

1 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

2
3
4 STEVEN DALE FARMER,)

5 Appellant,)

6 vs.)

7
8 THE STATE OF NEVADA,)

9 Respondent.)

Electronically Filed
Jul 16 2014 03:13 p.m.

Tracie K. Lindeman

Case No. 65935 Supreme Court

65935

Case No. 65936

FILED

JUL 28 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT

BY D. Malone
DEPUTY CLERK

11 **MOTION FOR CONSOLIDATION OF APPEAL**

12
13 COMES NOW Appellant, STEVEN DALE FARMER, by and through
14 Deputy Public Defender DEBORAH L. WESTBROOK, and moves this
15 Honorable Court to consolidate the above referenced appeals, Case Nos. 65935
16 and 65936, which were were *already consolidated* at the District Court level in
17 July of 2010, and which resulted in a single jury trial and a single Judgment of
18 Conviction, from which Appellant filed a single Notice of Appeal.
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TRANSFERRED FROM DOCKET NO. 65936 TO DOCKET NO. 65936
PER ORDER FILED 7/28/14.

1 This Motion is based upon the following Points and Authorities, the
2 attached Declaration, and all papers and pleadings on file herein.

3
4 DATED this 16th day of July, 2014.

5 PHILIP J. KOHN
6 CLARK COUNTY PUBLIC DEFENDER

7
8 By /s/ Deborah L. Westbrook
9 DEBORAH L. WESTBROOK, #9285
10 Deputy Public Defender
11 309 So. Third Street, Suite #226
12 Las Vegas, Nevada 89155-2610
(702) 455-4685

13 **POINTS AND AUTHORITIES**

14 **I. FACTS**

15
16 On July 2, 2008, the State filed an Information in Case No. C245739
17 charging Appellant with ten (10) counts: (1) Open or Gross Lewdness, (2) Open or
18 Gross Lewdness, (3) Open or Gross Lewdness, (4) Indecent Exposure, (5) Open or
19 Gross Lewdness, (6) Sexual Assault, (7) Sexual Assault, (8) Sexual Assault, (9)
20 Open or Gross Lewdness, and (10) Open or Gross Lewdness. See Exhibit A.

21
22
23 On November 19, 2008, the State filed an Indictment in Case No. C249693
24 charging Appellant with an additional six (6) counts: (1) Sexual Assault, (2) Open
25 or Gross Lewdness, (3) Sexual Assault, (4) Open or gross Lewdness, (5) Open or
26 Gross Lewdness, and (6) Indecent exposure. See Exhibit B.

27
28 On March 8, 2010, the State filed a Motion to Consolidate Case No.
C245739 with Case No. C249693. See Exhibit C.

1 On July 7, 2010, the District Court **granted** the State's Motion to
2 Consolidate Case Nos. C245739 and C249693.¹ See Exhibit D.

3
4 On July 8, 2010, the State filed an Amended Information **joining the two**
5 **cases** in the lower case number: C245739. See Exhibit E.

6
7 Appellant proceeded to jury trial on the consolidated cases on February 3,
8 2014. See Exhibit F. On February 24, 2014, the State filed a Second Amended
9 Information in open court during trial. See Exhibit G. On February 28, 2014, the
10 jury found Appellant guilty of Counts 1-2, 4-6, 8-15. See Exhibit H.

11
12 On May 28, 2014, the District Court sentenced Appellant. See Exhibit I.
13 Although the charges had previously been consolidated into the lower case number
14 (C245739), the District Court entered a Judgment of Conviction referencing *both*
15 Case Nos. C245739 *and* C249693 on June 2, 2014. Id. The JOC was filed in the
16 District Court under both case numbers.

17
18
19 On June 20, 2014, the Public Defender's office appellate division filed a
20 Notice of Appeal in the District Court which *also* referenced *both* case numbers, in
21 order to be consistent with the District Court's JOC.

22
23 Subsequently, on June 26, 2014, this Honorable Court docketed Appellant's
24 Notice of Appeal in two different appeals: Case Nos. 65935 and 65936. As set
25 forth herein, these cases should be consolidated on appeal.

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¹ The Court also severed Count 1 from Case No. C245739. See Exhibit D.

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II. LAW

NRAP Rule 3(b) governs the joinder or consolidation of cases on appeal.

The provisions of this rule have been applied to consolidate appeals from two district court judgments and orders pertaining to a single defendant. Meegan v. State, 114 Nev. 1150, 968 P.2d 292 (1998) (consolidation of an appeal from a conviction for first-degree murder pursuant to a jury verdict and an appeal from a district court order denying defendant's motion for a new trial in the same case.)

Here, the District Court *already consolidated* Case Nos. C245739 and C249693. There was a single jury trial, and a single Judgment of Conviction. Because the Judgment of Conviction referenced both case numbers, it was dual-filed in the District Court under both case numbers.

This Court should likewise consolidate the appeals in Case Nos. 65935 and 65936 because they involve a single jury trial, with a single defendant, and a single judgment of conviction.

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III. CONCLUSION

In view of the above, Appellant asks this court to consolidate the appeals in
Case No. 65935 and 65936.

Respectfully submitted,

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

By /s/ Deborah L. Westbrook
DEBORAH L. WESTBROOK, #9285
Deputy Public Defender
309 So. Third Street, Suite #226
Las Vegas, Nevada 89155-2610
(702) 455-4685

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|------------------------|----------------------|
| CATHERINE CORTEZ MASTO | DEBORAH L. WESTBROOK |
| STEVEN S. OWENS | HOWARD S. BROOKS |

STEVEN DALE FARMER
NDOC No: 1121584
c/o High Desert State Prison
P.O. Box 650
Indian Springs, NV 89018

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EXHIBIT A


CLERK OF THE COURT

1 **INFO**
2 **DAVID ROGER**
3 **Clark County District Attorney**
4 **Nevada Bar #002781**
5 **SUMMER CLARKE**
6 **Deputy District Attorney**
7 **Nevada Bar #008988**
8 **200 Lewis Avenue**
9 **Las Vegas, Nevada 89155-2212**
10 **(702) 671-2500**
11 **Attorney for Plaintiff**

12 **I.A. 07/08/08**
13 **1:30 P.M.**
14 **PD**
15 **DISTRICT COURT**
16 **CLARK COUNTY, NEVADA**

17 **THE STATE OF NEVADA,**

18 **Plaintiff,**

19 **-vs-**

20 **STEVEN DALE FARMER,**
21 **#2679879**

22 **Defendant.**

Case No: C245739
Dept No: XX

INFORMATION

23 **STATE OF NEVADA**
24 **COUNTY OF CLARK** } ss.

25 **DAVID ROGER, District Attorney within and for the County of Clark, State of**
26 **Nevada, in the name and by the authority of the State of Nevada, informs the Court:**

27 **That STEVEN DALE FARMER, the Defendant(s) above named, having committed**
28 **the crimes of SEXUAL ASSAULT (Felony - NRS 200.364, 200.366); OPEN OR GROSS**
29 **LEWDNESS (Gross Misdemeanor - NRS 201.210) and INDECENT EXPOSURE**
30 **(Gross Misdemeanor - NRS 201.220), on between December, 2007, and the 16th day of**
31 **May, 2008, within the County of Clark, State of Nevada, contrary to the form, force and**
32 **effect of statutes in such cases made and provided, and against the peace and dignity of the**
33 **State of Nevada,**

34 //

35 //

1 COUNT 1 - OPEN OR GROSS LEWDNESS

2 did, during December 2007, then and there wilfully and unlawfully commit an act of
3 open or gross lewdness by the Defendant taking the hand of FRANCES V. ROSE and
4 placing it on his penis.

5 COUNT 2 - OPEN OR GROSS LEWDNESS

6 did, on or about April 27, 2008, then and there wilfully and unlawfully commit an act
7 of open or gross lewdness by the Defendant rubbing and/or touching and/or pushing on
8 and/or pressing against the feet of LEDAHLIA SPURLOCK with his penis and/or his genital
9 area while she lay in a bed.

10 COUNT 3 - OPEN OR GROSS LEWDNESS

11 did, on or about May 15, 2008, then and there wilfully and unlawfully commit an act
12 of open or gross lewdness by the Defendant exposing and/or touching the breasts of
13 HEATHER SHANK, while in an elevator, under the guise of removing electrodes.

14 COUNT 4 - INDECENT EXPOSURE

15 did, on or about May 15, 2008, then and there intentionally, wilfully, and unlawfully
16 make an open, indecent, and obscene exposure of another person by then and there
17 deliberately exposing and/or brushing against and/or touching the breasts of HEATHER
18 SHANK, under the guise of adjusting leads from the EKG machine.

19 COUNT 5 - OPEN OR GROSS LEWDNESS

20 did, on or about the 16th day of May, 2008, then and there wilfully and unlawfully
21 commit an act of open or gross lewdness by the Defendant exposing and/or touching the
22 breasts of DENISE HANNA under the guise of adjusting leads from the EKG machine.

23 COUNT 6 - SEXUAL ASSAULT

24 did, on or about the 16th day of May, 2008, then and there wilfully, unlawfully, and
25 feloniously sexually assault and subject ROXANNE CAGNINA, a female person, to sexual
26 penetration, to-wit: digital penetration, by inserting his finger(s) into the genital opening of
27 the said ROXANNE CAGNINA, against her will.

28 //

1 COUNT 7 - SEXUAL ASSAULT

2 did, on or about the 16th day of May, 2008, then and there wilfully, unlawfully, and
3 feloniously sexually assault and subject ROXANNE CAGNINA, a female person, to sexual
4 penetration, to-wit: digital penetration, by inserting his finger(s) into the genital opening of
5 the said ROXANNE CAGNINA, against her will.

6 COUNT 8 - SEXUAL ASSAULT

7 did, on or about the 16th day of May, 2008, then and there wilfully, unlawfully, and
8 feloniously sexually assault and subject ROXANNE CAGNINA, a female person, to sexual
9 penetration, to-wit: cunnilingus, by placing his mouth and/or tongue on or in the genital
10 opening of the said ROXANNE CAGNINA, against her will.

11 COUNT 9 - OPEN OR GROSS LEWDNESS

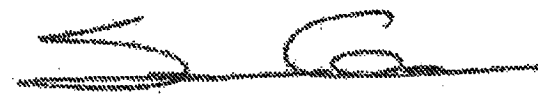
12 did, on or about the 16th day of May, 2008, then and there wilfully and unlawfully
13 commit an act of open or gross lewdness by the Defendant touching and/or rubbing the
14 thighs of ROXANNE CAGNINA.

15 COUNT 10 - OPEN OR GROSS LEWDNESS

16 did, on or about the 16th day of May, 2008, then and there wilfully and unlawfully
17 commit an act of open or gross lewdness by the Defendant touching and/or rubbing the
18 breasts of ROXANNE CAGNINA.

19 DAVID ROGER
20 DISTRICT ATTORNEY
Nevada Bar #002781

21
22 BY


23 SUMMER CLARKE
24 Deputy District Attorney
25 Nevada Bar #008988
26
27
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Names of witnesses known to the District Attorney's Office at the time of filing this
Information are as follows:

NAME

ADDRESS

CAGNINA, ROXANNE - 3717 LOWER SAXON AVE., LVN 89085

CAGNINA, SCOTT - ADDRESS UNKNOWN

HANNA, DENISE - 7932 OLYMPUS AVE., LVN

JEX, CRAIG - LVMPD P#5597

LEHAN, TIMOTHY - 5209 FIRESIDE RANCH AVE., LVN 89131

MILLER, RONALD - LVMPD P#3233

PENCE, MISTY - LVMPD P#4950

ROSE, FRANCES - 2104 CLUB PACIFIC WAY, #19-102, LVN 89128

SAUNDERS, MICHAEL - LVMPD P#7294

SHANK, HEATHER - 5209 FIRESIDE RANCH AVE., LVN 89131

SPURLOCK, LEDAHLIA - 4408 SAN GABRIEL HILL AVE., LVN 89115

DA#08F10344X/mmww/SVU

LVMPD EV#0805161021; 0805302056; 0505311717; 0805311315; 0806042539
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EXHIBIT B

ORIGINAL

1 IND
2 DAVID ROGER
3 Clark County District Attorney
4 Nevada Bar #002781
5 SUMMER CLARKE
6 Deputy District Attorney
7 Nevada Bar #008988
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

FILED

Nov 19 12 51 PM '08

E. J. Smith
CLERK OF THE COURT

DISTRICT COURT

CLARK COUNTY, NEVADA

11 THE STATE OF NEVADA,

12 Plaintiff,

13 -vs-

14 STEVEN DALE FARMER,
15 #2679879

16 Defendant(s).

Case No. C249693
Dept. No. XII

INDICTMENT

18 STATE OF NEVADA }
19 COUNTY OF CLARK } ss.

20 The Defendant(s) above named, STEVEN DALE FARMER, accused by the Clark
21 County Grand Jury of the crime(s) of SEXUAL ASSAULT (Felony - NRS 200.364,
22 200.366), OPEN OR GROSS LEWDNESS (Gross Misdemeanor - NRS 201.210) and
23 INDECENT EXPOSURE (Gross Misdemeanor - NRS 201.220), committed at and within
24 the County of Clark, State of Nevada, on or between May 13, 2008 and May 20, 2008, as

25 follows:

COUNT 1 - SEXUAL ASSAULT

did then and there willfully, unlawfully, and feloniously sexually assault and subject
MARCIA PETERSEN, a female person, to sexual penetration, to-wit: digital penetration, by

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CLERK OF THE COURT

1 inserting his finger(s) into the anal opening of the said MARCIA PETERSEN, against her
2 will, or under conditions in which Defendant knew, or should have known, that the said
3 MARCIA PETERSEN was mentally or physically incapable of resisting or understanding
4 the nature of Defendant's conduct.

5 COUNT 2 - OPEN OR GROSS LEWDNESS

6 did then and there willfully and unlawfully commit an act of open or gross lewdness
7 by the Defendant touching and/or rubbing the genital opening of MARCIA PETERSEN with
8 his hand(s) and/or finger(s).

9 COUNT 3 - SEXUAL ASSAULT

10 did then and there willfully, unlawfully, and feloniously sexually assault and subject
11 MARCIA PETERSEN, a female person, to sexual penetration, to-wit: digital penetration, by
12 inserting his finger(s) into the genital opening of the said MARCIA PETERSEN, against her
13 will, or under conditions in which Defendant knew, or should have known, that the said
14 MARCIA PETERSEN was mentally or physically incapable of resisting or understanding
15 the nature of Defendant's conduct.

16 COUNT 4 - OPEN OR GROSS LEWDNESS

17 did then and there willfully and unlawfully commit an act of open or gross lewdness
18 by the Defendant touching and/or rubbing and/or pinching the breast(s) and/or nipple(s) of
19 MARCIA PETERSEN with his hand(s) and/or finger(s).

20 COUNT 5 - OPEN OR GROSS LEWDNESS

21 did then and there willfully and unlawfully commit an act of open or gross lewdness
22 by the Defendant touching and/or rubbing and/or pinching the breast(s) and/or nipple(s) of
23 MARCIA PETERSEN with his hand(s) and/or finger(s).

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1 COUNT 6 - INDECENT EXPOSURE

2 did then and there intentionally, willfully, and unlawfully make an open; indecent,
3 and obscene exposure of the person of MARCIA PETERSEN by then and there deliberately
4 lifting the hospital gown of the said MARCIA PETERSEN to look at her genital opening
5 and/or anal opening and/or buttock(s) and/or breast(s).

6 DATED this 19th day of November, 2008.

7
8 DAVID ROGER
DISTRICT ATTORNEY
Nevada Bar #002781

9
10 BY

11 SUMMER CLARKE
12 Deputy District Attorney
Nevada Bar #008988

13 ENDORSEMENT: A True Bill

14
15 
16 Foreperson, Clark County Grand Jury

1 Names of witnesses testifying before the Grand Jury:

2 PETERSEN, MARCIA 7712 Constanco Ave #104, LVN

3

4 Additional witnesses known to the District Attorney at time of file the Indictment:

5 SAUNDERS, MICHAEL LVMPD #6076

6 PETERSEN, MARSHAL 9164 Accomplishment Ct, LVN

7 PETERSEN, MICAH 9164 Accomplishment Ct, LVN

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EXHIBIT C


CLERK OF THE COURT

0001
DAVID ROGER
Clark County District Attorney
Nevada Bar #002781
W. JAKE MERBACK
Deputy District Attorney
Nevada Bar #009126
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

STEVEN DALE FARMER,
#2679879

Defendant.

CASE NO: C245739
DEPT NO: I

STATE'S NOTICE OF MOTION AND MOTION TO CONSOLIDATE

DATE OF HEARING: 03/17/10
TIME OF HEARING: ~~8:30 A.M.~~ 9:00 AM

COMES NOW, the State of Nevada, by DAVID ROGER, District Attorney, through
W. JAKE MERBACK, Deputy District Attorney, and files this Notice of Motion and Motion
to Consolidate.

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

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1 assigned to take care of Roxanne.

2 After going into the hospital Roxanne's clothing was exchanged for a hospital gown,
3 under which she wore no bra or panties. Roxanne was administered Phenobarbital and
4 Ativan to relieve the seizures and something for pain, which caused her to want to sleep.

5 Defendant was transporting Roxanne to a hospital room after she was admitted.
6 While in the elevator with Roxanne, Defendant began adjusting her blanket and touched her
7 inner thigh, under the blanket and her hospital gown, while doing so. Roxanne was shaken
8 and afraid by Defendant's behavior. Roxanne had her purse which had her cell phone in it
9 with her. Roxanne was able to press #2 on her cell phone which dials 911. Roxanne heard
10 the operator announce 911 and determined that if she could hear the operator so could
11 Defendant, so she ended the call.

12 Defendant took Roxanne into a room where he continued to adjust her blankets and
13 speak to her, sometimes chuckling and giggling. While adjusting Roxanne's blankets on that
14 occasion, Defendant rubbed Roxanne's thigh and then inserted his fingers in her vagina.
15 Defendant was telling Roxanne that she should rest and became more aggressive with his
16 fingers in her vagina. Roxanne described it as Defendant jamming his fingers in her vagina
17 like a hammer or something. Defendant told Roxanne, to look at my fingers and told her that
18 they were fat. Defendant told Roxanne, "You are going to enjoy this." Every time
19 Defendant inserted his fingers into Roxanne's vagina he would lick his fingers and would
20 ask Roxanne to lick his fingers. Defendant told Roxanne to "taste it" and told her "it was
21 good".

22 Defendant also touched Roxanne's breast on multiple occasions with his hands. While
23 touching her breasts, Defendant would alternate between squeezing Roxanne's breasts and
24 inserting his fingers into her vagina. Defendant tried to kiss Roxanne and told her how pretty
25 she was. Defendant licked Roxanne's vagina, as well.

26 Roxanne tried to take pictures of what was happening from under the blankets but
27 they did not turn out because it was dark. Roxanne was weak and could not fight off
28 Defendant. Roxanne could not reach the call button. Before leaving Roxanne in the room

1 alone, Defendant told her that he was going to get off work soon and would be back.
2 Roxanne thought Defendant was going to kill her.

3 Roxanne fought to stay awake, not knowing if Defendant was going to come back.
4 At some point a female nurse came into the room and Roxanne became hysterical, telling the
5 nurse not to leave her, to call the police and to call a nursing supervisor. Roxanne also called
6 her husband and told him to come to the hospital. Once he got there, Roxanne told him what
7 had happened. Roxanne's husband contacted the police because the hospital staff refused to
8 do so.

9 **ii. Heather Shank**

10 On May 14, 2008, Heather Shank was at home and told her boyfriend Tim that she
11 was not feeling well. Within ten minutes, Heather had fallen off the bed and began to
12 convulse in seizure. Tim called 911 and Heather was taken to Centennial Hills Hospital.
13 Tim arrived at the hospital within ten minutes. Tim stayed at the hospital with Heather from
14 10:00 or 11:00 p.m. that night until 4:30 or 5:00 a.m. the following morning. Tim went to
15 work and returned to the hospital between 2:00 and 3:00 in the afternoon. Tim went home
16 two hours later where he remained for approximately ten minutes, before going back to the
17 hospital. When Tim returned to the hospital he met Defendant, who identified himself and
18 informed Tim that he was just starting his shift.

19 Tim bought Heather some food and after she ate, he took her down the hall to the
20 bathroom. When they returned Heather got back onto the cot she had been resting in and
21 tangled some EKG wires under leg. Defendant immediately opened the front of Heather's
22 hospital gown which took Tim by surprise because the wires had been tangled underneath
23 her legs. As Heather lay there with her breasts exposed, Tim got up and told Defendant that
24 he would take care of things. Tim closed Heather's gown and pulled her blanket up over
25 her.

26 Later that evening, after Tim had left the hospital, Defendant transported Heather to
27 her room. While they were in the hospital elevator, Defendant opened Heather's hospital
28 gown and exposed her from the waist up. Defendant told Heather he was going to take the

1 sticky pads off from the EKG and brushed his forearm against her chest while doing so.
2 Defendant did not remove all of the sticky tabs which made Heather feel uncomfortable.
3 Heather removed a couple of the tabs herself and then closed her gown. Heather stated that
4 Defendant made a nervous giggle or stutter as she closed her gown. Once in the hospital
5 room, Heather got into the hospital bed and Defendant left the room.

6 **iii. Ledahlia Spurlock**

7 On April 27, 2008, Ledahlia attempted suicide by taking some Vicodin pills and some
8 Ibuprofen at which time her cousin, William, called the paramedics. The ambulance arrived
9 and took Ledahlia to Centennial Hills Hospital. Ledahlia recalled that she was transported to
10 the hospital at approximately 5:00 p.m. Ledahlia was taken into the ER where she remained
11 until approximately 10:00 p.m. Ledahlia's aunts, Dia Dotson and Ernestine Smith visited
12 her at the hospital. While Ledahlia's aunts were visiting her, Defendant entered the area and
13 asked them if they would like something to drink. Defendant got them juice and water and
14 spoke to them about dressing up as Santa Clause at other hospitals. Defendant was standing
15 at the end of Ledahlia's bed and pressed his pelvic area and penis against her feet. After
16 Defendant left the room, Ledahlia and her aunt's had a discussion about what had occurred.

17 **iv. Denise Hanna**

18 On May 16, 2008, Denise Hanna was having chest pains and drove herself to
19 Southwest Medical, Rancho office. Denise arrived at the office at approximately 9:00 or
20 9:30 p.m., at which time she was transported to Centennial Hills Hospital. Denise arrived at
21 Centennial at approximately 11:00 p.m., and was taken into the ER, where a nurse named
22 Margaret was assigned to her. Later, another female nurse came in for the last couple hours.

23 After being at the hospital for approximately two hours, Defendant introduced himself
24 to Denise and told her he was a CNA and was there to check things out. At the time, Denise
25 was wearing a hospital gown and panties, with no bra. Denise had electrodes/leads on her
26 body as a result monitoring her heart. Defendant opened Denise's gown and told her he was
27 going to check things. Defendant pressed directly on the leads that were located beneath
28 Denise's breasts. Defendant also touched the leads that were on Denise's stomach;

1 however, he did not touch the leads on her biceps or ankle. Defendant touched Denise's
2 right breast while pushing the leads underneath her breasts. Defendant made Denise feel
3 uncomfortable and she looked up at the ceiling while he was touching her. While Denise
4 was in the ER at Centennial Hills Hospital, none of the other nurses ever touched and/or
5 attempted to touch the leads on her body.

6 v. *Frances Rose*

7 In December 2007, Frances was a patient at Rawson-Neal Psychiatric Hospital.
8 Frances was in the hospital from December 7 until December 15; and again, from December
9 20th until January 1, 2008.

10 The second time Frances was in the hospital she came to meet Defendant. At that
11 time, Defendant was dressed up as Santa Clause and had been speaking to Frances, who was
12 in a bad mood because she was told she would not be released to spend Christmas with her
13 daughter. Defendant was nice but flirty with Frances during the conversation.

14 Defendant would make excuses to continue to see Frances while she was in the
15 hospital. Once, sometime between December 25th and December 27th, Frances had been
16 going to get coffee, Defendant grabbed Frances' hand, put it on his groin and said, "this is
17 what you do to me."

18 Prior to Frances leaving the hospital, Defendant gave her his telephone number and
19 told her was not allowed to date anybody for six months, but was leaving the Rawson-Neal
20 facility. On January 3, 2008, Frances took Defendant to a Christmas celebration with her
21 family. Frances and Defendant continued to see each other off and on for approximately six
22 weeks. As Frances' medications were being "tweaked" and she started adjusting she began
23 to feel not right about the relationship.

24 In February 2008, Frances and Defendant went on a Valentines Day trip to Buffalo
25 Bills at Stateline. During that trip Defendant stayed downstairs to play cards and Frances
26 went upstairs and fell asleep. When Frances woke up the following morning, Defendant told
27 her that her breast had fallen out of her gown while she was sleeping and that she had
28 beautiful a breast. Defendant told Frances that he had entered the room and saw it when he

1 turned on the light, so he just sat and started at it. The comment bothered Frances.

2 Frances had not engaged in sexual intercourse masturbation or fellatio with
3 Defendant; however, Defendant did perform oral sex on Frances. While performing oral
4 sex on Frances, Defendant always told her that she tasted good and he liked doing it.
5 Defendant would lick his fingers with his lip.

6 **STATEMENT OF FACTS REGARDING DC CASE #C249693**
7 **INVOLVING VICTIM, MARICA PETERSON**

8 Defendant is charged by way of Criminal Indictment with the crimes of Sexual
9 Assault (Felony – NRS 200.364, 200.366), Open or Gross Lewdness (Gross Misdemeanor –
10 NRS 201.210) and Indecent Exposure (Gross Misdemeanor – NRS 201.220).

11 On May 13 through May 20, 2008, Marcia Peterson was admitted as a patient at
12 Centennial Hills Hospital, Las Vegas, Clark County, Nevada. Marcia suffered a brain
13 trauma in March 2008, which left her with a seizure disorder and uncontrollable sensory
14 overload. Marcia had suffered from seizures on and off since 1992, but never had to take
15 medicine or had them be as extensive as they had been.

16 Marcia has multiple seizures in one episode spanning anywhere from seven to thirty-
17 two seizures in an episode. Marcia has multiple seizures, multiple times during a month's
18 time. In July 2008, Marcia had a seizure every other day. During a seizure, Marcia's body
19 will clench and tighten up to the point that she does not know what is going on around her.
20 When Marcia comes out of her seizure she cannot talk; and, when she does finally talk, it's a
21 long drawn out stutter. Marcia is completely immobilized after a seizure, sometimes lasting
22 up to 48 hours.

23 During May 13th to May 20th (2008), Marcia was taken to Centennial Hills Hospital,
24 after having a seizure in the grocery store parking lot. While in the hospital, Marcia came
25 into contact with Defendant, who introduced himself to her and told her he would be taking
26 care of her. When Marcia first met Defendant she could not speak or move and was
27 immobilized in the hospital bed. Marcia was alone in the hospital room with Defendant.
28 Defendant told Marcia he needed to straighten her bed, but began pulling up the hem of her

1 gown and looking at her, lifting it up and putting it down on multiple occasions. Marcia was
2 not wearing anything underneath her hospital gown causing her vagina and buttocks to be
3 exposed when Defendant did this.

4 On another occasion, Defendant woke Marcia by moving her right leg. Defendant
5 told Marcia that she had some bowel movement, which she knew was not true. Defendant
6 lifted Marcia's leg in the air and put his thumb in her rectum. Prior to Defendant's thumb
7 entering Marcia's rectum, he put one of his fingers on her vagina. Marcia was still
8 immobilized and could not talk when the incident occurred.

9 On another occasion, Defendant entered Marcia's room and told her that one of her
10 heart leads had come undone. During that incident, Defendant pinched Marcia's nipple on
11 her right breast. During that incident, Marcia knew that none of her leads had come off of
12 her body. At the time the incident occurred, Marcia still could not speak or move.
13 Defendant used the ruse of a heart lead coming off on two separate occasions. During the
14 second occasion, Defendant pinched the nipples on both of Marcia's breasts.

15 On another occasion, Defendant entered Marcia's room and said that he was going to
16 check her catheter, at which time Defendant touched Marcia's vagina with his fingers and
17 then inserted his fingers into her vagina.

18 After being moved to another floor, Marcia told her sons about Defendant's behavior;
19 however, the police were not contacted until a month later when one of Marcia's sons saw
20 that Defendant had been arrested for assaulting other patients at Centennial Hospital. Marcia
21 had been in the hospital every month since May 2008, anywhere from three to ten days, as a
22 result of having seizures; as such, Defendant's misconduct was not reported to the police
23 until a month after the incidents occurred.

24 LEGAL ARGUMENT

25 I. CONSOLIDATION OF CASE #C249693 WITH THE INSTANT CASE

26 NRS 173.115 provides that:

27 Two or more offenses may be charged in the same indictment or
28 information in a separate count for each offense if the offenses
charged, whether felonies or misdemeanors or both, are:

1. Based on the same act or transaction; or

1 2. Based on two or more acts or transactions connected
2 together or constituting parts of a common scheme or plan.
3 (Emphasis Added)

4 Likewise, NRS 174.155 states:

5 The court may order two or more indictments or informations or
6 both to be tried together if the offenses, and the defendants, if
7 there is more than one, could have been joined in a single
8 indictment or information. The procedure shall be the same as if
9 the prosecution were under such single indictment or
10 information.

11 The decision to sever is left to the discretion of the trial court. The decision to join
12 cases will not be reversed absent an abuse of discretion. Amen v. State, 106 Nev. 749, 756,
13 801 P.2d 1354, 1359 (1990). While making this decision, a court must consider not only the
14 possible prejudice to the defendant but also the possible prejudice to the Government
15 resulting from two time-consuming, expensive and duplicitous trials. Lisle v. State, 941 P.2d
16 459, 466 (1997).

17 Joinder is to be broadly construed in the interest of more efficient administration of
18 justice and in favor of initial joinder. United States v. Ford, 632 F.2d 1354, 1373 (9th Cir.
19 1980). Joinder of offenses is a means of avoiding expensive duplicative trials and such
20 joinder is favored where there are common elements of proof in the joined offenses, and
21 where the interests of judicial economy outweigh any prejudice to the defendant. United
22 States v. Wilson, 715 F.2d 1165, 1171 (7th Cir. 1983). (Emphasis added).

23 Additionally, there must be more prejudice shown than is inherent in any joinder of
24 counts. United States v. Bright, 630 F.2d 804 (5th Cir. 1980). It is insufficient to show that
25 severance gives the defendant a better defense. He must show prejudice of such a magnitude
26 that he is denied a fair trial. United States v. Martinez, 486 F.2d 15 (5th Cir. 1973).

27 In Robins v. State, 106 Nev. 611, 798 P.2d 558 (1990), our Nevada Supreme Court
28 was faced with the joinder of a child abuse charge and a murder charge. The Court held that,
29 "if . . . evidence of one charge would be cross-admissible in evidence at a separate trial on
30 another charge, then both charges may be tried together and need not be severed." Id. at
31 619, 798 P.2d at 563 (citing Mitchell v. State, 105 Nev. 735, 738, 782 P.2d 1340, 1342

1 (1989)).

2 It is important to note that both NRS 174.155 and NRS 173.115 use the words "may
3 order." By use of the word "may," it is obvious that the legislature had intended to give the
4 Court broad discretion in applying the statute. Citing NRS 174.155, the Court in Lovell v.
5 State, 92 Nev. 128, 546 P.2d 1301 (1976), held that "joinder is within the discretion of the
6 trial court and its actions will not be reversed absent an abuse of discretion." Where no
7 prejudice will result from joinder of two Informations, no abuse of discretion is committed
8 by a court who orders such a joinder. Moeller v. United States, 378 F.2d 14 (5th Cir. 1967).

9 The Nevada Statutes cited are identical to the Federal Rules of Criminal Procedure.
10 NRS 174.155 is the same as Federal Rule 13, and NRS 173.115 is the same as Federal Rule
11 8(b). In considering whether to allow consolidation, the courts have looked at the conflicting
12 policies of judicial economy and efficiency of judicial administration, looking to control
13 court calendars in avoidance of multiple trials, and any resulting prejudice to a defendant
14 which might arise from being prosecuted at trial by presentation of evidence of other crimes
15 flowing from a common scheme or plan. Cantano v. United States, 176 F.2d 820, (4th Cir.,
16 1948); United States v. Fencher, 195 F. Supp. 634 (D. Conn.); *affirmed*; 319 F.2d 604 (4th
17 Cir., 1963).

18 The Nevada Supreme Court addressed the issue of joinder of separate offenses in a
19 single indictment in State v. Boueri, 99 Nev. 790, 672 P.2d 33 (1983). In that case the
20 defendant was charged with embezzling twelve different sums of money on twelve different
21 dates between June 14, 1979 and August 25, 1980. The opinion in State v. Boueri, *supra*,
22 recites the facts as follows:

23 Facts adduced at the grand jury hearing revealed that respondent
24 was vice-president of Caesar's Palace in charge of hosting of
25 affluent guests at Caesar's. As part of his duties, Boueri would
26 arrange complimentary air fare and other services designed to
27 induce such persons to visit Caesar's. Boueri would arrange air
28 fare through a local travel agent, Ghanem Travel, in the name of
the customers. Unused tickets were returned to Ghanem by
Boueri for refunds. When such refunds were sought, the agency
would issue checks to the order of cash and usually deliver them
to Boueri. At times Boueri would purchase tickets for customers
and deliver them to associates of the customers, who would
redeem the tickets as "commissions" for encouraging the guests

1 to return to Caesar's. Boueri also obtained refunds for tickets
2 issued in his own name. . . . [E]vidence was presented that
3 Boueri had authorized tickets for several persons who received
4 neither tickets nor money from Caesar's. Refunds for these
5 tickets were given to Boueri by the travel agency in the form of
6 checks made out to the order of cash. Boueri also received
7 refunds for tickets issued in his own name.

8 Id. 99 Nev. at 792-793, 672 P.2d at 34.

9 It is clear from reading the facts of State v. Boueri, *supra*, that the different counts of
10 the indictment are based upon different acts by the defendant at different times to accomplish
11 different purposes. The facts show that usually the checks were delivered to Boueri.
12 However at other times the tickets were delivered to associates of the customers who could
13 in turn redeem the tickets for checks. In those instances, the refunds were redeemed to be
14 commissions payable to the agent who had procured the attendance of Caesar's guests. On
15 other occasions, Boueri obtained the refunds himself.

16 Notwithstanding the time period over which the separate crimes had occurred or the
17 different acts, methods and purposes of the separate embezzlements, the Supreme Court
18 held:

19 Boueri's alternative argument that an indictment charging several
20 offenses must be dismissed is directly contravened by NRS
21 173.115. Clearly the several counts of the indictment are
22 "connected together" and constitutes part of a common scheme
23 or plan.

24 Id. 99 Nev. at 796, 672 P.2d at 37.

25 Likewise, in Howard v. State, 102 Nev. 572, 729 P.2d 1341 (1986) Howard was
26 charged with robbery with use of a deadly weapon which involved taking a security guard's
27 badge and radio at gunpoint.

28 Later that day, Defendant contacted the owner of a van and indicated that he was
interested in purchasing the vehicle. Arrangements were made for the owners to meet with
Howard at a hotel to negotiate the purchase of the vehicle. When the victim and his wife
arrived at the hotel, Howard identified himself as a security officer employed by the hotel.
He openly displayed the stolen radio and officer's badge. The sale was negotiated and
arrangements were made for the defendant to meet with the victim on the following day to

1 test drive the vehicle. Later, the victim's body was found in the abandoned van. Id. 102
2 Nev. 573-574.

3 The defendant was arrested and charged in a single Information with robbery with use
4 of a deadly weapon involving the security guard and robbery with use of a deadly weapon
5 and murder with use of a deadly weapon stemming from the victim's killing. The trial court
6 denied defendant's motion to sever the two separate and distinct incidents. On appeal, the
7 court held that although the two crimes were not "parts of a common scheme or plan" they
8 were sufficiently connected together to justify the joinder of the two incidents in the same
9 indictment. Id. 102 Nev. at 574.

10 Also, in Tillema v. State, 112 Nev. 266, 268, 914 P.2d 605, 606 (1996), the court
11 upheld the joinder of two (2) automobile burglaries occurring sixteen days apart, at different
12 locations and with different victims. The court further permitted the joinder, in the same
13 case, of the store burglary which occurred on the same date as the second automobile
14 burglary. The court reasoned:

15 The district court certainly could determine that the two vehicle
16 burglaries evidenced a common scheme or a plan. Both of the
17 offenses involved vehicles in casino parking garages and
18 occurred only seventeen days apart. Moreover, we conclude that
19 evidence of the May 29 offense would certainly be cross
20 admissible in evidence at a separate trial on the June 16th offense
21 to prove Tillema's felonious intent in entering the vehicle.
(Citations omitted)

22 Likewise, the store burglary could clearly be viewed by the
23 district court as "connected together" with a second vehicle
24 burglary because it was part of a continuing course of conduct."

25 The only reason that Defendant was not charged, in the instant case, for the crimes
26 committed against Marcia Peterson is due to Marcia's late disclosure, which was a direct
27 result of her seizure disorder. The crimes committed against Marcia were committed during
28 the same month, May; at the same hospital, Centennial Hills; as were committed against
Denise, Roxanne and Heather. In fact, Defendant committed the crimes against Marcia on

1 the same day her committed he crimes against Denise.

2 The crimes committed against Marcia Peterson are clearly connected together with
3 the crimes committed against the victims in the instant case and are part of a common
4 scheme and plan on the part of Defendant to engage in sexually abusing woman who where
5 patients at the hospital where he was employed, within the same two month period, in the
6 case of four of the five victims in this case.

7 The Nevada Supreme Court has consistently held, "[i]f evidence of one charge would
8 be cross-admissible at a separate trial on another charge, then both charges may be tried
9 together and need not be severed. Mitchell, supra; see also Robinson v. United States, 459
10 F.2d 847 (D.C. Cir. 1972); NRS 48.045(2), 117.115.

11 NRS 48.045(2) provides:

12 Evidence of other crimes, wrongs or acts is not admissible to
13 prove the character of a person in order to show that he acted in
14 conformity therewith. It may, however, be admissible for other
15 purposes, such as proof of motive, opportunity, intent,
preparation, plan, knowledge, identity, or absence of mistake or
accident.

16 The Nevada Supreme Court has recognized the value of evidence of other crimes and
17 has upheld it's admissibility in sex cases. In McMichael v. State, 94 Nev. 184, 577 P.2d 398
18 (1978), *overruled on other grounds by* Meador v. State, 101 Nev. 765, 711 P.2d 852 (1985),
19 Defendant appealed his conviction of the crime of Infamous Crime Against Nature. The trial
20 court had allowed the State, in its case in chief, to present evidence that the Defendant and
21 his 13 year old victim, had engaged in oral copulation, both prior and subsequent to the
22 incident relating to the defendant's arrest. The Supreme Court upheld the trial court's
23 admission of the testimony to prove intent or the absence of mistake or accident. The court
24 held that there was no abuse of the admission of the testimony because the "acts were
25 similar, were committed within a period immediately preceding and following the instant
26 offense." Id., 94 Nev. at 190.

27 //

28 //

1 In Findley v. State, 94 Nev. 212, 577 P.2d 867 (1978), overruled on other grounds by
2 Braunstein v. State, 40 P.3d 413 (2000), the Supreme Court of Nevada affirmed the
3 introduction of evidence that the defendant had committed similar acts of lewdness with a
4 child nine years earlier in order to prove the defendant's lewd intent in touching a five year
5 old girl's "private parts" in the case for which he was on trial. The high court stated: "Intent,
6 by reason of the words of the [lewdness with a minor] statute, is an element of the crime and
7 directly placed in issue by the not guilty plea of the accused." *Id.* at Nev. 214, P.2d 868,
8 citing Overton v. State, 78 Nev. 198 (1962).

9 In Willett v. State, 94 Nev. 620, 584 P.2d 684 (1978), the Defendant, while playing
10 with a musical group, volunteered to entertain children at Child Haven in Las Vegas. There
11 he met the victim, a minor boy, with whom the Defendant had oral copulation. The trial
12 court allowed evidence that during the same month the Defendant visited the Eddie Lee
13 Home for Boys in Clark County. There, the defendant met a minor boy who testified that
14 the Defendant performed an act of oral copulation upon him. The Nevada Supreme Court
15 held that the evidence was admissible to show a common scheme or plan because sexual acts
16 committed on the victim and witness were close in time, and the circumstances and modus
17 operandi were similar.

18 In so holding, the Supreme Court stated:

19 In the case at hand, the sexual acts committed on the victim and
20 the witness were close in time, both occurring in November
21 1973; the circumstances were similar, both were minors in
22 homes for boys; and the modus operandi was the same, both
23 boys were approached which the defendant worked as
24 "volunteer" at the institutions. The case is squarely with the
fourth exception of the criteria listed in Nester v. State, 75 Nev.
41, 334 P.2d 524 (1959), that is to show a "common scheme or
plan." *Id.* at 621-622.

25 The Nevada Supreme Court has also upheld the admission of evidence of other
26 crimes in cases not involving sexual assaults. In Reed v. State, 95 Nev. 190, 591 P.2d 274
27 (1979), the Defendant was charged with burglary. The victim testified that she was in her
28 motel room at the Orbit Inn Motel when she heard the window open. She saw a hand reach

1 in and turn the doorknob, and then two men entered the room and took her purse and a cup
2 of change. The victim testified at trial that she thought the Defendant was the man who
3 stood at the door. A palmprint and a fingerprint from the point of entry matched the
4 defendant. The State was permitted to introduce evidence of two other motel burglaries
5 where the defendant's fingerprints were recovered. Also one victim also identified the
6 defendant as committing one of the burglaries.

7 After the Court finds that the evidence of other crimes does not violate N.R.S.
8 48.045(2), the Court must then review the evidence in light of N.R.S. 48.035. This statute
9 requires a weighing of the probative value against the prejudicial effect.

10 In Griego v. State, 893 P.2d 995 (Nev. 1995), the Nevada Supreme Court permitted
11 the joinder of numerous counts of Sexual Assault with a Minor and Lewdness with a Minor
12 involving three (3) separate victims over a substantial period of time. The court, again,
13 justified the joinder under "common scheme and plan" and the rule of "cross-admissibility"
14 under 48.045(2). Under common scheme and plan, the court reasoned that the offenses all
15 occurred during the same time period, all of the victims were young boys and friends of the
16 defendant's children and all of the assaults occurred in the defendant's home.

17 In Robins v. State, 106 Nev. 611, 798 P.2d 558 (1990), the defendant appealed from
18 his convictions of First Degree Murder and Child Abuse With Substantial Bodily Harm for
19 which he received the death sentence. Numerous instances of abusive treatment of the child
20 were permitted into evidence to form the basis of the child abuse counts, as well as
21 demonstrating that this abusive treatment ultimately resulted in the child's death. The
22 numerous instances of child abuse were permitted into evidence even though they could not
23 individually be connected beyond a reasonable doubt to the defendant.

24 The case of Howard v. State, 102 Nev. 572, 729 P.2d 1341 (1986), is a capital murder
25 case wherein the court upheld the joinder of two (2) counts of Robbery With Use of a
26 Deadly Weapon and one (1) count of First Degree Murder which resulted in the imposition
27 of the death penalty. The joined offenses arose when the defendant was caught in the act of
28 trying to defraud Sears Roebuck by seeking a refund on goods which he had not purchased.

1 While being so detained, the defendant produced a pistol and while holding the security
2 officers at bay, took the officers badge and portable radio. After making his escape, and
3 later that same date, the defendant met with what would be the homicide victim in a hotel
4 parking lot in order to discuss purchasing the victim's vehicle. During this meeting, the
5 defendant represented himself to be a security officer and during these representations
6 authenticated his claim by displaying the stolen portable radio. Thereafter, arrangements
7 were made to meet the victim, a dentist, at his office for the purpose of test driving the
8 vehicle. At that location the defendant killed the victim. The court, in its reasoning, stated
9 as follows:

10 While it may not be possible to characterize the Sears robbery
11 and the murder and robbery of the victim as the same transaction,
12 they are clearly connected together. Howard gained possession
13 of his bogus security officer status, the two way radio and the
14 security badge, during the Sears episode. Then, Howard saw the
15 victim's van in the Sears parking lot with a 'For Sale' sign
16 bearing the victim's phone number. The two crimes occurred
17 within a 24 hour period, and evidence indicates that Howard was
18 wearing the same clothing during the two crimes and that one
19 crime 'flowed' into the other.

20 In Gibson v. State, 96 Nev. 48, 604 P.2d 814 (1980), the Nevada Supreme Court
21 granted the State's motion to join two (2) indictments for the purpose of jury trial. In
22 Gibson, the defendant, an escapee from Susanville, California Correctional Center, stole a
23 Toyota pickup truck on August 17, 1978. The next day the defendant stole a Ford pickup
24 truck from a car lot in Winnemucca, Nevada and left behind the Toyota truck. In ruling on
25 the propriety of the joinder of the two (2) separate indictments, the court stated:

26 Since the possession of the Toyota truck and the subsequent
27 larceny of the Ford truck could have been part of appellant's
28 scheme or plan to escape from California Correctional
Institutions, these indictments were properly joined.

29 In Tillema v. State, 112 Nev. 266, 914 P.2d 605 (1996), the Nevada Supreme Court
30 held that when separate crimes are connected together by a continued course of conduct,
31 joinder is appropriate. In the instant case, that is exactly the scenario.

1 fondled her breasts, two years prior to molesting the victim in the case. Consequently,
2 defendant had been convicted of a crime involving that victim.

3 On appeal, Braunstein argued that the district court improperly admitted the testimony
4 of the prior victim in that the Court did not did not explicitly determine the relevance of the
5 evidence. Id. In determining that the district court did not err in its decision to admit the
6 evidence of Braunstein's prior conduct the Nevada Supreme Court stated:

7 We perceive no error in the district court's decision to admit A.M.'s
8 testimony. In so ruling, however, we specifically do not rely upon
9 and today repudiate the legal proposition stated in McMichael v.
State [FN10]² that evidence showing an accused possesses a
propensity for sexual aberration is relevant to the accused's intent.

10 Braunstein v. State, 118 Nev. at 73.

11 The Nevada Supreme Court's decision in Braunstein abrogated the McMichael
12 decision, in that the Court now holds that evidence showing an accused possess a propensity
13 for sexual aberration is not relevant to the accused's intent. Additionally, Braunstein
14 overruled Findley v. State, 94 Nev. 212, 577 P.2d 867 (1978), in that the district court can no
15 longer consider evidence showing that an accused possesses a specific emotional propensity
16 for sexual aberration because, as a matter of law, such evidence does not outweigh the
17 prejudicial possibility that jury might convict for general rather than specific criminality.

18 The Nevada Supreme Court specifically held:

19 This court now abandons McMichael, Findley and their progeny and
20 returns to an analysis of evidence of other sex crimes according to
21 the parameters of NRS 48.045(2). We specifically overrule the legal
22 proposition enunciated in Findley that evidence of other acts offered
23 to prove a specific emotional propensity for sexual aberration is
admissible and that, when offered, it outweighs prejudice. In so
doing we ensure that the trial courts will always properly weigh the
probative value of the evidence against the risk that Defendant will
be unfairly prejudiced by its admission.

24 Braunstein v. State, 118 Nev. at 75.

25 On March 16, 2006, the Nevada Supreme Court decided Ledbetter v. State, 129 P.3d
26 671 (2006), affirming Ledbetter's convictions of fourteen (14) counts of Sexual Assault on a
27

28 ² FN10. 94 Nev. 184, 189, 577 P.2d 398, 401 (1978), overruled on other grounds by NRS 200.364, 200.366, 201.210
and 201.230.

1 Minor Under 14 Years Old and twelve (12) counts of Sexual Assault on a Minor Under 16
2 Years Old. The Nevada Supreme Court further affirmed the trial court's admission of prior
3 bad acts under the motive exception of NRS 48.045(2), stating:

4 "A presumption of inadmissibility attaches to all prior bad act
5 evidence." The principal concern with admitting this type of
6 evidence is that the jury will be unduly influenced by it and convict
7 a defendant simply because he is a bad person. The presumption of
8 inadmissibility may be rebutted when prior to the admission of this
evidence the district court conducts a hearing outside the presence
of the jury and finds that the following three factors set forth in
Tinch v. State are satisfied: the evidence is relevant, it is clear and
convincing, and its probative value is not substantially outweighed
by the danger of unfair prejudice.

9 Id. at 677 (citations omitted).

10 It therefore remains the law in Nevada that "whatever might
11 'motivate' one to commit a criminal act is legally admissible to
12 prove 'motive' under NRS 48.045(2)," so long as the three-factor test
for admissibility is satisfied.

13 Id. at 678, *citing* Richmond v. State, 118 Nev. 924, 59 P.3d 1249 (2002).

14 The Nevada Supreme Court reasoned as follows:

15 The probative value of explaining to the jury what motivated
16 Ledbetter, an adult man who was in a position to care for and
17 protect his young stepdaughter L.R. from harm, to instead
18 repeatedly sexually abuse her over so many years was very high.
19 The evidence of Ledbetter's prior acts of sexual abuse of T.B. and
J.M. showed Ledbetter's sexual attraction to and obsession with the
young female members of his family, which explained to the jury
his motive to sexually assault L.R.

20 Id. at 679.

21 Finally, the Ledbetter court found that given the overall strength of the State's case
22 against Ledbetter, we conclude that the danger that the admission of this evidence was
23 unfairly prejudicial was minimal. Id. at 679.

24 In this case, the fact that Defendant has engaged in a continuing course of conduct of
25 sexually assaulting five victims, for within a two month period. One simply could not
26 explain the entire story of the Defendant's subsequent charges involving Marcia Peterson
27 without first explaining that the police had been conducting an investigation into the
28 Defendant's charges involving Roxanne, Heather, Ledhalia, Denise and Frances, after

1 which, the investigation led to the disclosure of Marcia, which revealed that Marcia had been
2 a victim of Defendant at the same hospital of four of the victims in this case; within the same
3 time frame as four of the victims in this case; and, in fact, on the same exact day that
4 Defendant's also sexually abused Denise Hanna.

5 Regardless of the fact that the District Court can no longer consider prior crimes or
6 acts as evidence of sexual aberrance pursuant to Braunstein v. State, 118 Nev. 68, 40 P.3d
7 413 (2000), the fact remains that the prior crimes, wrongs, or acts of a defendant can be
8 admissible to prove motive, opportunity and intent.

9 Accordingly, the evidence the State is seeking to admit is relevant, it is clear and
10 convincing, and its probative value is not substantially outweighed by the danger of unfair
11 prejudice pursuant to Ledbetter above and the Tinch case referenced therein.

12 The burden lies on the Defendant to show actual prejudice by joining offenses. In the
13 instant case, the charged offenses are interrelated and connected together in a continuing
14 course of conduct by the Defendant. Additionally, evidence of the crimes committed against
15 all of the victims would be admissible together in separate trials pursuant to NRS 48.045(2),
16 to show intent, common scheme or plan and lack of mistake or accident.

17 CONCLUSION

18 Based on the above and foregoing Points and Authorities the State respectfully
19 requests that this Honorable Court grant this Notice of Motion and Motion to Consolidate

20 DATED this 8th day of March, 2010.

21 Respectfully submitted,

22 DAVID ROGER
23 Clark County District Attorney
24 Nevada Bar #002781

25 BY /s/ W. JAKE MERBACK
26 W. JAKE MERBACK
27 Deputy District Attorney
28 Nevada Bar #008988

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that service of State's Motion to Consolidate, was made this
8th day of March, 2010, by facsimile transmission to:

STACEY ROUNDTREE, DPD
FAX # 366-9370

BY /s/ HOWARD CONRAD
Employee of the District Attorney's Office

sms/SVU

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EXHIBIT D

Skip to Main Content Logout My Account Search Menu New District Criminal/Civil Search Refine Search Close

Location : District Courts Images Help

REGISTER OF ACTIONS

CASE No. 08C249693

The State of Nevada vs Steven D Farmer

Case Type: Felony/Gross
Misdemeanor
Date Filed: 11/19/2008
Location: Department 5
Cross-Reference Case
Number: C249693
Defendant's Scope ID #: 2679879
Lower Court Case Number: 08GJ00078
Supreme Court No.: 65936

RELATED CASE INFORMATION

Related Cases

08C245739 (Consolidated)

PARTY INFORMATION

Defendant Farmer, Steven D

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

Plaintiff State of Nevada

Steven B Wolfson
702-671-2700(W)

CHARGE INFORMATION

| Charges: Farmer, Steven D | Statute | Level | Date |
|---------------------------------------|---------|-------------------|------------|
| 1. SEXUAL ASSAULT | 200.366 | Felony | 01/01/1900 |
| 1. SEXUAL ASSAULT | 200.364 | Felony | 01/01/1900 |
| 2. LEWDNESS WITH CHILD UNDER 14 YEARS | 201.230 | Gross Misdemeanor | 01/01/1900 |
| 3. SEXUAL ASSAULT | 200.366 | Felony | 01/01/1900 |
| 3. SEXUAL ASSAULT | 200.364 | Felony | 01/01/1900 |
| 4. LEWDNESS WITH CHILD UNDER 14 YEARS | 201.230 | Gross Misdemeanor | 01/01/1900 |
| 5. LEWDNESS WITH CHILD UNDER 14 YEARS | 201.230 | Gross Misdemeanor | 01/01/1900 |
| 6. INDECENT OR OBSCENE EXPOSURE | 201.220 | Gross Misdemeanor | 01/01/1900 |

EVENTS & ORDERS OF THE COURT

07/07/2010 Motion (9:00 AM) ()

STATE'S MTN TO CONSOLIDATE WITH C245739 Court Clerk: Cheryl Case Reporter/Recorder: Bev Sigurnik Heard By: Ken Cory

Minutes

07/07/2010 9:00 AM

- Mr. Merback argued there is common scheme and plan. Opposition by Mr. Coyer and Ms. Roundtree. Counsel agreed to sever charge pertaining to Frances Rose. Further arguments by counsel. COURT ORDERED, Motion to Consolidate GRANTED, and Defendant's Motion to Sever DENIED, EXCEPT AS TO THE CHARGE PERTAINING TO FRANCES ROSE. Ms. Roundtree stated there has been no investigation in the Department Twelve case, and she was not sure she would be ready to proceed to trial on that case. Ms. Roundtree further stated the State will file an Amended Information to join the two cases. COURT ORDERED, matter SET for Status Check as to Count 1 in C245739, which is severed. Trial Date set in Department Twelve is VACATED. CUSTODY (COC) 11/22/10 9:00 AM STATUS CHECK: JURY TRIAL AS TO COUNT 1 / SEVERED (C245739) 11/22/10 9:00 AM CALENDAR CALL 11/29/10 10:30 AM JURY TRIAL

Parties Present

[Return to Register of Actions](#)

ORIGINAL

FILED

Nov 2 8 46 AM '11

Ann L. Johnson
CLERK OF THE COURT

1 **ORDR**
2 **DAVID ROGER**
3 **Clark County District Attorney**
4 **Nevada Bar #002781**
5 **W. JAKE MERBACK**
6 **Chief Deputy District Attorney**
7 **Nevada Bar #009126**
8 **200 Lewis Avenue**
9 **Las Vegas, NV 89155-2212**
10 **(702) 671-2500**
11 **Attorney for Plaintiff**

7
8 **DISTRICT COURT**
9 **CLARK COUNTY, NEVADA**

10 **THE STATE OF NEVADA,**
11 **Plaintiff,**

12 **-vs-**

13 **STEVEN DALE FARMER,**
14 **#2679879**

15 **Defendant.**

Case No. **C-08-245739-1**
Dept No. **V**

16
17 **ORDER GRANTING STATE'S MOTION TO CONSOLIDATE AND**
18 **PARTIALLY DENYING DEFENDANT'S MOTION TO SEVER**

19 **DATE OF HEARING: JULY 7, 2011**
20 **TIME OF HEARING: 9:00 A.M.**

21 **THIS MATTER** having come on for hearing before the above entitled Court on the
22 **7TH** day of July, 2011, the Defendant being present, represented by STACEY
23 **ROUNDTREE, DPD** and GREGORY COYER, DPD, the Plaintiff being represented by
24 **DAVID ROGER, District Attorney, through W. JAKE MERBACK, Chief Deputy District**
25 **Attorney, and the Court having heard the arguments of counsel and good cause appearing**
26 **therefor,**

27 **//**

28 **//**

//

08C245739
ORDR
Order
1679980



CLERK OF THE COURT

NOV 02 2011

RECEIVED

IT IS HEREBY ORDERED that the STATE'S MOTION TO CONSOLIDATE, shall be, and is, GRANTED; further

IT IS HEREBY ORDERD that the DEFENDANT'S MOTION TO SEVER COUNTS shall be, and is, **DENIED**, except as to the charge pertaining to FRANCES ROSE.

DATED this 24 day of October, 2011.

DISTRICT JUDGE

DAVID ROGER
DISTRICT ATTORNEY
Nevada Bar #002781

W. JAKE MERBACK
Chief Deputy District Attorney
Nevada Bar #009126

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EXHIBIT E


CLERK OF THE COURT

1 **INFO**
2 **DAVID ROGER**
3 **Clark County District Attorney**
4 **Nevada Bar #002781**
5 **W. JAKE MERBACK**
6 **Deputy District Attorney**
7 **Nevada Bar #009126**
8 **200 Lewis Avenue**
9 **Las Vegas, Nevada 89155-2212**
10 **(702) 671-2500**
11 **Attorney for Plaintiff**

7
8 **DISTRICT COURT**
9
10 **CLARK COUNTY, NEVADA**

11 **THE STATE OF NEVADA,**

12 **Plaintiff,**

13 **-vs-**

14 **STEVEN DALE FARMER,**
15 **#2679879**

16 **Defendant.**

Case No: C245739
Dept No: I

AMENDED
INFORMATION

17 **STATE OF NEVADA**
18 **COUNTY OF CLARK** } **ss.**

19 **DAVID ROGER, District Attorney within and for the County of Clark, State of**
20 **Nevada, in the name and by the authority of the State of Nevada, informs the Court:**

21 **That STEVEN DALE FARMER, the Defendant above named, having committed the**
22 **crimes of SEXUAL ASSAULT (Category A Felony - NRS 200.364, 200.366), OPEN OR**
23 **GROSS LEWDNESS (Gross Misdemeanor - NRS 201.210) and INDECENT**
24 **EXPOSURE (Gross Misdemeanor - NRS 201.220), on between April, 2008, and May,**
25 **2008, within the County of Clark, State of Nevada, contrary to the form, force and effect of**
26 **statutes in such cases made and provided, and against the peace and dignity of the State of**
27 **Nevada,**

28 **//**

1 COUNT 1 - OPEN OR GROSS LEWDNESS

2 did, then and there, willfully and unlawfully commit an act of open or gross lewdness
3 by the Defendant rubbing and/or touching and/or pushing on and/or pressing against the feet
4 of LEDAHLIA SPURLOCK with his penis and/or his genital area while she lay in a bed.

5 COUNT 2 - OPEN OR GROSS LEWDNESS

6 did, then and there, willfully and unlawfully commit an act of open or gross lewdness
7 by the Defendant exposing and/or touching the breasts of HEATHER SHANK, while in an
8 elevator, under the guise of removing electrodes.

9 COUNT 3 - INDECENT EXPOSURE

10 did, then and there, intentionally, willfully, and unlawfully make an open, indecent,
11 and obscene exposure of another person by then and there deliberately exposing and/or
12 brushing against and/or touching the breasts of HEATHER SHANK, under the guise of
13 adjusting leads from the EKG machine.

14 COUNT 4 - OPEN OR GROSS LEWDNESS

15 did, then and there, willfully and unlawfully commit an act of open or gross lewdness
16 by the Defendant exposing and/or touching the breasts of DENISE HANNA under the guise
17 of adjusting leads from the EKG machine.

18 COUNT 5 - SEXUAL ASSAULT

19 did, then and there, willfully, unlawfully, and feloniously sexually assault and subject
20 ROXANNE CAGNINA, a female person, to sexual penetration, to-wit: digital penetration,
21 by inserting his finger(s) into the genital opening of the said ROXANNE CAGNINA,
22 against her will.

23 COUNT 6 - SEXUAL ASSAULT

24 did, then and there, willfully, unlawfully, and feloniously sexually assault and subject
25 ROXANNE CAGNINA, a female person, to sexual penetration, to-wit: digital penetration,
26 by inserting his finger(s) into the genital opening of the said ROXANNE CAGNINA,
27 against her will.

28 //

1 COUNT 7 - SEXUAL ASSAULT

2 did, then and there, willfully, unlawfully, and feloniously sexually assault and subject
3 ROXANNE CAGNINA, a female person, to sexual penetration, to-wit: cunnilingus, by
4 placing his mouth and/or tongue on or in the genital opening of the said ROXANNE
5 CAGNINA, against her will.

6 COUNT 8 - OPEN OR GROSS LEWDNESS

7 did, then and there, willfully and unlawfully commit an act of open or gross lewdness
8 by the Defendant touching and/or rubbing the thighs of ROXANNE CAGNINA.

9 COUNT 9 - OPEN OR GROSS LEWDNESS

10 did, then and there, willfully and unlawfully commit an act of open or gross lewdness
11 by the Defendant touching and/or rubbing the breasts of ROXANNE CAGNINA.

12 COUNT 10 - SEXUAL ASSAULT

13 did, then and there, willfully, unlawfully, and feloniously sexually assault and subject
14 MARCIA PETERSEN, a female person, to sexual penetration, to-wit: digital penetration, by
15 inserting his finger(s) into the anal opening of the said MARCIA PETERSEN, against her
16 will, or under conditions in which Defendant knew, or should have known, that the said
17 MARCIA PETERSEN was mentally or physically incapable of resisting or understanding
18 the nature of Defendant's conduct.

19 COUNT 11 - OPEN OR GROSS LEWDNESS

20 did, then and there, willfully and unlawfully commit an act of open or gross lewdness
21 by the Defendant touching and/or rubbing the genital opening of MARCIA PETERSEN with
22 his hand(s) and/or finger(s).

23 COUNT 12 - SEXUAL ASSAULT

24 did, then and there, willfully, unlawfully, and feloniously sexually assault and subject
25 MARCIA PETERSEN, a female person, to sexual penetration, to-wit: digital penetration, by
26 inserting his finger(s) into the genital opening of the said MARCIA PETERSEN, against her
27 will, or under conditions in which Defendant knew, or should have known, that the said
28 MARCIA PETERSEN was mentally or physically incapable of resisting or understanding

1 the nature of Defendant's conduct.

2 COUNT 13 - OPEN OR GROSS LEWDNESS

3 did, then and there, willfully and unlawfully commit an act of open or gross lewdness
4 by the Defendant touching and/or rubbing and/or pinching the breast(s) and/or nipple(s) of
5 MARCIA PETERSEN with his hand(s) and/or finger(s).

6 COUNT 14 - OPEN OR GROSS LEWDNESS

7 did, then and there, willfully and unlawfully commit an act of open or gross lewdness
8 by the Defendant touching and/or rubbing and/or pinching the breast(s) and/or nipple(s) of
9 MARCIA PETERSEN with his hand(s) and/or finger(s).

10 COUNT 15 - INDECENT EXPOSURE

11 did, then and there, intentionally, willfully, and unlawfully make an open, indecent,
12 and obscene exposure of the person of MARCIA PETERSEN by then and there deliberately
13 lifting the hospital gown of the said MARCIA PETERSEN to look at her genital opening
14 and/or anal opening and/or buttock(s) and/or breast(s).

15 DAVID ROGER
16 DISTRICT ATTORNEY
17 Nevada Bar #002781

18 BY /s/ W. JAKE MERBACK
19 W. JAKE MERBACK
20 Deputy District Attorney
21 Nevada Bar #009126
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1 Names of witnesses known to the District Attorney's Office at the time of filing this
2 Information are as follows:

3 CAGNINA, ROXANNE; 3717 LOWER SAXON AVE., LVN 89085

4 CAGNINA, SCOTT; ADDRESS UNKNOWN

5 HANNA, DENISE; 7932 OLYMPUS AVE., LVN

6 JEX, CRAIG; LVMPD #05597

7 LEHAN, TIMOTHY; 5209 FIRESIDE RANCH AVE., LVN 89131

8 MILLER, RONALD; LVMPD #03233

9 PENCE, MISTY; LVMPD #04950

10 PETERSEN, MARCIA; 7712 CONSTANSO AVE #104, LVN

11 PETERSEN, MARSHAL; 9164 ACCOMPLISHMENT CT, LVN

12 PETERSEN, MICAH; 9164 ACCOMPLISHMENT CT, LVN

13 ROSE, FRANCES; 2104 CLUB PACIFIC WAY, #19-102, LVN 89128

14 SAUNDERS, MICHAEL; LVMPD #07294

15 SHANK, HEATHER; 5209 FIRESIDE RANCH AVE., LVN 89131

16 SPURLOCK, LEDAHLIA; 4408 SAN GABRIEL HILL AVE., LVN 89115

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26 DA#08F10344X/hjc/SVU
27 LVMPD EV#0805161021;
28 0805302056; 0505311717;
0805311315; 0806042539;
(TK8)

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EXHIBIT F

Skip to Main Content Logout My Account Search Menu New District Criminal/Civil Search Refine Search Back

Location : District Courts Images Help

REGISTER OF ACTIONS**CASE NO. 08C245739**

The State of Nevada vs Steven D Farmer

Case Type: Felony/Gross Misdemeanor

Date Filed: 07/02/2008

Location: Department 5

Cross-Reference Case Number: C245739

Defendant's Scope ID #: 2679879

Lower Court Case Number: 08F10344

Supreme Court No.: 66935

RELATED CASE INFORMATION**Related Cases**

08C249693 (Consolidated)

08F10344X (Bind Over Related Case)

PARTY INFORMATION**Defendant** Farmer, Steven D**Lead Attorneys**

Public Defender

Retained

702-455-4685(W)

Plaintiff State of Nevada

Steven B Wolfson

702-671-2700(W)

CHARGE INFORMATION**Charges: Farmer, Steven D**

| | Statute | Level | Date |
|----------------------------|------------|-------------------|------------|
| 1. OPEN OR GROSS LEWDNESS | 201.210 | Gross Misdemeanor | 01/01/1900 |
| 2. OPEN OR GROSS LEWDNESS | 201.210 | Gross Misdemeanor | 01/01/1900 |
| 3. INDECENT EXPOSURE | 201.220.1a | Gross Misdemeanor | 01/01/1900 |
| 4. OPEN OR GROSS LEWDNESS | 201.210.1a | Gross Misdemeanor | 01/01/1900 |
| 5. SEXUAL ASSAULT | 200.366.2b | Felony | 01/01/1900 |
| 6. SEXUAL ASSAULT | 200.366 | Felony | 01/01/1900 |
| 7. SEXUAL ASSAULT | 200.366 | Felony | 01/01/1900 |
| 8. OPEN OR GROSS LEWDNESS | 201.210.1a | Gross Misdemeanor | 01/01/1900 |
| 9. OPEN OR GROSS LEWDNESS | 201.210 | Gross Misdemeanor | 01/01/1900 |
| 10. SEXUAL ASSAULT | 200.366.2b | Felony | 01/01/1900 |
| 11. OPEN OR GROSS LEWDNESS | 201.210.1a | Gross Misdemeanor | 04/01/2008 |
| 12. SEXUAL ASSAULT | 200.366.2b | Felony | 04/01/2008 |
| 13. OPEN OR GROSS LEWDNESS | 201.210.1a | Gross Misdemeanor | 04/01/2008 |
| 14. OPEN OR GROSS LEWDNESS | 201.210.1a | Gross Misdemeanor | 04/01/2008 |
| 15. INDECENT EXPOSURE | 201.220.1a | Gross Misdemeanor | 04/01/2008 |

EVENTS & ORDERS OF THE COURT

| DISPOSITIONS | |
|--------------|---|
| 07/08/2008 | Plea (Judicial Officer: Ellsworth, Carolyn) |
| | 1. OPEN OR GROSS LEWDNESS |
| | Not Guilty |
| | 2. OPEN OR GROSS LEWDNESS |
| | Not Guilty |
| | 3. INDECENT EXPOSURE |
| | Not Guilty |
| | 4. OPEN OR GROSS LEWDNESS |
| | Not Guilty |
| | 5. SEXUAL ASSAULT |
| | Not Guilty |
| | 6. SEXUAL ASSAULT |
| | Not Guilty |
| | 7. SEXUAL ASSAULT |
| | Not Guilty |
| | 8. OPEN OR GROSS LEWDNESS |
| | Not Guilty |
| | 9. OPEN OR GROSS LEWDNESS |
| | Not Guilty |
| | 10. SEXUAL ASSAULT |
| | Not Guilty |
| | 11. OPEN OR GROSS LEWDNESS |
| | Not Guilty |
| | 12. SEXUAL ASSAULT |
| | Not Guilty |
| | 13. OPEN OR GROSS LEWDNESS |

| | |
|------------|---|
| | Not Guilty |
| | 14. OPEN OR GROSS LEWDNESS |
| | Not Guilty |
| | 15. INDECENT EXPOSURE |
| | Not Guilty |
| 05/28/2014 | Disposition (Judicial Officer: Ellsworth, Carolyn) |
| | 1. OPEN OR GROSS LEWDNESS |
| | Guilty |
| | 2. OPEN OR GROSS LEWDNESS |
| | Guilty |
| | 3. INDECENT EXPOSURE |
| | Not Guilty |
| | 4. OPEN OR GROSS LEWDNESS |
| | Guilty |
| | 5. SEXUAL ASSAULT |
| | Guilty |
| | 6. SEXUAL ASSAULT |
| | Guilty |
| | 7. SEXUAL ASSAULT |
| | Not Guilty |
| | 8. OPEN OR GROSS LEWDNESS |
| | Guilty |
| | 9. OPEN OR GROSS LEWDNESS |
| | Guilty |
| | 10. SEXUAL ASSAULT |
| | Guilty |
| | 11. OPEN OR GROSS LEWDNESS |
| | Guilty |
| | 12. SEXUAL ASSAULT |
| | Guilty |
| | 13. OPEN OR GROSS LEWDNESS |
| | Guilty |
| | 14. OPEN OR GROSS LEWDNESS |
| | Guilty |
| | 15. INDECENT EXPOSURE |
| | Guilty |
| 05/28/2014 | Adult Adjudication (Judicial Officer: Ellsworth, Carolyn) |
| | 1. OPEN OR GROSS LEWDNESS |
| 05/28/2014 | Adult Adjudication (Judicial Officer: Ellsworth, Carolyn) |
| | 2. OPEN OR GROSS LEWDNESS |
| 05/28/2014 | Adult Adjudication (Judicial Officer: Ellsworth, Carolyn) |
| | 5. SEXUAL ASSAULT |
| 05/28/2014 | Adult Adjudication (Judicial Officer: Ellsworth, Carolyn) |
| | 6. SEXUAL ASSAULT |
| 05/28/2014 | Adult Adjudication (Judicial Officer: Ellsworth, Carolyn) |
| | 8. OPEN OR GROSS LEWDNESS |
| 05/28/2014 | Adult Adjudication (Judicial Officer: Ellsworth, Carolyn) |
| | 9. OPEN OR GROSS LEWDNESS |
| 05/28/2014 | Adult Adjudication (Judicial Officer: Ellsworth, Carolyn) |
| | 10. SEXUAL ASSAULT |
| 05/28/2014 | Adult Adjudication (Judicial Officer: Ellsworth, Carolyn) |
| | 11. OPEN OR GROSS LEWDNESS |
| 05/28/2014 | Adult Adjudication (Judicial Officer: Ellsworth, Carolyn) |
| | 12. SEXUAL ASSAULT |
| 05/28/2014 | Adult Adjudication (Judicial Officer: Ellsworth, Carolyn) |
| | 13. OPEN OR GROSS LEWDNESS |
| 05/28/2014 | Adult Adjudication (Judicial Officer: Ellsworth, Carolyn) |
| | 14. OPEN OR GROSS LEWDNESS |
| 05/28/2014 | Adult Adjudication (Judicial Officer: Ellsworth, Carolyn) |
| | 15. INDECENT EXPOSURE |
| | Fee Totals: |
| | ADMINISTRATIVE ASSESSMENT FEE --- Crim fee sch |
| | DNA ANALYSIS FEE --- Crim fee sch - \$150 |
| | Fee Totals \$ |
| 06/02/2014 | Adult Adjudication (Judicial Officer: Ellsworth, Carolyn) |
| | 4. OPEN OR GROSS LEWDNESS |
| | OTHER EVENTS AND HEARINGS |
| 07/02/2008 | Information |
| | INFORMATION Fee \$0.00 |
| | 08C2457390001.tif pages |
| 07/02/2008 | Hearing |
| | INITIAL ARRAIGNMENT |
| | 08C2457390002.tif pages |

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07/03/2008 **Criminal Bindover**
CRIMINAL BINDOVER
08C2457390003.tif pages

07/08/2008 **Initial Arraignment (1:30 PM) ()**
INITIAL ARRAIGNMENT Court Clerk: Sharry Frascarelli / Aaronette Moore Relief Clerk: Nicole McDevitt /nm Reporter/Recorder: Kiara Schmidt
Heard By: Kevin Williams
Parties Present
Result: Matter Heard

07/22/2008 **Reporters Transcript**
REPORTER'S TRANSCRIPT OF PRELIMINARY HEARING
08C2457390007.tif pages

07/24/2008 **Media Request and Order**
MEDIA REQUEST AND ORDER
08C2457390008.tif pages

08/06/2008 **Hearing**
STATE'S REQUEST JOINT REQ TO RESET JURY TRIAL
08C2457390009.tif pages

08/18/2008 **Request (8:30 AM) ()**
STATE'S REQUEST JOINT REQ TO RESET JURY TRIAL Court Clerk: Carol Foley/cf Relief Clerk: Nicole McDevitt Reporter/Recorder: Julie Lever
Heard By: Wall, David
Parties Present
Result: Matter Continued

08/20/2008 **Request (8:30 AM) ()**
STATE'S REQUEST JOINT REQ TO RESET JURY TRIAL Court Clerk: Carol Foley/cf Relief Clerk: Nicole McDevitt Reporter/Recorder: Julie Lever
Heard By: David Wall
Parties Present
Result: Matter Heard

08/27/2008 **CANCELED Calendar Call (8:30 AM) ()**
Vacated
Result: Vacate

09/02/2008 **CANCELED Jury Trial (1:30 PM) ()**
Vacated
Result: Vacate

12/30/2008 **Motion**
DEFT'S MTN FOR DISCOVERY /7
08C2457390013.tif pages

01/12/2009 **Motion for Discovery (8:00 AM) ()**
DEFT'S MTN FOR DISCOVERY /7 Court Clerk: Cheryl Case Reporter/Recorder: Bev Sigurnik Heard By: Cory, Ken
Parties Present
Result: Matter Continued

01/16/2009 **Opposition**
STATES OPPOSITION TO DEFTS MTN FOR DISCOVERY
08C2457390014.tif pages

01/20/2009 **Motion**
DEFT'S MTN TO CONTINUE TRIAL DATE /8
08C2457390015.tif pages

01/21/2009 **Reply**
DEFENDANTS REPLY TO STATES OPPOSITION TO MTN FOR DISCOVERY
08C2457390016.tif pages

01/21/2009 **Motion for Discovery (8:00 AM) ()**
DEFT'S MTN FOR DISCOVERY /7 Court Clerk: Cheryl Case Reporter/Recorder: Bev Sigurnik Heard By: Cory, Ken
Parties Present
Result: Matter Continued

01/22/2009 **Request**
EX PARTE MOTION FOR RELEASE OF MEDICAL RECORDS
08C2457390017.tif pages

01/22/2009 **Request**
EX PARTE MOTION FOR RELEASE OF MEDICAL RECORDS
08C2457390018.tif pages

01/22/2009 **Request**
EX PARTE MOTION FOR RELEASE OF MEDICAL RECORDS
08C2457390019.tif pages

01/22/2009 **Request**
EX PARTE MOTION FOR RELEASE OF MEDICAL RECORDS
08C2457390020.tif pages

01/22/2009 **Request**
EX PARTE MOTION FOR RELEASE OF MEDICAL RECORDS
08C2457390021.tif pages

01/22/2009 **Request**
EX PARTE MOTION FOR RELEASE OF MEDICAL RECORDS
08C2457390022.tif pages

02/02/2009 **Motion**
ALL PENDING MOTIONS 2-2-09
08C2457390023.tif pages

02/02/2009 **Motion for Discovery (9:00 AM) ()**
DEFT'S MTN FOR DISCOVERY /7 Heard By: Ken Cory
Result: Matter Continued

02/02/2009 **Motion to Continue (9:00 AM) ()**
DEFT'S MTN TO CONTINUE TRIAL DATE /8 Heard By: Ken Cory
Result: Matter Continued

02/02/2009 **All Pending Motions (9:00 AM) ()**
ALL PENDING MOTIONS 2-2-09 Court Clerk: Cheryl Case Relief Clerk: Maria Garibay/mg Reporter/Recorder: Bev Sigurnik Heard By: Ken Cory
Parties Present
Result: Matter Heard

02/04/2009 **Motion**
ALL PENDING MOTIONS 2-4-09
08C2457390024.tif pages

02/04/2009 **Order**
ORDER RELEASING MEDICAL RECORDS
08C2457390027.tif pages

02/04/2009 **Order**
ORDER RELEASING MEDICAL RECORDS
08C2457390028.tif pages

02/04/2009 **Order**
ORDER RELEASING MEDICAL RECORDS
08C2457390029.tif pages

02/04/2009 **Order**
ORDER RELEASING MEDICAL RECORDS
08C2457390030.tif pages

02/04/2009 **Order**
ORDER RELEASING MEDICAL RECORDS
08C2457390031.tif pages

02/04/2009 **Calendar Call** (9:00 AM) ()
CALENDAR CALL Heard By: Ken Cory
Result: Off Calendar

02/04/2009 **Motion for Discovery** (9:00 AM) ()
DEFT'S MTN FOR DISCOVERY /7 Court Clerk: Cheryl Case Reporter/Recorder: Bev Sigurnik Heard By: Ken Cory
Result: Granted in Part

02/04/2009 **Motion to Continue** (9:00 AM) ()
DEFT'S MTN TO CONTINUE TRIAL DATE /8 Heard By: Ken Cory
Result: Matter Continued

02/04/2009 **All Pending Motions** (9:00 AM) ()
ALL PENDING MOTIONS 2-4-09 Court Clerk: Cheryl Case/cc Relief Clerk: Maria Garibay Reporter/Recorder: Bev Sigurnik Heard By: Ken Cory
Parties Present
Result: Matter Heard

02/09/2009 **Notice**
NOTIFICATION OF MEDIA REQUEST
08C2457390032.tif pages

02/09/2009 **Media Request and Order**
MEDIA REQUEST AND ORDER FOR CAMERA ACCESS TO COURT PROCEEDINGS
08C2457390033.tif pages

02/09/2009 **CANCELED Jury Trial** (1:30 PM) ()
Vacated
Result: Vacate

02/12/2009 **Order**
ORDER RELEASING MEDICAL RECORDS
08C2457390034.tif pages

05/15/2009 **Ex Parte Order**
EXPEDITED EX PARTE ORDER FOR TRANSCRIPT
08C2457390035.tif pages

06/04/2009 **Notice of Witnesses and/or Expert Witnesses**
NOTICE OF WITNESSES AND/OR EXPERT WITNESSES
08C2457390038.tif pages

06/05/2009 **Motion**
DEFT'S MTN TO CONTINUE TRIAL DATE/13
08C2457390036.tif pages

06/05/2009 **Notice of Witnesses and/or Expert Witnesses**
AMENDED NOTICE OF WITNESSES AND/OR EXPERT WITNESSES
08C2457390037.tif pages

06/09/2009 **Reporters Transcript**
RECORDER'S TRANSCRIPT RE CALENDAR CALL - DEFTS MTN FOR DISCOVERY AND DEFTS MTN TO CONTINUE TRIAL DATE - HEARD
02-04-09 CONTINUE TRIAL DATE - HEARD 02-04-09
08C2457390039.tif pages

06/17/2009 **Motion**
ALL PENDING MOTIONS 6-17-09
08C2457390040.tif pages

06/17/2009 **Calendar Call** (9:00 AM) ()
CALENDAR CALL

06/17/2009 **Motion to Continue** (9:00 AM) ()
DEFT'S MTN TO CONTINUE TRIAL DATE/13 Heard By: Ken Cory
Result: Granted

06/17/2009 **All Pending Motions** (9:00 AM) ()
ALL PENDING MOTIONS 6-17-09 Court Clerk: Cheryl Case Reporter/Recorder: Bev Sigurnik Heard By: Ken Cory
Parties Present
Minutes
Result: Matter Heard

06/22/2009 **CANCELED Jury Trial** (10:30 AM) ()
Vacated
Result: Vacate

09/28/2009 **Notice of Witnesses and/or Expert Witnesses**
SUPPLEMENTAL NOTICE OF WITNESSES AND/OR EXPERT WITNESSES
08C2457390043.tif pages

09/28/2009 **Notice of Witnesses and/or Expert Witnesses**
SECOND SUPPLEMENTAL NOTICE OF WITNESSES AND OR EXPERT WITNESSES
08C2457390044.tif pages

10/16/2009 **Notice of Witnesses and/or Expert Witnesses**
THIRD SUPPLEMENTAL NOTICE OF WITNESSES AND OR EXPERT WITNESSES
08C2457390045.tif pages

10/23/2009 **Ex Parte Order**

EX PARTE ORDER FOR TRANSPORT
08C2457390047.tif pages

10/28/2009 Hearing
STATE'S REQUEST TO CONTINUE TRIAL
08C2457390048.tif pages

10/28/2009 Request (9:00 AM) ()
STATE'S REQUEST TO CONTINUE TRIAL Court Clerk: Cheryl Case Reporter/Recorder: Bev Sigurnik Heard By: Ken Cory
Parties Present
Minutes
Result: Matter Heard

11/03/2009 Ex Parte Order
EX PARTE ORDER FOR TRANSPORT
08C2457390050.tif pages

11/04/2009 CANCELED Calendar Call (9:00 AM) ()
Vacated
Result: Vacate

11/05/2009 Ex Parte Order
EX PARTE ORDER FOR TRANSPORT
08C2457390051.tif pages

11/09/2009 CANCELED Jury Trial (10:30 AM) ()
Vacated
Result: Vacate

02/25/2010 Ex Parte Order
EX PARTE ORDER FOR TRANSPORT
08C2457390052.tif pages

03/08/2010 Motion
STATE'S MTN TO CONSOLIDATE /20
08C2457390053.tif pages

03/08/2010 Motion
STATE'S MTN FOR VIDEOTAPED TESTIMONY OF VICTIM, MARCIA PETERSON/21
08C2457390054.tif pages

03/17/2010 Motion
ALL PENDING MOTIONS 3-17-10
08C2457390055.tif pages

03/17/2010 Ex Parte Order
EX PARTE ORDER FOR TRANSPORT
08C2457390056.tif pages

03/17/2010 Motion to Consolidate (9:00 AM) ()
STATE'S MTN TO CONSOLIDATE /20
Result: Matter Continued

03/17/2010 Motion (9:00 AM) ()
STATE'S MTN FOR VIDEOTAPED TESTIMONY OF VICTIM, MARCIA PETERSON/21
Result: Matter Continued

03/17/2010 All Pending Motions (9:00 AM) ()
ALL PENDING MOTIONS 3-17-10 Court Clerk: Cheryl Case Reporter/Recorder: Bev Sigurnik Heard By: Ken Cory
Parties Present
Minutes
Result: Matter Heard

03/22/2010 Motion
ALL PENDING MOTIONS 3-22-10
08C2457390057.tif pages

03/22/2010 Motion to Consolidate (9:00 AM) ()
STATE'S MTN TO CONSOLIDATE /20
Result: Matter Continued

03/22/2010 Motion (9:00 AM) ()
STATE'S MTN FOR VIDEOTAPED TESTIMONY OF VICTIM, MARCIA PETERSON/21
Result: Matter Continued

03/22/2010 All Pending Motions (9:00 AM) ()
ALL PENDING MOTIONS 3-22-10 Court Clerk: Cheryl Case Reporter/Recorder: Bev Sigurnik Heard By: Ken Cory
Parties Present
Minutes
Result: Matter Heard

03/23/2010 Ex Parte Order
EX PARTE ORDER
08C2457390060.tif pages

04/08/2010 Opposition
DEFENSE OPPOSITION TO STATES MTN TO CONSOLIDATE
08C2457390062.tif pages

04/07/2010 Motion
ALL PENDING MOTIONS 4-7-10
08C2457390061.tif pages

04/07/2010 Motion to Consolidate (9:00 AM) ()
STATE'S MTN TO CONSOLIDATE /20
Result: Matter Continued

04/07/2010 Motion (9:00 AM) ()
STATE'S MTN FOR VIDEOTAPED TESTIMONY OF VICTIM, MARCIA PETERSON/21
Result: Matter Continued

04/07/2010 All Pending Motions (9:00 AM) ()
ALL PENDING MOTIONS 4-7-10 Court Clerk: Cheryl Case Reporter/Recorder: Bev Sigurnik Heard By: Ken Cory
Parties Present
Minutes
Result: Matter Heard

04/21/2010 CANCELED Calendar Call (9:00 AM) ()

Vacated
 Result: Vacate
 04/26/2010 CANCELED Jury Trial (10:30 AM) ()
 Vacated
 Result: Vacate
 05/05/2010 Motion
 ALL PENDING MOTIONS 5/5/10
 08C2457390063.tif pages
 05/05/2010 Motion
 STATE'S MTN TO CONSOLIDATE (CONT'D FROM 5/5/10)
 08C2457390064.tif pages
 05/05/2010 Motion
 STATE'S MOTION FOR VIDEOTAPED TESTIMONY OF VICTIM, M PETERSON (CONT'D FROM 5/5)
 08C2457390065.tif pages
 05/05/2010 Motion to Consolidate (9:00 AM) ()
 STATE'S MTN TO CONSOLIDATE /20
 05/05/2010 Motion (9:00 AM) ()
 STATE'S MTN FOR VIDEOTAPED TESTIMONY OF VICTIM, MARCIA PETERSON21
 05/05/2010 All Pending Motions (9:00 AM) ()
 ALL PENDING MOTIONS 5/5/10 Court Clerk: Cheryl Case Relief Clerk: Dameda Scott/ds Reporter/Recorder: Bev Sigumik Heard By: Ken Cory
Parties Present
Minutes
 Result: Matter Heard
 05/19/2010 Motion
 ALL PENDING MOTIONS 5-19-10
 08C2457390066.tif pages
 05/19/2010 Motion
 STATE'S MOTION TO CONSOLIDATE MTN (CONT FROM 5/19/10)
 08C2457390068.tif pages
 05/19/2010 Motion
 STATE'S NOTICE OF MTN AND MTN FOR VIDEO TAPED TESTIMONY OF VICTIM (CONT FR 5/19)
 08C2457390069.tif pages
 05/19/2010 Motion to Consolidate (9:00 AM) ()
 STATE'S MTN TO CONSOLIDATE (CONT'D FROM 5/5/10)
 05/19/2010 Motion (9:00 AM) ()
 STATE'S MOTION FOR VIDEOTAPED TESTIMONY OF VICTIM, M PETERSON (CONT'D FROM 5/5)
 05/19/2010 All Pending Motions (9:00 AM) ()
 ALL PENDING MOTIONS 5-19-10 Court Clerk: Cheryl Case Relief Clerk: Billie Jo Craig/bjc Reporter/Recorder: Bev Sigumik Heard By: Ken Cory
Parties Present
Minutes
 Result: Matter Heard
 06/04/2010 Request
 FARMERS MOTION TO SEVER COUNTS INVOLVING SEPARATE COUNTS INVOLVING DIFFERENT ACCUSERS INVOLVING DIFFERENT
 ACCUSERS
 08C2457390073.tif pages
 06/07/2010 Motion
 ALL PENDING MOTIONS: 06/07/10
 08C2457390070.tif pages
 06/07/2010 Motion
 STATE'S MOTION TO CONSOLIDATE
 08C2457390071.tif pages
 06/07/2010 Motion
 STATE'S NOTICE OF MOTION AND MOTION FOR VIDEOTAPED TESTIMONY OF VICTIM
 08C2457390072.tif pages
 06/07/2010 Motion (11:00 AM) ()
 STATE'S MOTION TO CONSOLIDATE MTN (CONT FROM 5/19/10)
 06/07/2010 Motion (11:00 AM) ()
 STATE'S NOTICE OF MTN AND MTN FOR VIDEO TAPED TESTIMONY OF VICTIM (CONT FR 5/19)
 06/07/2010 All Pending Motions (9:00 AM) ()
 ALL PENDING MOTIONS: 06/07/10 Relief Clerk: Shelly Landwehr Reporter/Recorder: Bev Sigumik Heard By: Ken Cory
Parties Present
Minutes
 Result: Matter Heard
 06/28/2010 Motion to Consolidate (9:00 AM) ()
 STATE'S MOTION TO CONSOLIDATE
 06/28/2010 Motion to Consolidate (9:00 AM) ()
 STATE'S NOTICE OF MOTION AND MOTION FOR VIDEOTAPED TESTIMONY OF VICTIM
 06/28/2010 All Pending Motions (9:00 AM) ()
 ALL PENDING MOTIONS (6/28/10) Relief Clerk: Roshonda Mayfield Reporter/Recorder: Bev Sigumik Heard By: Ken Cory
Parties Present
Minutes
 Result: Matter Heard
 06/29/2010 Motion
 ALL PENDING MOTIONS (6/28/10)
 08C2457390074.tif pages
 06/29/2010 Motion
 STATE'S MOTION TO CONSOLIDATE (FROM 6/28/10)
 08C2457390075.tif pages
 06/29/2010 Motion
 STATE'S NOTICE OF MOTION AND MOTION FOR VIDEOTAPED TESTIMONY OF VICTIM, MARCIA P
 08C2457390076.tif pages
 07/07/2010 Motion
 ALL PENDING MOTIONS 7-7-10

08C2457390077.tif pages
07/07/2010 **Hearing**
STATUS CHECK: JURY TRIAL AS TO COUNT 1 / SEVERED
08C2457390078.tif pages
07/07/2010 **Motion** (9:00 AM) ()
STATE'S MOTION TO CONSOLIDATE (FROM 6/28/10)
07/07/2010 **Motion** (9:00 AM) ()
STATE'S NOTICE OF MOTION AND MOTION FOR VIDEOTAPED TESTIMONY OF VICTIM, MARCIA P
07/07/2010 **All Pending Motions** (9:00 AM) ()
ALL PENDING MOTIONS 7-7-10 Court Clerk: Cheryl Case Reporter/Recorder: Bev Sigumik Heard By: Ken Cory
Parties Present
Minutes
Result: Matter Heard
07/08/2010 **Information**
AMENDED INFORMATION
08C2457390079.tif pages
08/20/2010 **Motion**
State's Notice of Motion and Motion for Videotaped Testimony of Victim, Marcia Peterson
09/01/2010 **Motion** (9:00 AM) (Judicial Officer Cory, Kenneth)
09/01/2010, 09/22/2010
State's Notice of Motion and Motion for Videotaped Testimony of Victim, Marcia Peterson
Parties Present
Minutes
Result: Matter Continued
09/16/2010 **Opposition**
Defendant's Opposition To State's Motion For Videotaped Testimony Of Victim, Marcia Peterson
09/22/2010 **CANCELED Status Check** (9:00 AM) (Judicial Officer Cory, Kenneth)
Vacated - On In Error
09/24/2010 **CANCELED Minute Order** (9:30 AM) (Judicial Officer Cory, Kenneth)
Vacated - On In Error
10/14/2010 **Minute Order** (1:30 PM) (Judicial Officer Cory, Kenneth)
Minute Order Re: Status Check
Minutes
Result: Minute Order - No Hearing Held
10/25/2010 **Status Check** (9:00 AM) (Judicial Officer Cory, Kenneth)
Status Check: Pending Court Dates
Parties Present
Minutes
Result: Matter Heard
11/17/2010 **Order Granting Motion**
Order Granting State's Motion for Videotaped Testimony of Victim, Marcia Peterson
11/22/2010 **CANCELED Calendar Call** (9:00 AM) (Judicial Officer Cory, Kenneth)
Vacated
Reset
11/22/2010 **Reset by Court to 11/22/2010**
11/23/2010 **Minute Order** (11:00 AM) (Judicial Officer Cory, Kenneth)
Minute Order Re: Status Check Set For 12/1/10
Minutes
Result: Minute Order - No Hearing Held
11/29/2010 **CANCELED Jury Trial** (10:30 AM) ()
Vacated
Reset
12/01/2010 **Status Check** (9:00 AM) (Judicial Officer Cory, Kenneth)
12/01/2010, 12/13/2010, 03/07/2011
Status Check: Reset Video Deposition
Minutes
02/07/2011 **Reset by Court to 03/07/2011**
Result: Continued
12/13/2010 **Status Check** (9:00 AM) (Judicial Officer Cory, Kenneth)
12/13/2010, 03/07/2011
Status Check: As To Severed Count
11/22/2010 **Reset by Court to 11/22/2010**
11/22/2010 **Reset by Court to 12/06/2010**
12/06/2010 **Reset by Court to 12/13/2010**
02/07/2011 **Reset by Court to 03/07/2011**
03/07/2011 **Reset by Court to 03/07/2011**
Result: Matter Continued
12/13/2010 **Further Proceedings** (9:00 AM) (Judicial Officer Cory, Kenneth)
12/13/2010, 03/07/2011
Further Proceedings: Video Deposition of Victim
11/15/2010 **Reset by Court to 12/06/2010**
12/06/2010 **Reset by Court to 12/13/2010**
02/07/2011 **Reset by Court to 03/07/2011**
Result: Matter Continued
12/13/2010 **Status Check** (9:00 AM) (Judicial Officer Cory, Kenneth)
12/13/2010, 03/07/2011
Status Check: Amended Information/Consolidation
12/06/2010 **Reset by Court to 12/13/2010**

02/07/2011 *Reset by Court to 03/07/2011*
03/07/2011 *Reset by Court to 03/07/2011*
Result: Matter Continued
12/13/2010 All Pending Motions (9:00 AM) (Judicial Officer Cory, Kenneth)
Parties Present
Minutes
Result: Matter Heard
02/01/2011 Minute Order (1:30 PM) (Judicial Officer Cory, Kenneth)
Minute Order Resetting Hearing from 2/7/11 to 3/7/11
Minutes
Result: Minute Order - No Hearing Held
02/11/2011 Ex Parte Order
Ex Parte Order for Transport
02/23/2011 Motion to Continue
Motion To Continue Trial Date
02/28/2011 Minute Order (1:30 PM) (Judicial Officer Cory, Kenneth)
Minute Order Re: Hearing set for 3/7/11 at 1:30 PM
Minutes
Result: Minute Order - No Hearing Held
03/07/2011 Motion to Continue Trial (9:00 AM) (Judicial Officer Cory, Kenneth)
Motion To Continue Trial Date
Result: Granted
03/07/2011 Status Check (9:00 AM) (Judicial Officer Cory, Kenneth)
Status Check: Reschedule Video Deposition of Victim
Result: Matter Heard
03/07/2011 All Pending Motions (9:00 AM) (Judicial Officer Cory, Kenneth)
Def't's Motion to Continue Trial Date... Status Check: Reschedule Video Deposition... Status Check: Amended Information/ Consolidation... Further Proceedings: Video Deposition of Victim... Status Check: As to Severed Counts
Parties Present
Minutes
Result: Matter Heard
04/13/2011 CANCELED Calendar Call (9:00 AM) (Judicial Officer Cory, Kenneth)
Vacated
Reset
04/18/2011 CANCELED Jury Trial (1:30 PM) (Judicial Officer Cory, Kenneth)
Vacated
Reset
08/09/2011 Reporters Transcript
Recorder's Transcript Re: Motion to Consolidate - Heard 07/07/2010
06/24/2011 Case Reassigned to Department 5
Case reassigned from Judge Kenneth Cory
08/08/2011 Ex Parte Order
Ex Parte Order For Transport
08/30/2011 Ex Parte Order
Ex Parte Order For Transcript
10/17/2011 Status Check (9:00 AM) (Judicial Officer Ellsworth, Carolyn)
Per Law Clerk
Parties Present
Minutes
Result: Matter Continued
10/17/2011 CANCELED Status Check (9:00 AM) (Judicial Officer Ellsworth, Carolyn)
Vacated - On in Error
10/19/2011 Status Check (9:00 AM) (Judicial Officer Ellsworth, Carolyn)
10/19/2011, 12/14/2011
Status Check: Trial Date and Video Examination
Parties Present
Minutes
12/14/2011 *Reset by Court to 12/14/2011*
Result: Continued
11/02/2011 Order
Order Granting State's Motion to Consolidate and Partially Denying Defendant's Motion To Sever
11/09/2011 CANCELED Calendar Call (9:00 AM) (Judicial Officer Ellsworth, Carolyn)
Vacated - per Judge
11/09/2011 *Reset by Court to 11/09/2011*
11/14/2011 CANCELED Jury Trial (1:30 PM) (Judicial Officer Ellsworth, Carolyn)
Vacated - per Judge
11/14/2011 *Reset by Court to 11/14/2011*
12/02/2011 Notice of Witnesses and/or Expert Witnesses
Defendant's Notice Of Expert Witnesses, Pursuant To NRS 174.234(2)
12/14/2011 CANCELED Hearing (9:00 AM) (Judicial Officer Ellsworth, Carolyn)
Vacated - per Law Clerk
12/14/2011 *Reset by Court to 12/21/2011*
12/21/2011 *Reset by Court to 12/14/2011*
12/14/2011 Status Check (9:00 AM) (Judicial Officer Ellsworth, Carolyn)
Preservation of Witness Testimony
Parties Present
Minutes
Result: Hearing Set

01/20/2012 Hearing (10:00 AM) (Judicial Officer Ellsworth, Carolyn)
Preservation of Witness Testimony (FIRM)
Parties Present
Minutes
Result: Matter Heard

01/20/2012 Supplemental Witness List
Fourth Supplemental Notice of Witnesses and/or Expert Witnesses

01/31/2012 Order
Order for Transcript

02/08/2012 Status Check (9:00 AM) (Judicial Officer Ellsworth, Carolyn)
Parties Present
Minutes
Result: Trial Date Set

02/22/2012 CANCELED Calendar Call (9:00 AM) (Judicial Officer Ellsworth, Carolyn)
Vacated - On In Error

02/22/2012 CANCELED Calendar Call (9:00 AM) (Judicial Officer Ellsworth, Carolyn)
Vacated
RESET

02/27/2012 CANCELED Jury Trial (1:30 PM) (Judicial Officer Ellsworth, Carolyn)
Vacated
RESET

02/27/2012 Ex Parte Order
Ex Parte Order for Transport

02/27/2012 Notice of Motion
Notice of Motion and Motion to Consume Entire DNA Samples for Y-STR Testing By An Outside Laboratory

03/09/2012 Recorders Transcript of Hearing
Recorder's Transcript of Proceedings Hearing: Preservation of Witness Testimony - January 20, 2012

03/30/2012 Objection
Objection to State's Request for Destructive Testing of DNA Samples of Y-STR Testing

04/04/2012 Motion (9:00 AM) (Judicial Officer Ellsworth, Carolyn)
Notice of Motion and Motion to Consume Entire DNA Samples for Y-STR Testing By An Outside Laboratory
Parties Present
Minutes
03/12/2012 Reset by Court to 04/04/2012
Result: Motion Granted

04/17/2012 Order Granting Motion
Order Granting State's Motion to Consume Entire DNA Samples for Y-STR Testing by Outside Laboratory

05/08/2012 Amended Order
Amended Order Granting State's Motion to Consume Entire DNA Samples for Y-Str Testing by Outside Laboratory

05/22/2012 Amended Order
Second Amended Order Granting State's Motion to Consume Entire DNA Samples for Y-STR Testing By Outside Laboratory

07/11/2012 Motion
Defendant's Motion To Continue Trial

07/23/2012 Motion To Continue Trial (9:00 AM) (Judicial Officer Ellsworth, Carolyn)
Minutes
Result: Motion Granted

08/27/2012 CANCELED Calendar Call (9:00 AM) (Judicial Officer Ellsworth, Carolyn)
Vacated

09/04/2012 CANCELED Jury Trial (1:30 PM) (Judicial Officer Ellsworth, Carolyn)
Vacated

10/22/2012 Supplemental Witness List
Fifth Supplemental Notice of Witnesses and/or Expert Witnesses

01/31/2013 Ex Parte Order
Ex Parte Order For Transport

02/14/2013 Motion
Motion To Continue Trial Date

02/22/2013 Response
Real Party in Interest and Victim Roxanne Cagnina's Response to Defendant Steven Farmer's Motion to Continue Trial

02/25/2013 Calendar Call (9:00 AM) (Judicial Officer Ellsworth, Carolyn)

02/25/2013 Motion to Continue Trial (9:00 AM) (Judicial Officer Ellsworth, Carolyn)
Motion To Continue Trial Date

02/25/2013 All Pending Motions (9:00 AM) (Judicial Officer Ellsworth, Carolyn)
2/25/13
Parties Present
Minutes
Result: Trial Date Set

02/25/2013 CANCELED All Pending Motions (9:00 AM) (Judicial Officer Ellsworth, Carolyn)
Vacated - On In Error
2/25/13

03/04/2013 CANCELED Jury Trial (1:30 PM) (Judicial Officer Ellsworth, Carolyn)
Vacated

01/09/2014 Supplemental Witness List
Sixth Supplemental Notice of Witnesses and/or Expert Witnesses

01/16/2014 Notice of Motion
Notice of Motion and Motion to use Videotaped Testimony of Victim, Marcia Peterson at Trial

01/21/2014 Reply
Defendant's Reply To State's Motion To Use Videotaped Testimony Of Victim, Marcia Peterson At Trial

01/21/2014 Motion
Defendant's Motion For Recordation Of All Proceedings Including Bench Conferences & Contingent Motion For Stay Of Proceedings In The Event The Motion For Recordation Of Bench Conferences Is Denied

01/24/2014 Supplemental Witness List
Seventh Supplemental Notice of Witnesses and/or Expert Witnesses

01/27/2014 **Calendar Call (9:00 AM)** (Judicial Officer Ellsworth, Carolyn)
Parties Present
Minutes
 Result: Matter Heard

01/27/2014 **CANCELED Calendar Call (9:00 AM)** (Judicial Officer Ellsworth, Carolyn)
 Vacated - On in Error

01/27/2014 **Motion (9:00 AM)** (Judicial Officer Ellsworth, Carolyn)
 State's Notice of Motion and Motion to use Videotaped Testimony of Victim, Marcia Peterson at Trial

01/27/2014 **Motion (9:00 AM)** (Judicial Officer Ellsworth, Carolyn)
 Defendant's Motion For Recordation Of All Proceedings Including Bench Conferences & Contingent Motion For Stay Of Proceedings In The Event The Motion For Recordation Of Bench Conferences Is Denied

01/27/2014 **Filed Under Seal**
 Filed Under Seal -Ex Parte Order for Transport

01/27/2014 **All Pending Motions (9:00 AM)** (Judicial Officer Ellsworth, Carolyn)
 All Pending Motions: 1/27/14

01/27/2014 **Notice Of Witnesses and/or Expert Witnesses**
 Defendant's Second Notice Of Witnesses, Pursuant To NRS 174.234

01/27/2014 **Supplemental Witness List**
 Eighth Supplemental Notice of Witnesses and/or Expert Witnesses

01/28/2014 **Notice of Motion**
 Notice of Motion and Motion in Limine to Limit Cross Examination of Roxanne and Scott Cagnina on an Order Shortening Time

02/03/2014 **Jury Trial (1:30 PM)** (Judicial Officer Ellsworth, Carolyn)
 02/03/2014, 02/04/2014, 02/06/2014, 02/07/2014, 02/10/2014, 02/11/2014, 02/12/2014, 02/13/2014, 02/14/2014, 02/18/2014, 02/19/2014, 02/20/2014, 02/21/2014, 02/24/2014, 02/25/2014, 02/26/2014, 02/27/2014, 02/28/2014
 6 weeks
Parties Present
Minutes
 02/11/2014 -Reset by Court to 02/10/2014
 Result: Trial Continues

02/03/2014 **Motion in Limine (1:30 PM)** (Judicial Officer Ellsworth, Carolyn)
 02/03/2014, 02/04/2014
 Notice of Motion and Motion in Limine to Limit Cross Examination of Roxanne and Scott Cagnina on an Order Shortening Time

02/04/2014 **Media Request and Order**
 Media Request And Order Allowing Camera Access To Court Proceedings

02/06/2014 **Media Request and Order**
 Media Request And Order Allowing Camera Access To Court Proceedings

02/07/2014 **Jury List**
 Jury List

02/10/2014 **Media Request and Order**
 Media Request And Order Allowing Camera To Court Proceedings

02/19/2014 **Media Request and Order**
 Media Request And Order Allowing Camera To Court Proceedings

02/24/2014 **Amended Information**
 Second Amended Information

02/28/2014 **Instructions to the Jury**
 Verdict

04/10/2014 **Proposed Jury Instructions Not Used At Trial**
 Delt's proposed jury instructions not used at trial

04/10/2014 **Proposed Jury Instructions Not Used At Trial**
 Plt's proposed jury instructions not used at trial

05/09/2014 **PSI**

05/28/2014 **Sentencing (9:00 AM)** (Judicial Officer Ellsworth, Carolyn)
Parties Present
Minutes
 Result: Defendant Sentenced

06/02/2014 **Judgment of Conviction**
 JUDGMENT OF CONVICTION (JURY TRIAL)

06/13/2014 **Criminal Order to Statistically Close Case**
 Criminal Order to Statistically Close Case

06/16/2014 **Notice of Appeal (criminal)**
 Notice of Appeal

06/16/2014 **Case Appeal Statement**

06/20/2014 **Notice of Appeal (criminal)**
 Notice of Appeal

08/20/2014 **Case Appeal Statement**
 Case Appeal Statement

08/24/2014 **Case Appeal Statement**
 Case Appeal Statement

FINANCIAL INFORMATION

| | | | |
|------------------------------|------------------------|----------------------------|---------|
| Defendant Farmer, Steven D | | | |
| Total Financial Assessment | | | 343.50 |
| Total Payments and Credits | | | 168.50 |
| Balance Due as of 07/16/2014 | | | 175.00 |
| 07/09/2008 | Transaction Assessment | | 29.00 |
| 07/09/2008 | Conversion Payment | Receipt # 01443593 | (29.00) |
| 04/25/2012 | Transaction Assessment | | 53.00 |
| 04/25/2012 | Payment (Window) | Receipt # 2012-53496-CCCLK | (53.00) |
| 08/01/2012 | Transaction Assessment | | 56.00 |
| 08/01/2012 | Payment (Window) | Receipt # 2012-89248-CCCLK | (56.00) |
| | | Nealk Hyman | |
| | | MORRIS SULLIVAN & LENKUL | |

| | | | | |
|------------|------------------------|----------------------------|-----------------|---------|
| 02/15/2013 | Transaction Assessment | | | 5.00 |
| 02/15/2013 | Payment (Window) | Receipt # 2013-19881-CCCLK | AMERICAN LEGAL | (5.00) |
| 02/06/2014 | Transaction Assessment | | | 25.50 |
| 02/06/2014 | Payment (Window) | Receipt # 2014-15437-CCCLK | Pyatt Silvestri | (25.50) |
| 08/02/2014 | Transaction Assessment | | | 175.00 |

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EXHIBIT G

072311

FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

FEB 24 2014

BY *Denise Trujillo*
DENISE TRUJILLO, DEPUTY

AINF
DAVID ROGER
Clark County District Attorney
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BRIAN KOCHER
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(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

-vs-

STEVEN DALE FARMER,
#2679879
Defendant.

Case No: 10C245739
Dept No: I

SECOND AMENDED
INFORMATION

STATE OF NEVADA }
COUNTY OF CLARK } ss.

DAVID ROGER, District Attorney within and for the County of Clark, State of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

That STEVEN DALE FARMER, the Defendant above named, having committed the crimes of SEXUAL ASSAULT (Category A Felony - NRS 200.364, 200.366), OPEN OR GROSS LEWDNESS (Gross Misdemeanor - NRS 201.210) and INDECENT EXPOSURE (Gross Misdemeanor - NRS 201.220), between April, 2008, and May, 2008, within the County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases made and provided, and against the peace and dignity of the State of Nevada,

//
//

1 COUNT 1 - OPEN OR GROSS LEWDNESS

2 did, then and there, willfully and unlawfully commit an act of open or gross lewdness
3 by the Defendant rubbing and/or touching and/or pushing on and/or pressing against the feet
4 of LEDAHLIA SPURLOCK with his penis and/or his genital area while she lay in a bed.

5 COUNT 2 - OPEN OR GROSS LEWDNESS

6 did, then and there, willfully and unlawfully commit an act of open or gross lewdness
7 by the Defendant exposing and/or touching the breasts of HEATHER SHANK, while in an
8 elevator, under the guise of removing electrodes.

9 COUNT 3 - INDECENT EXPOSURE

10 did, then and there, intentionally, willfully, and unlawfully make an open and
11 indecent or obscene exposure of another person by then and there deliberately exposing
12 and/or brushing against and/or touching the breasts of HEATHER SHANK, under the guise
13 of adjusting leads from the EKG machine.

14 COUNT 4 - OPEN OR GROSS LEWDNESS

15 did, then and there, willfully and unlawfully commit an act of open or gross lewdness
16 by the Defendant exposing and/or touching the breasts of DENISE HANNA under the guise
17 of adjusting leads from the EKG machine.

18 COUNT 5 - SEXUAL ASSAULT

19 did, then and there, willfully, unlawfully, and feloniously sexually assault and subject
20 ROXANNE CAGNINA, a female person, to sexual penetration, to-wit: digital penetration,
21 by inserting his finger(s) into the genital opening of the said ROXANNE CAGNINA,
22 against her will.

23 COUNT 6 - SEXUAL ASSAULT

24 did, then and there, willfully, unlawfully, and feloniously sexually assault and subject
25 ROXANNE CAGNINA, a female person, to sexual penetration, to-wit: digital penetration,
26 by inserting his finger(s) into the genital opening of the said ROXANNE CAGNINA,
27 against her will.

28 //

1 COUNT 7 - SEXUAL ASSAULT

2 did, then and there, willfully, unlawfully, and feloniously sexually assault and subject
3 ROXANNE CAGNINA, a female person, to sexual penetration, to-wit: cunnilingus, by
4 placing his mouth and/or tongue on or in the genital opening of the said ROXANNE
5 CAGNINA, against her will.

6 COUNT 8 - OPEN OR GROSS LEWDNESS

7 did, then and there, willfully and unlawfully commit an act of open or gross lewdness
8 by the Defendant touching and/or rubbing the thighs of ROXANNE CAGNINA.

9 COUNT 9 - OPEN OR GROSS LEWDNESS

10 did, then and there, willfully and unlawfully commit an act of open or gross lewdness
11 by the Defendant touching and/or rubbing the breasts of ROXANNE CAGNINA.

12 COUNT 10 - SEXUAL ASSAULT

13 did, then and there, willfully, unlawfully, and feloniously sexually assault and subject
14 MARCIA PETERSEN, a female person, to sexual penetration, to-wit: digital penetration, by
15 inserting his finger(s) into the anal opening of the said MARCIA PETERSEN, against her
16 will, or under conditions in which Defendant knew, or should have known, that the said
17 MARCIA PETERSEN was mentally or physically incapable of resisting or understanding
18 the nature of Defendant's conduct.

19 COUNT 11 - OPEN OR GROSS LEWDNESS

20 did, then and there, willfully and unlawfully commit an act of open or gross lewdness
21 by the Defendant touching and/or rubbing the genital opening of MARCIA PETERSEN with
22 his hand(s) and/or finger(s).

23 COUNT 12 - SEXUAL ASSAULT

24 did, then and there, willfully, unlawfully, and feloniously sexually assault and subject
25 MARCIA PETERSEN, a female person, to sexual penetration, to-wit: digital penetration, by
26 inserting his finger(s) into the genital opening of the said MARCIA PETERSEN, against her
27 will, or under conditions in which Defendant knew, or should have known, that the said
28 MARCIA PETERSEN was mentally or physically incapable of resisting or understanding

1 the nature of Defendant's conduct.

2 COUNT 13 - OPEN OR GROSS LEWDNESS

3 did, then and there, willfully and unlawfully commit an act of open or gross lewdness
4 by the Defendant touching and/or rubbing and/or pinching the breast(s) and/or nipple(s) of
5 MARCIA PETERSEN with his hand(s) and/or finger(s).

6 COUNT 14 - OPEN OR GROSS LEWDNESS

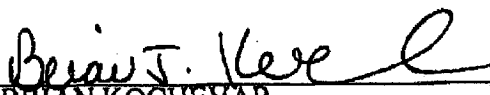
7 did, then and there, willfully and unlawfully commit an act of open or gross lewdness
8 by the Defendant touching and/or rubbing and/or pinching the breast(s) and/or nipple(s) of
9 MARCIA PETERSEN with his hand(s) and/or finger(s).

10 COUNT 15 - INDECENT EXPOSURE

11 did, then and there, intentionally, willfully, and unlawfully make an open and
12 indecent or obscene exposure of the person of MARCIA PETERSEN by then and there
13 deliberately
14 lifting the hospital gown of the said MARCIA PETERSEN to look at her genital opening
15 and/or anal opening and/or breast(s).

16 DAVID ROGER
17 DISTRICT ATTORNEY
Nevada Bar #002781

18
19 BY


BRIAN KOCHVAR
Deputy District Attorney
Nevada Bar #005691

1 Names of witnesses known to the District Attorney's Office at the time of filing this
2 Information are as follows:

3 CAGNINA, ROXANNE; 3717 LOWER SAXON AVE., LVN 89085

4 CAGNINA, SCOTT; ADDRESS UNKNOWN

5 HANNA, DENISE; 7932 OLYMPUS AVE., LVN

6 JEX, CRAIG; LVMPD #05597

7 LEHAN, TIMOTHY; 5209 FIRESIDE RANCH AVE., LVN 89131

8 MILLER, RONALD; LVMPD #03233

9 PENCE, MISTY; LVMPD #04950

10 PETERSEN, MARCIA; 7712 CONSTANSO AVE #104, LVN

11 PETERSEN, MARSHAL; 9164 ACCOMPLISHMENT CT, LVN

12 PETERSEN, MICAH; 9164 ACCOMPLISHMENT CT, LVN

13 ROSE, FRANCES; 2104 CLUB PACIFIC WAY, #19-102, LVN 89128

14 SALNDERS, MICHAEL; LVMPD #07294

15 SHANK, HEATHER; 5209 FIRESIDE RANCH AVE., LVN 89131

16 SPURLOCK, LEDAHLIA; 4408 SAN GABRIEL HILL AVE., LVN 89115

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26 DA#08F10344X/hjc/SVU
27 LVMPD EV#0805161021;
28 0805302056; 0505311717;
0805311315; 0806042539
(TK8)

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EXHIBIT H

1 VER

FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

FEB 28 2014

5 BY Athina Trujillo
ATHENA TRUJILLO, DEPUTY

6 THE STATE OF NEVADA,

7 Plaintiff,

CASE NO: 08C245739

8 -vs-

DEPT NO: V

9 STEVEN DALE FARMER,

10 Defendant.

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13 VERDICT

14 We, the jury in the above entitled case, find the Defendant STEVEN DALE
15 FARMER, as follows:

16 COUNT 1 - OPEN OR GROSS LEWDNESS (LEDAHLIA SPURLOCK)

17 (please check the appropriate box, select only one)

18 ☒ Guilty of OPEN OR GROSS LEWDNESS

19 ☐ Not Guilty

20 COUNT 2 - OPEN OR GROSS LEWDNESS (HEATHER SHANK)

21 (please check the appropriate box, select only one)

22 ☒ Guilty of OPEN OR GROSS LEWDNESS

23 ☐ Not Guilty

24 COUNT 3 - INDECENT EXPOSURE (HEATHER SHANK)

25 (please check the appropriate box, select only one)

26 ☐ Guilty of INDECENT EXPOSURE

27 ☒ Not Guilty

28

1 **COUNT 11** - OPEN OR GROSS LEWDNESS (MARCIA PETERSEN, VAGINAL)

2 *(please check the appropriate box, select only one)*

3 ☒ Guilty of OPEN OR GROSS LEWDNESS

4 ☒ Not Guilty *J.R.*

5 **COUNT 12** - SEXUAL ASSAULT (MARCIA PETERSEN, VAGINAL)

6 *(please check the appropriate box, select only one)*

7 ☒ Guilty of SEXUAL ASSAULT

8 ☐ Not Guilty

9 **COUNT 13** - OPEN OR GROSS LEWDNESS (MARCIA PETERSEN, BREAST/NIPPLE)

10 *(please check the appropriate box, select only one)*

11 ☒ Guilty of OPEN OR GROSS LEWDNESS

12 ☐ Not Guilty

13 **COUNT 14** - OPEN OR GROSS LEWDNESS (MARCIA PETERSEN, BREAST/NIPPLE)

14 *(please check the appropriate box, select only one)*

15 ☒ Guilty of OPEN OR GROSS LEWDNESS

16 ☐ Not Guilty

17 **COUNT 15** - INDECENT EXPOSURE (MARCIA PETERSEN)

18 *(please check the appropriate box, select only one)*

19 ☒ Guilty of INDECENT EXPOSURE

20 ☐ Not Guilty

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22 DATED this 28 day of February, 2014

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FOREPERSON

JAMES R. ROBBINS

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EXHIBIT I


CLERK OF THE COURT

JOCP

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

STEVEN DALE FARMER
#2679879

Defendant.

CASE NO.
C245739 / C249693

DEPT. NO. V

JUDGMENT OF CONVICTION

(JURY TRIAL)

The Defendant previously entered a plea of not guilty to the crimes of COUNTS 1, 2, 4, 8, 9, 11, 13 & 14 – OPEN OR GROSS LEWDNESS (Gross Misdemeanor) in violation of NRS 201.210; COUNTS 3 & 15 – INDECENT EXPOSURE (Gross Misdemeanor) in violation of NRS 201.220, and COUNTS 5, 6, 7, 10 & 12 – SEXUAL ASSAULT (Category A Felony) in violation of NRS 200.364, 200.366 ; and the matter having been tried before a jury and the Defendant having been found guilty of all counts **OTHER THAN COUNTS - 3 & 7** whereas Defendant was found NOT GUILTY; thereafter, on the 28TH day of May, 2014, the Defendant was present in court for sentencing with his counsels JEFFREY MANINGO and RYAN BASHOR, Deputy Public Defenders, and good cause appearing,


1 THE DEFENDANT IS HEREBY ADJUDGED guilty of said offenses and, in
2 addition to the \$25.00 Administrative Assessment Fee and \$150.00 DNA Analysis Fee
3 including testing to determine genetic markers, the Defendant is sentenced as follows:
4 As to COUNTS 1, 2, 4, 8, 9, 11, 13, 14 & 15 - TWELVE (12) MONTHS in the Clark
5 County Detention Center (CCDC) as to each count with each count running
6 CONCURRENT with each other; as to COUNT 5 - LIFE with a MINIMUM parole
7 eligibility of TEN (10) YEARS in the Nevada Department of Corrections (NDC), Count
8 5 to run CONCURRENT with Counts 1, 2 and 4; as to COUNT 6 - LIFE with a
9 MINIMUM parole eligibility of TEN (10) YEARS in the Nevada Department of
10 Corrections (NDC), Count 6 to run CONSECUTIVE to Count 5; as to COUNT 10 -
11 LIFE with a MINIMUM parole eligibility of TEN (10) YEARS in the Nevada Department
12 of Corrections (NDC), Count 10 to run CONSECUTIVE to Count 6; and as to COUNT
13 12 - LIFE with a MINIMUM parole eligibility of TEN (10) YEARS in the Nevada
14 Department of Corrections (NDC), Count 12 to run CONCURRENT with Counts 1, 2,
15 4, 6, 8, 10 & 11; with TWO THOUSAND TWO HUNDRED FOUR (2,204) days Credit
16 for Time Served.

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

3 ADDITIONALLY, the Defendant is ORDERED to REGISTER as a sex offender
4 in accordance with NRS 179D.460 within FORTY-EIGHT (48) HOURS after any
5 release from custody.
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8 DATED this 30th day of May, 2014.

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11 CAROLYN ELLSWORTH
12 DISTRICT JUDGE
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