and Community Sciences – Dean's Office
Phone	(775) 784-6977
Physical Address & Website	1664 N. Virginia Street, Reno, Nevada 89577 www.unr.edu
Date(s) of Employment	August 1999 – May 2003
Supervisor's Name and Title	Amy Poetschat Administrative Assistance III
Your Title	Student Assistant
Describe Your Key Duties	I managed the student enrollment information for the college. I also helped to maintain the office for the assistants to the Dean of the college and the staff members. I also helped direct and advise college students to specific services for graduation preparation.
Reason for Leaving	I left this job when I graduated from the University of Nevada-Reno, because this was a student job.

Educational Background

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.

Mineral County High School

601 A Street
Hawthorne, Nevada 89415

Dates Attended: August 1995 – June 1999

Degree: High School Diploma

Reason for Leaving: Graduated in June 1999

University of Nevada – Reno

1664 N. Virginia Street
Reno, Nevada 89503

Dates Attended: August 1999 – June 2003

Degree: Bachelor of Arts in Criminal Justice with a Minor in Counseling and Educational Psychology

Reason for Leaving: Graduated in May 2003

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

In high school, I participated in the National Honor Society based on my academic accomplishments. This gave me the ability to help provide community service and mentor younger students in their academic pursuits. At one point, I served as the Vice-President of the Honor Society. As Vice-President, I was tasked with the duties or organizing and assisting with meetings, and organizing other community service activities. This contributed to my learning experience by helping me to get involved and make a difference in my community, while requiring me to maintain high academic standards, which prepared me for college.

At the University of Nevada – Reno, I participated in several extra-curricular activities. I was a member of the Criminal Justice Honor Society and the Student Orientation Staff. My involvement with the Criminal Justice Honor Society enabled me to assist in the criminal justice system by providing community service to the citizens of Reno, Nevada. This organization also required me to maintain a higher level of academics to ensure that I was on the graduation path. The Student Orientation Staff allowed me to assist incoming students with the initial college orientation. This contributed to my learning experience as I was part of making that initial college experience easier for incoming freshmen. This group provided new students with the

tools necessary to succeed in what was possibly their first experience away from home. Being a part of this helped me to have a better learning experience.

I also obtained a minor in Counseling and Educational Psychology. This was very beneficial to me as it allowed me to become acquainted with the system of addiction and learn the tools necessary to assist the people involved with their various addictions. Since addiction is a problem that has plagued society for a long time, the knowledge that I gained through this program has helped me in my career as a judge, prosecutor, and defense attorney because I am better able to understand how to help with this problem.

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.

William S. Boyd School of Law

4505 S. Maryland Parkway

Box 451003

Las Vegas, Nevada 89154

Degree: Juris Doctor – May 2006

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 employed during a portion of law school. During the first semester of my second year of law school, I worked as an intern for the Federal Public Defender – District of Nevada. At the beginning of 2005 that internship turned into an actual paid position, as part-time law clerk, working on post-conviction habeas corpus petitions. I worked as a paid law clerk from January 2005 to May 2006, when I graduated law school.

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

During my three years in law school, I was a member of several organizations, including: the Black Law Student Association; the Minority Law Student Association; and the Public Interest Law Student Association. In addition to being a member of these organizations, I served leadership roles within the organizations. As part of the Black Law Student Association, I served as the Vice-President of Public Relations. I served as the Student-Only Auction Committee Chair Person for the Public Interest Law Student Association.

I also participated, as a mentee, in the Lawyer/Law Student Mentoring Program and participated in the Law Student Peer Mentoring Program. Additionally, during one semester, I participated in the LEAP (Legal Education Assistance for Prisoners) Program.

Law Practice

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

I was admitted to the Nevada Bar in 2006.

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 law 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.

As a District Court Judge, 100% of my work in the last five (5) years has been solely dedicated to litigation matters in the trial court.

16. Estimate percentage of time spent on:

Legal Discipline	Percentage of Practice
Domestic/family	0%
Juvenile matters	0%
Trial court civil	0%
Appellate civil	0%
Trial court criminal	100%
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?

In the 5 years preceding my appointment to the bench, 90% of my litigation involved cases set for jury trials (most of them resolved in negotiations) and about 10% of my litigation involved misdemeanor cases that were set for non-jury trials (most of them also resolved in negotiations).

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.

In the 5 years preceding my appointment to the bench, I tried 17 cases to a jury trial conclusion, and approximately 8 misdemeanor cases to a bench trial decision.

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

In the 5 years preceding my appointment to the bench I practiced in the following courts:

- Eighth Judicial District Court – Clark County**
- Las Vegas Justice Court – Clark County**
- Fifth Judicial District Court – Nye County**
- Pahrump Justice Court – Nye County**

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: <i>State of Nevada v. Allen Heusner (C235876)</i> April 21-24, 2008
Court and presiding judge and all counsel: This case was tried in the Eighth Judicial District Court, Clark County, before the Honorable David T. Wall (Ret.). I was the defense counsel, along with Ed Kane. The prosecutors were Susan Pate (Roger) and the Honorable Samuel Bateman (<i>currently Justice of the Peace in Henderson Township</i>).
Importance of the case to you and the case’s impact on you: This case was important because it was my first homicide case as a defense attorney, and the victim was a member of the Air Force. Since this case was a homicide, it was a learning experience for me in handling more sophisticated cases. This case was very sophisticated because it involved a love-triangle with current and previous different relationships between the parties, and the textbook manslaughter argument. Not only was this case more sophisticated than what I was used to, this case had some of the highest stakes possible. This

was not a death penalty case, but my client was facing spending the rest of his life in prison. Since the victim was a member of the Armed Forces, there were many more possible relevant issues to think about early on in the case. The Air Force Police actually conducted a portion of the investigation in this case. There was also the consideration that the jury may view the victim as a “hero.” This made it important to be very thoughtful and critical of the questions I was asking and the arguments I was making.

This case resulted in a guilty verdict for the defendant and later became the first case that I argued before the Nevada Supreme Court. Some of the issues that the Supreme Court requested oral argument on were: prosecutorial misconduct; the invocation of the Defendant’s right to remain silent; admission of improper hearsay evidence; admission of prior bad acts; jury instructions; and gruesome autopsy photographs. Arguing in front of the Nevada Supreme Court was a new experience that I embraced. It allowed me to go back to oral argument, and look back on the trial work and develop appellate issues. The Nevada Supreme Court affirmed the conviction on this case.

Your role in the case:

I was one of the defense attorneys in the case.

Case 2

Case name and date:

State of Nevada v. Darius Cleveland (C244386)

September 25-26, 2008

Court and presiding judge and all counsel:

This case was tried in the Eighth Judicial District Court, Clark County, before the Honorable James Bixler. I was the defense counsel, along with Andrea Luem. The prosecutor was Michael Staudaher.

Importance of the case to you and the case’s impact on you:

This case was important because it was a case of actual innocence. My client had been charged with Robbery with Use of a Deadly Weapon and Burglary While in Possession of a Firearm. The entire case was based upon a fingerprint left on a wine bottle inside a convenience store. My client lived in the neighborhood where the store was located and had shopped at the convenience store in the past.

This was a case of actual innocence because the victim testified at preliminary hearing that the person who robbed him was not in the courtroom; and my client was in the courtroom. I believed in my client’s innocence, and took the case to trial. At trial, the victim again testified that the person who robbed him was not in the room. This case was very important because my client was facing a mandatory prison sentence; making the stakes extremely high for him.

Ultimately, we got a not guilty verdict for my client.

Your role in the case:

I was one of the defense attorneys in the case.

Case 3
Case name and date: <i>State of Nevada v. Adrian Jackson (C247373)</i> January 12-15, 2009
Court and presiding judge and all counsel: This case was tried in the Eighth Judicial District Court, Clark County, before the Honorable Valerie Adair. I was the defense counsel, along with Ed Kane. The prosecutors were Kristen Kramer and Brian Kochevar.
Importance of the case to you and the case’s impact on you: This case was important because the defendant was facing very serious charges and the case had to go to jury trial because the State did not make an offer of plea negotiations. The case was tried and resulted in a guilty verdict for the defendant, on all counts. This case was appealed to the Nevada Supreme Court and became the case of <i>Jackson v. State</i> , 291 P.3d 1274 (Nev. 2012). In this case, the Supreme Court took up the issue of redundant charges based upon the Defendant being charged with assault and battery and attempted murder for the same acts. The Nevada Supreme Court ruled that the test for redundancy and duplicative charges remains the <i>Blockburger</i> test. Under this test there must be an analysis of the individual elements of each crime and whether or not each offense contains a separate element, not contained in the other offense. Unless the offenses are the same or a lesser-included offense of the main offense, there can be multiple punishments for the same acts. The Nevada Supreme Court affirmed the conviction and ruled that it did not violate the Double Jeopardy Clause for the defendant to be convicted of attempted murder, assault with a deadly weapon, and battery with a deadly weapon. While I did not argue the case before the Nevada Supreme Court, it was still very important to play a role in the case that is now the Nevada law for redundant/duplicative charges.
Your role in the case: I was one of the defense attorneys in the case.

Case 4
Case name and date: <i>State of Nevada v. Daniel Robbins (CR6945)</i> November 7-21, 2012
Court and presiding judge and all counsel: This case was tried in the Fifth Judicial District Court, Nye County, before the Honorable Robert Lane. I was the prosecutor, along with Honorable Kirk Vitto (<i>currently Justice of the Peace in Pahrump Township</i>). The defense attorneys were Dan Winder and Arnold Weinstock.
Importance of the case to you and the case’s impact on you: This case was important because it was my first murder case as a prosecutor. Like my first

murder case as a defense attorney, the high stakes of this case made it very important. This case was also one of the most media-covered cases in Pahrump. This was a case that involved a young man who was at odds with his girlfriend’s father. This bad blood ended with the Defendant shooting the victim, while he was inside a vehicle, in the Defendant’s driveway. The Defendant was a gaming employee who had never been in trouble. This set of facts made for very tense court appearances and a very emotionally charged jury trial. There were two families who were very actively involved in the case and each side believed that justice meant something different. The Defendant was ultimately convicted of Second Degree Murder with Use of a Deadly Weapon.

Your role in the case:

I was one of the prosecutors on the case.

Case 5

Case name and date:

State of Nevada v. Li Zheng (C299699)
February 8-18, 2016

Court and presiding judge and all counsel:

This case was tried in the Eighth Judicial District Court, Clark County, before the Honorable William Kephart (Ret.). I was the prosecutor, along with Leah Beverly. The defense attorneys were Warren Geller and Frank Cofer.

Importance of the case to you and the case’s impact on you:

This case was a learning experience because this was a case where the defense completely believed in the innocence of their client, while the prosecutors believed that a crime was committed and believed in the victim. Based on each side beliefs, no pre-trial resolution could be reached, requiring a trial. This case was an experience in learning that each side can present a different version of events, that may be logical but juries have the duty of determining which version of events they believe; and in this case they returned a verdict of not guilty.

This case also proved to be a learning experience as it was covered by the District Attorney’s docudrama “Las Vegas Law.” It was a different type of trial experience to have the cameras following you to all appearances and recording the different portions of the trial and pre-trial preparation. It was very important to make sure that these events were being recorded and portrayed as they were happening. Since this was a sexual assault case, this was a very sensitive situation that was going to be shown on television. As a prosecutor, it was important to me to make sure that the victim was being protected, properly portrayed, and not being negatively affected by the additional media presence.

Your role in the case:

I was one of the prosecutors on the case.

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

I am currently the District Court Judge in Department 10 of the Eighth Judicial District Court. I was appointed to this seat in 2017. When I began my judicial career I had a split civil and criminal docket. In 2020, I was chosen to serve as the presiding judge of the court's homicide program, and my docket became all criminal. In 2021, I was chosen to serve as the Presiding Criminal Justice of the Eighth Judicial District Court. In this role, I have several responsibilities to ensure proper management and function of the criminal division of the court.

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

I have dedicated my entire career to serving the public as a judge, district attorney, and public defender. But, I did not do any pro bono work as an attorney.

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.

Eighth Judicial District Court Executive Committee	<i>Presiding Criminal Judge (2021 – Present) Member (2018 – 2021)</i>
State of Nevada Board of Bar Examiners	<i>Member (2018 – Present)</i>
Nevada Sentencing Commission	<i>Member (2021 – Present)</i>
Howard McKibben Inns of Court	<i>Member (2017 – Present)</i>
Justice Michael Douglas Fellowship	<i>Board Member (2019 – Present)</i>
Nevada State College Foundation Board	<i>Board Member (2021 – Present)</i>
Commission to Study Best Practices in Virtual Advocacy	<i>Member (2022 – Present)</i>
National Bar Association	<i>Member (2007 – Present) Chair of Mentoring Committee (2014)</i>

Vice-President (2009 – 2011)

Secretary (2007 – 2009)

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?

2022

09/29/22 – **NJA Annual Convention**

07/14/22 – **Diversity CLE Panel Event**

04/24/22 - **Nevada Bar Exam Prep**

2021

12/01/21 – **Bar Exam Survey Participation**

11/29/21 – **How to Recognize When It's Time to Get Support**

10/21/21 – **Diversity in the Legal Profession**

09/26/21 – **Nevada Bar Exam Prep**

05/21/21 – **Evolve the Red Door Project**

2020

10/20/20 – **Documentary: Raise Hell: The Life & Times of Molly Ivins**

06/02/20 – **Revised Court Procedures During COVID-19 Pandemic**

04/24/20 – **2020 Nevada Bar Exam Prep**

01/28/20 – **2020 Nevada Limited Jurisdiction Judges Winter Seminar**

01/14/20 – **Overview of 42 U.S.C. 1983 & Bivens v. Six Unknown Agents**

2019

11/15/19 – **Judge's Advance & Eighth Judicial District Court Judges' Meeting**

10/03/19 – **NJA 43rd Annual Convention**

09/22/19 – **Creating Cohesion & Happiness in a High Stress Profession**

04/26/19 – **Nevada Bar Exam Prep 2019**

04/09/19 – **Inns of Court Trial Program**

03/12/19 – **Discovery**

01/08/19 – **Pre-Litigation & Drafting Pleadings**

2018

12/11/18 – **Record Sealing & Restoration of Rights of Former Prison Inmates**

10/15/18 – **Ethics, Fairness & Security in your Courtroom and Community**

10/04/18 – **NJA 42nd Annual Convention**

09/29/18 – **Better Lawyering Through Mindfulness**

09/11/18 – **Say What? A Brief Overview of Selected Proposed Changes to the District Court**

06/05/18 – **Substance Abuse**

04/27/18 – **Nevada Bar Exam Prep**

04/19/18 – **Nevada District Judges 2018 Annual Seminar**

01/09/18 – **Hearsay**

2017**11/14/17 – The Foundations of Foundation****10/05/17 – 41st Annual NJA Convention/Seminar****09/26/17 – Getting to Know the Newest Judges in the 8th Judicial District Court****07/06/17 – Access to Justice Commission****06/01/17 – Summary Judgment****05/11/17 – Compassion Fatigue****03/09/17 – Search Warrant Duty & Other Interactions with Law Enforcement & Prosecutions**

Yes, I am in compliance with my continuing legal education requirements applicable to me as a judge.

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

I work for a governmental agency.

Business & Occupational Experience

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.

I have never been engaged in any occupation, business, or profession other than a judicial officer or the practice of law.

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:

- a. the nature of the business
- b. the nature of your duties
- c. the extent of your involvement in the administration or management of the business
- d. the terms of your service
- e. the percentage of your ownership

I do not currently serve or have never served as a manager, officer, or director of any business enterprise.

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 do not have any experience as an executor, trustee, or any other fiduciary capacity.

Civic Professional & Community Involvement

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.

In 2017, I was appointed to serve as the District Court Judge in Department 10 of the Eighth Judicial District Court. In 2018, I ran for retention to that position and in 2020, ran for re-election to that position. I ran unopposed in both elections.

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

During my time on the bench, I have taken on several additional duties and responsibilities. I currently serve as the presiding criminal judge of the Eighth Judicial District Court. In January of 2021, I created a trial program, for the District Court, to resume jury trials after the COVID-19 pandemic shutdown. I currently manage the Court's trial readiness program, coordinating criminal jury trials and finding judges to cover overflow criminal jury trials. In September 2020, I took over management of the court's Homicide Program, where I manage all of the homicide cases in the court and I am one of only four judges hearing homicide cases. In fall of 2020, I began serving on the Criminal Justice Coordinating Counsel Probation Subcommittee. In January 2019, I took over the calendar to handle the time computation writs for incarcerated persons. I also serve as co-chair of the Clark County Criminal Justice Racial and Ethnic Disparity Review (RED) Team through the Criminal Justice Coordinating Counsel.

I also routinely volunteer for various events at the William S. Boyd School of Law such as acting as judge for the Trial Advocacy classes each semester. On September 26, 2019, I spoke to the Opening Statements and Closing Arguments class at the law school. On August 21, 2018, I administered the Oath of Professionalism to the incoming 1L class at the law school; and on October 20, 2018 and February 19, 2022, I acted as a judge for the Client Counseling Competition at the law school. On January 10, 2018, I administered the Oath of Externship at the law school.

Among the non-legal volunteer organizations that I am a part of Leadership Las Vegas and Junior League of Las Vegas. I am currently the day chair for Criminal Justice Day for Leadership Las Vegas and have served in this role since 2019. Prior to being the day chair I was a member of the Criminal Justice Day committee for several years. In 2021-2022, I served as the co-chair of the Project Research and Development (PRAD) committee for the Junior League of Las Vegas.

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

On October 1, 2022, I was a speaker at the Nevada Justice Association conference, discussing Courtroom Etiquette. On May 21, 2021 I served as a facilitator for the Red Door presentation at the National Judicial College. On June 2, 2020, I presented to the Inns of Court Program regarding changes to the criminal practice in the Eighth Judicial District Court, in light of COVID-19. On January 28, 2020, I presented on the topic of Science in the Judiciary at the Limited Jurisdiction Judges conference. On October 4, 2018, I was a speaker at the Nevada Justice Association conference, on a panel titled "Meet the Judges". On April 20, 2018, I presented to the District Court Judges Conference on the topic of Bad Acts.

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

I am a dedicated member of my community and I am always willing to participate in some form of community service. I have been a guest speaker for several programs such as: Real Talk, the Delta Debutante Dining Out Luncheon, West Prep Academy, Emerge Nevada Welcome Reception, reading week at Fitzgerald Elementary School. I have also acted as a judge for several events, such as: Delta Debutantes talent show, Lyrics and Lawyers fundraiser for the Project Real organization, Boys and Girls Club Youth of the Year Competition. I often perform swearing-in ceremonies for new lawyers, several elected officials, community organization groups, and student council members. Some of those include: the Kappa Alpha Psi – Kappa League; the new board members of the Las Vegas Convention and Visitor's Authority (LVCVA), and the Hope for Prisoners program. I have also opened up my courtroom for elementary students from Project Real to put on a trial against Harry Potter for illegally using his magic.

I also serve on several panels and have given presentations to several organizations. I have given presentations to the Junior League of Las Vegas on Women in Leadership: Our Unique Strengths, Making a Difference and a presentation on Elected Judicial Office to the Emerge Nevada Class. I have served on several panels, discussing a wide range of topics, including: the Black Law Students Diversity in Law Panel; Trailblazing Women; The effects of media on criminal prosecution and civil rights cases; Diversity on the Bench, Judicial Clerkships; "So You Want to Run For Office;" Pre-Trial Release; Judicial Panel for the Emerge Nevada Class; 2019 Summer Business Institute Government Day Panel;

The Court's response to COVID-19 pandemic; Raise Hell – The Life & Times of Molly Ivins; Professionalism 101 – Courtroom Practice; A Broken Legal System: Why Innocent People Plead Guilty; Diversity in the Legal Profession; Diversity in the Courtroom; and Government processes.

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

In July of 2017, I was the featured judge at the Southern Nevada Association of Women Attorneys luncheon. On October 3, 2017, I was honored as a WAVE maker by the WAVE (Women Attorneys Valued and Empowered) organization. On December 1, 2018 I was honored at the William S. Boyd School of Law 20th Anniversary celebration with the Alumni Volunteer Award. In February 2019, I was featured in the Black History Month Display at North Las Vegas City Hall. I was featured in the March 2019 edition of Nevada Lawyer for "Meet Your Judges." I was featured at the "Meet Your Judges" luncheon by the Southern Nevada Association of Women Attorneys on November 7, 2019 and September 3, 2020. In March of 2020, I was nominated for an award at the 8th Annual Women in Business & Politics Awards Luncheon, however the luncheon was canceled due to COVID-19 and I received the award on April 30, 2021. In October of 2020, I co-authored an article with then Chief Justice Kristina Pickering, for Communique magazine, regarding the Post-Pandemic Courts. In November 2020, I was featured in a News Channel 8 story regarding the two (2) African American Judges on the bench in the Eighth Judicial District Court. In February 2021, I was also featured in a News Channel 8 story with Judge Dee Butler for being the first African American females on the bench in the Eighth Judicial District Court. I was featured in Emerge Nevada's video celebration of Black Women Leaders; and Nevada Treasurer Zach Conine's Black History Month features of African Americans. I was featured in the 75th Anniversary Junior League of Las Vegas Recruitment video. On October 14, 2021, I was honored as the Distinguished Alumni from the College of Liberal Arts by the University of Nevada-Reno. I wrote an article in the 2021 edition of UNLV Law regarding "A Modern Approach to Dispensing Justice". I was featured as a Nevada Trailblazer in the February 2022 edition of Nevada Lawyer.

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.

Yes

The Junior League of Las Vegas is an organization of women, whose mission is promoting volunteering, and developing the potential of women and improving the community through the action of trained volunteers. This organization is open to all women who value their mission and is a valued asset to the Las Vegas community.

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.

With a very demanding career, my free time can be very scarce. When I do have free time, it is important to me to be involved in my volunteer activities and doing things that I enjoy. A lot of my free time is spent doing community service activities with my volunteer organizations. The Junior League of Las Vegas is very active in this community and has lots of volunteer opportunities that I can be a part of. I also enjoy taking long drives and enjoying scenery that I can see along the way. When I do have free time, I enjoy cooking meals from different recipes and trying out the new dishes that I have created.

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.

The only thing that may require me to recuse or disqualify myself from hearing a case, if I am appointed to serve as a member of the judiciary is the members of my current conflicts list. I currently have two attorneys on my conflicts list, and I would be required to recuse or disqualify myself from hearing any cases involving these two attorneys.

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 submitted an application to the Judicial Selection Committee for Eighth Judicial District Court Department 10 in February of 2017. I was appointed to the vacant seat.

I also submitted an application to the Judicial Selection Committee for Las Vegas Justice Court Department 6 in December of 2014. I was not selected to fill that vacancy.

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).

SEE ATTACHED SHEET

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.

Serving as a justice on the highest court in the State of Nevada is a tremendous responsibility, and a position that should be held by someone who has the well-rounded experience, knowledge, and temperament to handle such a responsibility. I am that exact person.

I am a native Nevadan who was educated in both northern and southern Nevada, who has spent my entire professional career serving the citizens of the State of Nevada, and who would be humbled to have the honor of continuing my public service as a member of the Nevada Supreme Court.

I grew up in Hawthorne, Nevada. After I graduated from high school, I attended the University of Nevada-Reno where I received my bachelor's degree. Then, I moved to Las Vegas to attend the William S. Boyd School of Law. Growing up in Hawthorne was wonderful and taught me a great deal about life in small-town Nevada and about the values and sensibilities of those fortunate enough to experience it. Living in Reno was equally rewarding and transitioned me to a more traditional city experience and the advantages that come with it. Lastly, living and working in Las Vegas has been tremendous and has taught me about the issues and obstacles that face a major city. All of these experiences have shaped me and informed who I am today and have provided me with the diversity necessary to serve all citizens of the State of Nevada, whether they are in a city, town, or remote area.

In addition to the diversity of my personal background, I am very proud of the diversity of professional roles I have been able to embrace. I have dedicated my entire legal career to public service through my work as a public defender, a lobbyist, a prosecutor and a judge. I believe that the state faces very complicated, diverse, and extensive issues that should be handled by Supreme Court justices that have the diversity of experience and knowledge to tackle those issues, ensuring justice to all the citizens of the state of Nevada.

As a defense attorney, I served the needs of citizens who could not afford to hire counsel, ensuring that their rights were protected. I saw the struggles that individuals faced due to mental health and addiction issues and came to understand the need to constantly evolve the criminal justice system, and in particular its specialty court programs, so that it may be best positioned to serve the people of our state. As a prosecutor, I served the needs

of crime victims, while representing the State of Nevada. I came to intimately understand the devastating impact of violent crime on victims and their families while also appreciating the dual role that prosecutors play to prosecute crime while ensuring fairness and justice to criminal defendants.

Once I became a district court judge, I became the person who was making life changing decisions on a daily basis, and not just arguing my position. Moreover, despite my background practicing criminal law as an attorney, I was given a civil case load and tasked with learning, on the job, a completely new area of the law while also becoming familiar with an unknown set of legal practitioners. I welcomed this task, enjoyed the learning experience and believe that I excelled through being consistently prepared, patient, respectful and humble. As a judge, I serve the needs of civil and criminal litigants. Since 2017, I have conducted 45 trials and 37 settlement conferences; in both civil and criminal cases. In this role, I have come to greatly appreciate the importance of work ethic, preparation and proactively managing a caseload in order to ensure the prompt and fair resolution of the disputes which bring Nevada's citizens into our court system. During my time as a judge, I have not only handled my own caseload but I have also routinely volunteered to cover trials and/or motion calendars for my colleagues and have taken on additional leadership roles and responsibilities. I serve or have served on numerous statewide and local committees, currently manage the homicide caseload, and I am currently the Presiding Criminal Judge of the Eighth Judicial District Court.

I have also embraced my responsibilities to the community. I believe strongly that judges should play a much bigger role in their communities than just the work they do from the bench and I have always tried to prioritize spending time working in the community. My volunteer work at our law school, in our public school system, and through various service organizations gives me the ability to make positive changes both inside and outside the legal community. I have performed swearing-in services, mentorship, mock trial judging, served as a panelist, and given lectures to multiple organizations and individuals. I also know that there is so much more that I can do as a Supreme Court justice, in all the different communities within the State of Nevada, and I very much look forward to having the opportunity to do so.

It is difficult to imagine being able to serve on the Nevada Supreme Court without the tools I've gained as a District Court Judge. My current position has honed my skills in regard to leadership, preparation, team work, patience, communication, understanding, and dedication. All these skills will make me an asset to the Nevada Supreme Court. My extensive trial and settlement conference experience would also help me transition to the role of Supreme Court justice. Maybe most importantly, I have learned the analytical and critical thinking skills that all successful judges must possess in order to effectively and efficiently move cases through our justice system. As a Justice, I would be able to look at the work of the lower courts with the benefit of my extensive experience as a judge and make reasoned and sound legal decisions regarding the appellate issues related to the litigation. Additionally, I would be able to assist with ensuring that the Court's rulings and decisions incorporate the diverse perspective of the individual issues, while being prepared and dedicated to justice for all the citizens of the state of Nevada.

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.

SEE ATTACHED SHEET

PERSONAL
STATEMENT
ITEM 47

47.

When I was appointed to the bench in 2017, I became the first African American female to sit on a state court in the state of Nevada. While I did not desire to be a judge for the sole purpose of being a “first,” I have embraced what this role means. I have worked extremely hard to not just be a competent jurist but to show a different voice, a different perspective, and a different understanding, all while ensuring that justice is served for everyone who appears before me. I believe that diverse voices are needed more today than ever before as things continuously change. We all benefit from the diversity of background and experience that each of the people we work with is able to bring to deliberation and decision making and I believe that I have a valuable voice to add to the Supreme Court. This is the exact voice that I believe is necessary to ensure “justice for all.”

I want to be a justice because I have a deep desire to continue my mission of service, to all citizens of the state of Nevada, through the judicial system. People look to the judicial system for help solving the issues and problems in their lives. I want to be a part of the problem solving and help provide answers that so many Nevada citizens need and desire. As the State continues its recovery from the COVID-19 pandemic and the hold it placed on the ability of our justice system to function with its normal efficiency, we face unique issues. I believe I’m the best person to assist in tackling these issues and helping to move our justice system forward. I want to take my diverse background, diverse legal experience, abundance of courtroom experience, dedication, and hard work to be an added voice to the Nevada Supreme Court.

My reputation of professionalism, integrity, and character has served me very well in my career, including in the judiciary. I have consistently treated everyone - attorneys, litigants, jurors and court staff - who walked into my courtroom with the highest level of respect for them as

individuals and for their time and issues. My goal as a judge is to have a reputation for always being prepared, fair and efficient. I believe that I have attained this goal and I dedicate tremendous amounts of time to preparation and detail. I also want the reputation of being the judge that everyone can count on. In furtherance of this I have dedicated myself to time management and assisting my colleagues. This work ethic has earned me additional assignments and additional responsibility, which I have embraced because it contributed to the court being efficient and meeting the needs of the public. Because of my reputation and experience I was chosen to handle management of the court's most serious criminal cases, homicide cases, and I was then selected to become the Presiding Criminal Judge for the Eight Judicial District Court. In this role, I have dedicated time and energy to helping my colleagues and making sure that the court was managing the criminal needs of the community. After the COVID-19 pandemic necessitated a shut-down of our court system, I personally created the criminal jury trial program to restart jury trials and ensure that the defendant's invocation of speedy trial rights was protected. This program involved management and organization of every criminal jury trial, placing each case on calendar, and setting the trial dates. I also assisted the court with the creation and handling of a digital search warrant program that processes several hundred search warrants each week and has resulted in greatly enhanced efficiencies with our law enforcement justice partners.

I believe that my significant experience, as a lawyer and as a judge, will be a tremendous asset to the Supreme Court for many years to come. I believe that our Nevada Supreme Court, as the highest court in the State, needs someone who has a very diverse background and experience and is willing to do the work necessary to ensure that the litigants and the community are being served. My work ethic, dedication, and attention to detail will serve as an asset to the court. I

believe that I can help ensure that our Nevada Supreme Court is a court of respect and integrity, while serving the needs of the citizens of the State of Nevada.

WRITING
SAMPLE
ITEM 49

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ORDER

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

v.

DEFENDANT,

Defendant.

Case No.:

Department: X

ORDER DENYING DEFENDANT’S PETITION FOR WRIT OF HABEAS CORPUS

THIS MATTER having come on for hearing on the 24th day of June, 2020, the Defendant being present, represented by COUNSEL, the State of Nevada being represented by COUNSEL, and the Court having considered the information and arguments contained in the pleadings, arguments of counsel, and good cause appearing therefor, denies the writ.

STATEMENT OF FACTS

FACTS WERE OMITTED FOR BREVITY OF WRITING SAMPLE.

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1 CONCLUSIONS OF LAW

2 A. Testimony of WITNESS

3 The sufficiency of the evidence presented at grand jury analysis must begin with analyzing
4 the testimony of WITNESS, whether or not she was an accomplice with DEFENDANT; and if so,
5 whether or not her testimony was corroborated by sufficient evidence for a grand jury determination.

6 Under NRS 175.291(2) an accomplice is defined as “one who is liable to prosecution, for the
7 identical offense charged against the defendant on trial in the cause in which the testimony of the
8 accomplice is given.”¹ Here, WITNESS could be charged in all of the counts for which
9 DEFENDANT is charged. As such, she is an accomplice.

10 NRS 175.291(1) states that:

11 In order for a defendant to be convicted on testimony of an accomplice, the State
12 must present other, independent evidence that tends to connect the defendant with the
13 crime: A conviction shall not be had on the testimony of an accomplice unless he is
14 corroborated by other evidence which in itself, and without the aid of testimony of
15 the accomplice, tends to connect the defendant with the commission of the offense;
and the corroboration shall not be sufficient if it merely shows the commission of the
offense or the circumstances thereof.²

16 In *Cheatham v. State*,³ and *Heglemeier v. State*,⁴ the Nevada Supreme Court took up the
17 issue of a statement of an accomplice under NRS 175.291. In *Cheatham*, the Nevada Supreme
18 Court held that “corroboration evidence need not be found in a single fact or circumstance and can,
19 instead, be taken from the circumstances and evidence as a whole”.⁵ Further, “corroboration
20 evidence also need not in itself be sufficient to establish guilt, and it will satisfy the statute if it
21 merely tends to connect the accused to the offense”.⁶ “In addition, corroborative evidence may be
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25 ¹ Nev. Rev. Stat. 175.291(2).

26 ² Nev. Rev. Stat. 175.291(1).

27 ³ 104 Nev. 500 (1988).

28 ⁴ 111 Nev. 1244 (1995).

⁵ *Cheatham, citing, LaPena v. State*, 92 Nev. 1 (1976).

⁶ *See State v. Hilbish, Et. al.*, 59 Nev. 469 (1940).

1 either direct or circumstantial.⁷ Inferences are permitted in the corroboration of accomplice
2 testimony.⁸

3 In *Cheatham*, the Court stated that

4 “Independent evidence tells us where the crime was committed and approximately
5 when. Cheatham’s own testimony has him in the presence of the murders at the
6 scene of the crime immediately before the crime was committed. Cheatham is still
7 with them after the robbery and murder, but now Cheatham has some money. All of
8 this evidence, taken together, is “supplementary to that already given and tending to
9 strengthen or confirm it.”⁹

10 In *Heglemeier*, the Court found that “Heglemeier’s connection to Wilmarth and her gun, his
11 association with Becker, and his height do not, when considered independently from Becker’s
12 testimony, sufficiently connect Heglemeier to the crime.”¹⁰

13 The State argues that this case is analogous with *Cheatham*. The Court agrees. In
14 *Cheatham*, the Court found that there was a chain of events showing the constant association of
15 Cheatham and the accomplices throughout the day that the crime was committed.¹¹ There was also
16 Cheatham’s testimony that he traveled to Reno in a car with the accomplices, and that he was
17 present with the accomplices in McKinnis’ hotel room, which is where the robbery and the murder
18 were committed, immediately prior to the commission of the crime.¹² Cheatham also testified that he
19 was with the accomplices after the robbery and the murder were committed.¹³ Here, the chain of
20 events surrounding WITNESS’s submission of the urine sample to Las Vegas Municipal Court on
21 December 6, 2018 indicate DEFENDANT’s constant association with DEFENDANT #2 throughout
22 the day, similar to *Cheatham*. The testimony shows that after WITNESS was called by the court,
23 she immediately called DEFENDANT #2.¹⁴ After DEFENDANT #2 discloses to WITNESS that he

24 ⁷ *Heglemeier v. State*, 111 Nev. 1244 (1995).

25 ⁸ *Goldsmith v. Sheriff*, 85 Nev. 295 (1969).

26 ⁹ *Cheatham*, 104 Nev. at 505.

27 ¹⁰ *Heglemeier*, at 1252.

28 ¹¹ *Cheatham*, at 505.

¹² *Cheatham*, at 505.

¹³ *Id.*

¹⁴ GJT4 at 32:3-4.

1 has Xanax in his system, he then said he would call a friend to help out.¹⁵ The cell phone records
2 show that DEFENDANT's cell phone was pinging off a cell tower next to headquarters, and then
3 shows his cell phone pinging off a tower near Diner; after a voicemail to DEFENDANT #2 indicated
4 that DEFENDANT was head to headquarters.¹⁶ Records also indicate that there were several calls
5 between DEFENDANT #2 and WITNESS at the same time that he is communicating with
6 DEFENDANT. DEFENDANT's phone remained at Lou's Diner, along with WITNESS's phone,
7 for 33 minutes.¹⁷ WITNESS testified that she ultimately received the bottle of urine from
8 DEFENDANT at Diner.¹⁸

9 Next, in a recorded jail call between DEFENDANT #2 and WITNESS on December 6, 2018,
10 after she has been remanded into custody, DEFENDANT #2 indicates that WITNESS's vehicle will
11 be towed. He states "O.K. so in another hour or so, I don't know um *** he gonna call and he's
12 going to go over there with his fricking trailer and we're going to get it on and take it to his spot."¹⁹
13 Around this same time, there is phone activity between DEFENDANT and DEFENDANT #2.²⁰
14 Then, DEFENDANT's phone activity shows his phone leaving the office and travel to the Regional
15 Justice Center, where WITNESS's vehicle is located.²¹ DEFENDANT remained in communication
16 with DEFENDANT #2 as his phone traveled from the office to the Regional Justice Center.²² In a
17 phone call between WITNESS and DEFENDANT #2 on December 6, 2018 at 4:22 p.m.
18 DEFENDANT #2 indicates that the vehicle is being transported and he is following "*****" back
19 with the car.²³ At this same time, DEFENDANT's phone records show his phone traveled from the
20 Regional Justice Center to his own residence, which is located near the Texas Station Hotel and
21 Casino.²⁴ As such, taking all of the circumstances as a whole, the State presented independent
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¹⁵ GJT4 at 34:2-13.

24 ¹⁶ GJT5 at 120:3-13, 128:17-129:13; GJ Ex. 151a – DEFENDANT's Phone Location at 9:00 a.m.; GJT 5 at
130-31.

25 ¹⁷ GJT5 at 131:3-5.

26 ¹⁸ GJT 4 at 37:20-23.

27 ¹⁹ GJ Ex. 45.

28 ²⁰ GJT5 at 140-41.

²¹ *Id.*

²² *Id.*; GJ Ex. 152, 153 – DEFENDANT's Phone Locations from 2:46 p.m. to 4:39 p.m.

²³ GJ Ex. 145.

²⁴ GJT5 at 139; GJ Ex. 154 – DEFENDANT's Phone Location at 4:59 p.m.

1 evidence that tends to connect DEFENDANT to the crimes charged in Counts 24 and 25, and
2 corroborate the testimony of WITNESS.

3
4 **B. There Is Sufficient Evidence In The Record To Establish That DEFENDANT Conspired**
5 **With Others To Commit a Crime**

6 Defendant makes several arguments alleging insufficient evidence was presented to the
7 grand jury to establish that DEFENDANT conspired with others to commit a crime. First,
8 DEFENDANT argues that by instructing the grand jury that they could return an indictment for
9 Conspiracy, without finding that there was an agreement between DEFENDANT and DEFENDANT
10 #2 negates the Conspiracy count. They argue that there is no way to know if the jurors found
11 sufficient evidence of an agreement to commit a crime, which is required for a conspiracy, as
12 opposed to aiding and abetting.²⁵ Second, Defendant also argues that Count 24 alleges that
13 DEFENDANT conspired to obstruct a police by, “providing urine to WITNESS at the request of
14 DEFENDANT #2 in order for WITNESS to offer urine which was not WITNESS’s in an effort to
15 pass her court ordered urinalysis tests in The City of Las Vegas v. WITNESS, Case No.”²⁶ Lastly,
16 Defendant argues that the record fails to establish that DEFENDANT knew about the alleged
17 scheme to provide a urine sample to help the informant, so he cannot be held to answer on the
18 conspiracy charge.²⁷ All of these claims fail.

19 When considering the State’s burden at the grand jury proceedings, the State is merely
20 required to present enough evidence to support a reasonable inference that the accused committed
21 the offense, to hold him to answer at trial.²⁸ Here, the State has alleged that DEFENDANT #2 and
22 DEFENDANT did willfully and unlawfully conspire with each other and/or with WITNESS to
23 commit an act for the perversion or corruption of public justice or the due administration of the law;
24 under three theories of liability. They have alleged that the Defendants: (1) directly committed the
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27 ²⁵ Writ Petition at 10.

28 ²⁶ Writ Petition at 12.

²⁷ Writ Petition at 13.

²⁸ *Kinsey v. Sheriff*, 87 Nev. 361 (1971); *Morgan v. Sheriff*, 86 Nev. 23 (1970).

1 crime; (2) by aiding or abetting in the commission of the crime; and/or (3) pursuant to a conspiracy
2 to commit this crime, with the intent that the crime be committed. The State need only provide
3 sufficient evidence of a singular theory, during the presentation to the grand jury.

4 Conspiracy is an agreement between two or more personal for an unlawful purpose.²⁹ A
5 conspiracy is rarely proven by direct proof and is almost exclusively established by inference from
6 the co-conspirators conduct.³⁰ Here, the conduct of DEFENDANT #2, DEFENDANT, and
7 WITNESS both before and after WITNESS provided urine to the Court; establish the inference of a
8 conspiracy. As detailed above, WITNESS calls DEFENDANT #2 as soon as she is notified that she
9 must provide a urine sample. There is constant communication between DEFENDANT #2 and
10 DEFENDANT. DEFENDANT's cell phone is pinging off of a tower at Diner at the same time as
11 WITNESS's. After WITNESS is remanded for providing false urine, there is cell phone
12 communication between DEFENDANT #2 and DEFENDANT. There is indication by
13 DEFENDANT #2 that he will be picking up WITNESS's vehicle, with DEFENDANT's help.
14 DEFENDANT's cell phone travels from the office to the Regional Justice Center and then back to
15 his residence, followed by DEFENDANT #2 informing WITNESS that her car was located with
16 "****" behind the "Texas." Here, the evidence indicates that the grand jury was properly instructed
17 on the law regarding conspiracy; and taking that with the actions of the Defendant and the
18 conspirators, sufficiently found slight or marginal evidence to support the conspiracy count charged.
19 Further, the evidence and testimony presented indicate by slight or marginal evidence that
20 DEFENDANT conspired to obstruct a police by, "providing urine to WITNESS at the request of
21 DEFENDANT #2 in order for WITNESS to offer urine which was not WITNESS's in an effort to
22 pass her court ordered urinalysis tests in *The City of Las Vegas v. WITNESS*, Case No." as alleged
23 by the State. Lastly, all of the evidence and testimony presented indicated by slight or marginal
24 evidence that DEFENDANT knew about the alleged scheme to provide a urine sample to help the
25 informant, so he can be held to answer on the conspiracy charge. As such, the State presented slight
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27 ²⁹ *Doyle v. State*, 112 Nev. 879 (1996), *overruled on other grounds by Kaczmarek v. State*, 120 Nev. 314
(2004).

28 ³⁰ *Thomas v. State*, 114 Nev. 1127 (1998).

1 or marginal evidence for the Grand Jury for Count 24 as the testimony and evidence presented
2 demonstrates the conspiracy and supports the theories presented by the State.

3 Defendant also argues that the prejudicial impact of this flawed instruction is compounded
4 by the duplicitous conspiracy allegation in Count 26.³¹ However, DEFENDANT is not charged in
5 Count 26, and is just alleged as part of the charge against DEFENDANT #2, so there is no confusion
6 regarding counts 24 and 26.

7
8 **C. There Is Evidence That DEFENDANT Offered a False Instrument To Be Filed in the Court**
9 **Record**

10 Defendant argues that there were no documents or instruments filed with the Court on
11 December 6, 2018, to support the charge in count 25.³² He argues that the Excel worksheet (GJT5),
12 generated by a court employee to support grant requests, is not the type of instrument filed,
13 registered or recorded in the court's public records.³³ In response, the State argues that the false
14 urine test was recorded.³⁴

15 Under NRS 239.330, it is unlawful for a person to knowingly "procure or offer any false or
16 forged instrument to be filed, registered or recorded in any public office."³⁵ Here, WITNESS
17 presented a urine sample to Las Vegas Municipal Court employees. WITNESS #2 testified that she
18 created a recording via an excel spreadsheet for the Las Vegas Municipal Court.³⁶ She further
19 testified that the records are then certified with a seal.³⁷ Then, all the results are recorded by the
20 Municipal Court.³⁸ As such, the results of WITNESS's urine test were recorded.

21 Next, the Court must determine if the recorded document was false. The Nevada Supreme
22 Court has found that causing false information to be put into an otherwise truthful document is

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³¹ Writ Petition at 11.

25 ³² Writ Petition, Page 9-10.

26 ³³ *Id.*

27 ³⁴ Writ Return at 13.

28 ³⁵ Nev. Rev. Stat. 239.330.

³⁶ GJT 5 p. 26.

³⁷ GJT pg. 28.

³⁸ GJT pg. 33.

1 providing a false instrument.³⁹ Here, WITNESS testified that she was provided urine from
2 DEFENDANT for the purpose of passing a drug test, because she would not have been able to pass
3 the test using her own urine. As such, the recorded document was false.

4 As this Court has previously found that DEFENDANT conspired with DEFENDANT #2 and
5 WITNESS, to commit a crime, that analysis is a part of the Court's conclusion as to Count 25. As
6 there was a conspiracy, DEFENDANT can be held liable for offering a false instrument to the Court
7 for filing, as the State has demonstrated that when he is alleged to have provided the urine to
8 WITNESS, he did so with the intention that said urine be offered to falsify a urinalysis test for the
9 Las Vegas Municipal Court; and the urine was actually offered to falsify a urinalysis test for the Las
10 Vegas Municipal Court by WITNESS. As such, the State presented slight or marginal evidence to
11 support Count 25.

12
13 **D. The State Did Not Fail to Provide Sufficient Notice of Their Intent to Seek Indictment**

14 Defendant argues that the State emailed a notice of intent to seek indictment to
15 DEFENDANT on March 16, 2020 and he was notified two (2) days later that the grand jury had
16 returned an indictment.⁴⁰ They argue that this notice is not reasonable under the statute.⁴¹ In
17 response, the State argues that they sent notice under *Sheriff v. Marcum*⁴², to Defendants
18 DEFENDANT #2 and DEFENDANT on March 16, 2020.⁴³ On March 18, 2020 the State received
19 an email from DEFENDANT #2's counsel informing the State that they were under the impression
20 that all grand jury proceedings had been suspended due to "Judge Bell's Administrative Orders in
21 Response to Coronavirus."⁴⁴ DEFENDANT #2 requested to stay all grand jury proceedings in this
22 matter until the orders were lifted.⁴⁵ The State then informed DEFENDANT #2's counsel that there
23 was an ability to convene the grand jury and that arrangements had been made for his client to testify
24

25 ³⁹ *Zwiefel v. State*, 89 Nev. 242 (1973).

26 ⁴⁰ Writ Petition at 13.

27 ⁴¹ *Id.*

28 ⁴² *Sheriff v. Marcum*, 105 Nev. 824 (1989).

⁴³ Writ Return at 22.

⁴⁴ State Exh. 4.

⁴⁵ State Ex. 4.

1 on March 19, 2020.⁴⁶ Moments later DEFENDANT #2's counsel responded stating "Due to the
2 overwhelming concerns expressed by the State and national leaders, our client is unwilling to
3 participate at this time."⁴⁷ After this email, the State reached out to DEFENDANT's counsel and
4 asked if this was the position for DEFENDANT, and counsel responded "Same for
5 DEFENDANT."⁴⁸

6 Under NRS 172.241,

- 7
- 8 1. A person whose indictment the district attorney intends to seek or the grand jury on
9 its own motion intends to return, but who has not been subpoenaed to appear before
10 the grand jury, may testify before the grand jury if the person requests to do so and
11 executes a valid waiver in writing of the person's constitutional privilege against self-
12 incrimination.
 - 13 2. A district attorney or a peace shall serve reasonable notice upon a person whose
14 indictment is being considered by the grand jury unless the court determines that
15 adequate cause exists to withhold notice. The notice is adequate if it: (a) Is given to
16 the person, the person's attorney of record or an attorney who claims to represent the
17 person and gives the person not less than 5 judicial days to submit a request to testify
18 to the district attorney; and (b) Advises the person that the person may testify before
19 the grand jury only if the person submits a written request to the district attorney and
20 includes an address where the district attorney may send a notice of the date, time and
21 place of the scheduled proceeding of the grand jury.⁴⁹

22 Under this statute, a person may testify before the grand jury if notice is provided of their
23 intent to testify. The exact opposite happened here. The communication to the State was that the
24 Defendants did not intend to testify at the grand jury proceedings. Defendant correctly cites the
25 statute as stating that a person under indictment must be given not less than 5 judicial days to submit
26 a request to testify. However, there is no authority stating that once a person whose indictment is
27 being considered by the grand jury informs the State of their intention not to testify, that the State
28 must wait the additional judicial days to seek an indictment. Here, it was communicated to the State

26 ⁴⁶ *Id.*

27 ⁴⁷ *Id.*

28 ⁴⁸ *Id.*

⁴⁹ Nev. Rev. Stat. 172.241.

1 on March 19, 2020 that DEFENDANT did not wish to testify before the grand jury, so there was no
2 need for the State to continue the proceedings. The State complied with NRS 172.241 as proper
3 notice was provided for DEFENDANT to testify before the grand jury, and he indicated that he
4 would not be testifying before the grand jury. As such, this argument fails.

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CONCLUSION

IT IS HEREBY ORDERED that the Defendant's Petition for Writ of Habeas Corpus shall be, and it is, hereby DENIED.

IT IS SO ORDERED this _____ day of _____, 2020.

DISTRICT COURT JUDGE